

City of Duluth  
Planning Commission  
January 10, 2017 Meeting Minutes  
Council Chambers - Duluth City Hall

I. Call to Order

President Zandra Zwiebel called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, January 10, 2017, in city hall council chambers.

Roll Call

Attending: Janet Kennedy, Tim Meyer, Garner Moffat, Mike Schraepfer (arrived during agenda item A), Luke Sydow, Heather Wright Wendel and Zandra Zwiebel

Absent: Marc Beeman and Terry Guggenbuehl

Staff Present: Keith Hamre, Nate LaCoursiere, Steven Robertson, John Kelley, Kate Van Daele and Cindy Stafford

II. Approval of Planning Commission Minutes – December 13, 2016

**MOTION/Second:** Meyer/Kennedy approve the minutes.

**VOTE: (6-0)**

III. Public Hearings

**Note that PL 16-129 (Variance for Front Yard Parking at 3221 Minnesota Avenue by SJK Real Estate) has been withdrawn by the applicant.**

- A. PL 16-105 UDC Map Amendment to Rezone from Residential Urban (R-2) and Mixed Use Neighborhood (MU-N) to Mixed Use Planned (MU-P) for the Kayak Bay Development South of the Intersection of Grand Avenue and Warwick Street by Spirit Valley Land Company LLC and Brad Johnson

**Staff:** Steven Robertson introduces the applicant's proposal to rezone the property to Mixed Use-Planned (MU-P). The applicant is proposing that development Parcel G be allowed to have up to 50 units of townhomes or 150 units of multi-family dwellings based on 4.3 acres of raw land. Based on the findings listed in the staff report, staff recommends approval because 1) the proposed rezoning is able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area; 2) The rezoning is consistent with the Comprehensive-Plan Future Land Use Map and the Riverside Small Area Plan; and 3) Material adverse impacts on the nearby properties are not anticipated.

**Applicant:** Brad Johnson of Spirit Valley Land Company addresses the commission and gives an overview. Green means go. He introduces Scott Neustel (owner of ski hut) who is part of their development group. They hope their development will allow people to: stay, eat and live. They want to be a major asset to the base of spirit mountain and will infuse energy into the area. Janet Kennedy verifies they have been in contact with neighborhood groups in the area. Neustel states yes, they have had a face to face meeting with all groups. Kennedy states conversations are important and she believes in transparency. Luke Sydow asks about sidewalk to spirit mountain. Tim Meyer asks if there are commitments from businesses yet. Johnson replies, until it's approved, they haven't been marketing it yet. This will be a 26-acre development and they hope to

have activities for all four seasons. Meyer feels it's important to the community, and will be great for West Duluth.

**Public:** Linda Ross Sellner, 402 W. Arrowhead Rd., addresses the commission. She is concerned about the St. Louis River corridor. Development in the water shed this close to the river will increase the degradation of water quality. Green space is more important than development. Mike Casey (Friends of West Duluth Parks and Trails) development in the west is good. He notes the Western waterfront trail going through the area. He thinks the developers are doing a good job, but he wants to ensure the natural area is maintained.

**Commissioners:** Kennedy interested in the water quality and mitigation. Robertson before a preliminary plat, a stormwater plan can't be created. When the final stormwater plan is submitted, it will need to meet strict standards. Director Keith Hamre states they have been in contact with the Parks and Rec Department about the Western Waterfront Trail and the Water Trail (kayak by park – water access point) and also have been talking with the DNR. The development will include a natural area along the river, similar to Magney-Snively natural area. There is great attention being paid to the water's edge and aquatic habitat. Chair Zwiebel is concerned about sediment impact. Director Hamre states they are looking at the conservation aspect of it. Garner Moffat feels this is a great spot for mixed-use development, which adheres to preservation setbacks. Heather Wright Wendel notes it's great to see thoughtful development techniques.

**MOTION/Second:** Moffat/Sydow recommend approval as per staff's recommendations.

**VOTE: (7-0)**

- B. PL 16-137 Interim Use Permit for One Vacation Dwelling Unit at 4011 London Road by Jill and Tim Casey and Dr. Kathy White

**Staff:** Kate Van Daele introduces the applicants' proposal to use their home as a vacation dwelling unit. The dwelling unit has one bedroom which would allow for a maximum of three people. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Julie Casey and Kathy White address the commission. They hope to improve the home to put it back on the market. The home is located across from Ecumen, and they hope to rent to families visiting loved ones. Meyer verifies their managing agent/contact person. It will be Leslie White who is Dr. White's daughter.

**Public:** N/A

**Commissioners:** Kennedy appreciates the location to Ecumen and that it's important to have family close.

**MOTION/Second:** Kennedy/Sydow recommend approval as per staff's recommendations.

**VOTE: (7-0)**

- C. PL 16-146 Interim Use Permit for One Vacation Dwelling Unit at 119 St Paul Avenue by Beth Gauper and Torsten Muller

**Staff:** Kate Van Daele introduces the applicants' proposal to use their home as a vacation dwelling unit. The dwelling unit has two bedrooms which allows for a maximum of five people. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Jackie and Rod DeVogel (owners' agents) address the commission. They will be the property and manager and live next door.

**Public:** N/A

**Commissioners:** Kennedy asks about the neighbor's opposition letter. Van Daele states there will be a limit to the amount of people. Moffat complements the application. He thinks it's an ideal situation with the neighbor monitoring the property. Chair Zwiebel states with a vacation rental interim Use Permit there is more of an opportunity to have the permit revoked versus student rental housing.

**MOTION/Second:** Sydow/Wright Wendel recommend approval as per staff's recommendations.

**VOTE: (7-0)**

- D. PL 16-142 Interim Use Permit for One Vacation Dwelling Unit at 511 North 4<sup>th</sup> Avenue West by Aaron Hornibrook

**Staff:** John Kelley introduces the applicant's proposal to use their home as a vacation rental property. The dwelling unit has two bedrooms, which allows for a maximum of five people. Staff recommends approval with the conditions listed in the staff report. Sydow states it's an unimproved avenue. Where does the neighbor at 507 N. 4<sup>th</sup> Ave. park? Kelley is unsure.

**Applicant:** Ingrid and Aaron Hornibrook address the commission. Regarding parking, they are the only house that park on Pittsburgh. Their neighbors park on 5<sup>th</sup> Street. There used to be a shared garage. They purchased the house two years ago. One year ago they had twins and are moving to upsize, but want to hold on to the house. The house has a beautiful view and great location. They will someday like to downsize back into this house. They have reached out to the neighbors. They will also be very diligent in screening guests. The neighborhood and neighbors are of utmost importance. Chair Zwiebel notes the neighbor complaint of air quality and the burning of garbage. Mrs. Hornibrook states they do not burn garbage and will inform their guests that it's not allowed. There is discussion about future applications and the disallowance of burning of garbage should be added to the standard conditions.

**Public:** N/A

**Commissioners:** N/A

**MOTION/Second:** Moffat/Sydow recommend approval as per staff's recommendations.

**VOTE: (7-0)**

- E. PL 16-143 Interim Use Permit (IUP) for One Vacation Dwelling Unit at 2126 East Water Street, Unit L103, by Laurie Anderson

**Staff:** John Kelley introduces the applicant's proposal to use unit L103 of the Beacon Point Condominiums as a vacation rental property. The building is a four-story structure and consists of 17 condo units. The applicant's unit is located on the first floor and has two bedrooms, which would allow for a maximum of five people. Staff recommends approval with the conditions listed in the staff report. Sydow asks about the parking.

**Applicant:** Randy Holt and Laurie Anderson address the commission. They have a double garage inside, which nobody can park in front of. They are in the lighthouse building and have a shared Homeowners' Association (HOA). They would like to rent out their unit when they are not using it. Chair Zwiebel asked if they have talked to their HOA. Anderson said they are going through the process, and will follow the HOA's rules. They will have a strict screening process. Mike Schraepfer confirms their association rule is a 7-day or longer rental limit. Per Anderson, yes as stated in the by-laws. Director

Hamre mentions the city's ongoing enforcement which includes monitoring VRBO's twice a year. Holt has been in contact with the concerned neighbors, and they have agreed to monitor the situation closely.

**Public:** Tom Burns, 2024 Water St. addresses the commission. He also represents Carol Cone in unit 102 and refers her copy of hand-written note. He states she is not in favor of short-term rentals. The Building does not have a front desk, and access to 103 requires access into the inner sanctum of the building. She has safety concerns as she is a single elderly woman living alone. Deidre McCarthy, 2126 Water St., addresses the commission. She bought into the lighthouse building at end of September. She looked at units in the waters edge (operating as a resort) portion, but was not interested. She didn't want to live in a hotel with all of the comings and goings. She waited for a unit she could afford in the lighthouse building. She is concerned about security. Access requires either a key from the garage, or being buzzed in from the unit. She considers this a retirement house for peaceful and quiet living. She is opposed. Barbara Lambrecht, 2126 Water St. addresses the commission. She moved here a year ago and made a substantial investment in the lighthouse. She found her dream place and now it's being turned into a make-shift hotel. She feels this will affect her unit's value. Jean Coleville from unit 201 addresses the commission. She agrees with the others and feels this is a residence and not a hotel. Lawrence Banibo from unit 205 asks if staff ever doesn't recommend approval.

**Commissioners:** Meyer states this is the first time he remembers from serving on the commission that a condo in a shared building has come before them. It is legal by city laws, but maybe this is a question for their HOA. They could table it for more discussion with their HOA. Moffat feels they should take action this evening. They are meeting the conditions required by the city. Sydow each site is looked at individually. This is a unique situation as they can't require screening, etc. Kennedy asks who the managing agent is. Holt states for now it's their daughter, but they will be interviewing managing agent companies. Holt states the current HOA rules are what they are. He doesn't see the sense in tabling it. Meyer asks staff if there has ever been an IUP within a condo building. Director Hamre states that there were a couple that he remembers. One in the Boulder Ridge development and above the former Timber Lodge steak house. Wright Wendel notes if there are a number of complaints against the owner it can be monitored. Kelley states yes, by police calls and review of the permit. Shraepfer states that if there are three complaints, and it can be reviewed for revocation. Police will use their best judgement. Is this a neighbor dispute, or an actual disturbance? Kennedy asks how do they mitigate, since they can't put up fence for a buffer. Shraepfer true in a normal neighborhood, but they have an association. Meyer feels Moffat's statement is compelling, and he will have to support. He feels they need to go back to association. Chair Zwiebel states security hasn't been an issue with the previous requests. She feels it's a valid concern, but defers to the HOA.

**MOTION/Second:** Moffat/Zwiebel recommend approval as per staff's recommendations.

**VOTE: (6-1, Sydow opposed)**

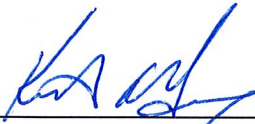
#### IV. Communications

- A. Discussion on Imagine Duluth 2035 Principles. Director Hamre gives an overview and notes they have added two new draft principles. They introduced them to the vision committee. The vision committee is in a 30-day review period and will meet again on

February 15th. Director Hamre anticipates the planning commission will see the final version at their March meeting for recommendation to the city council.

- B. Manager's Report – Spirit Mountain Master Plan update – anticipating sidewalk to lower chalet. They will address in the base plan. The Parks update was included. Kennedy asks about Memorial Park. The next step is discussion with the school district.
- C. Reports of Officers and Committees
  - Heritage Preservation Commission Representative – N/A - Terry Guggenbuehl absent. Mike Poupore is the new president.
- D. Annual Meeting (Previous Dates, Tuesday March 15, 2016 at Iron Mug; Tuesday March 4, 2015 at Mayor's Reception Room; Wednesday February 26, 2014 Tycoons Alehouse; and Tuesday, February 29, 2013 at Dubh Linn Restaurant). Special meeting for LSS on 1/31/17. Most commissioners can attend. Consider annual meeting dates. Location to be determined. Considerations include downtown or canal park. Meeting date tentatively scheduled for 2/28. The Zenith management award will be presented as well as discussion on the comp plan.
- E. Meeting adjourned at 7:28 p.m.

Respectfully,



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Keith Hamre - Director  
Planning and Construction Services