

City of Duluth Planning Commission

**November 14, 2023 – City Hall Council Chambers
Meeting Minutes**

Call to Order

President Margie Nelson called to order the meeting of the city of Duluth planning commission at 5:00 p.m. on Tuesday, November 14th, 2023 in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Gary Eckenberg, Brian Hammond, Jason Holliday (entered meeting during consent agenda), Margie Nelson, Danielle Rhodes, and Michael Schraepfer

Members Absent: Jason Crawford and Andrea Wedul

Staff Present: Adam Fulton, Jenn Moses, Kyle Deming, John Kelley, Chris Lee, and Cindy Stafford

Approval of Planning Commission Minutes -

Planning Commission Meeting – October 10, 2023 – Changes were previously requested by Danielle Rhodes and were shared with the commission by Deputy Director Adam Fulton.

MOTION/Second: Hammond/Schraepfer approved

VOTE: (5-0)

Public Comment on Items Not on Agenda

Ben Fye – requested a public hearing be held later in the agenda for PL 23-186 UDC Analysis – Vacation Dwelling Units in RR-1 near MU-C

MOTION/Second: Hammond/Schraepfer approved opening up the item for public comment

VOTE: (4-1, Hammond Opposed)

Consent Agenda

PL 23-169 Variance from Side Yard Setbacks for a Deck at 4225 Gladstone Street by Jennifer and Danielle Anderson

PL 23-172 Variance to Side Yard Setback to Rebuild Covered Porch at 219 N 15th Avenue E by Christina M. Anderson

PL 23-176 Interim Use Permit for a Vacation Dwelling Unit at 325 S Lake Avenue #1301 by Lake Superior Enterprises, LLC

PL 23-177 Variance to front yard setback for a home addition at 1515 E 7th Street by Craig and Margaret Lilja

PL 23-179 Minor Subdivision at 407 Stoll Avenue by Duluth Rental Depot, LLC
PL 23-180 Variance to side yard setback to rebuild a house at 122 E 8th Street by Kyle Landwehr
PL 23-183 Interim use permit for a vacation dwelling unit at 727 W 2nd Street by Justin and Alyssa Voegele
PL 23-184 Minor subdivision at 2330-2400 London Road by ZMC Hotels, LLC

Commissioners: PL 23-169 - Danielle Rhodes asked for the need for a side deck was for accessibility purposes. John Kelly deferred to the applicant. Gary Eckenberg would like some clarification on variances, but the city attorney is not present tonight. Eckenberg is in favor of a Brown Bag meeting to discuss variances.

(Commissioner Jason Hollinday entered the meeting.)

Public: PL 23-169 – Jennifer Anderson explained the need for the side entrance, which is in the same location as it was before, but they were unable to replace it within a year and thus need the variance now.

MOTION/Second: Schraepfer/Rhodes approved the consent agenda items as per staff recommendation

VOTE: (6-0)

Public Hearings

(The following 2 items were related to the same project, and were presented together.)

PL 23-185 Concurrent use permit for a skywalk in the right of way of 10th Avenue E by St. Luke's Hospital

Staff: Jenn Moses introduced the applicant's request for a concurrent use permit to build a skywalk over the right of way of 10th Avenue E, connecting St. Luke's Hospital to Building A. The skywalk will be used by hospital staff and patients, improving connectivity within the hospital campus. Staff recommends approval with the conditions listed in the staff report.

Applicant: Neil Bright of the Erdman Company addressed the commission. He welcomed questions. There were none.

Public: No speakers

MOTION/Second: Hollinday/Eckenberg recommended approval as per staff recommendation

VOTE: (6-0)

PL 23-186 Planning Review for a new skywalk in an MU-I district over 10th Avenue E by St. Luke's Hospital

Staff: Jen Moses introduced applicant's proposal for an MU-I planning review to a new skywalk directly above an existing skywalk over 10th Avenue E, connecting St. Luke's Hospital to Building A. The UDC conditions will be met including 50% minimum transparency. No exterior lighting is planned for the skywalk. Staff recommends approval with the conditions listed in the staff report.

Applicant: (See notation above)

Public: No speakers.

MOTION/Second: Schraepfer/Rhodes approved as per staff recommendation

VOTE: (6-0)

Other Business

PL 23-178 UDC Analysis – Vacation Dwelling Units in RR-1 near MU-C – Changing the Cap

Staff: Kyle Deming shared his memo dated November 7, 2023. Additional options include: Option 1, Expanding the exemption to include all rural residentially zoned (RR-1 and RR-2) properties, which would affect 785 residential addresses. He explained Option 2, which would expand the VDU cap exemption to include properties within 100 feet of a licensed hotel. This approach would result in 56 properties being exempt from the cap. Staff continues to recommend against making a change to the VDU exemption cap. Commissioner Rhodes thanked staff for reconfiguring the options.

Public: Ben Fye – 1504 Osage Ave – addressed the commission. The proximity of his home to the hotel has diminished his property value and privacy. He feels a zoning mistake was made, and feels he should have the right to obtain an interim use permit for a vacation dwelling. He said he has support from the city council. Deb Eng – 1516 Osage Ave – addressed the commission. She agrees there was poor zoning here. The traffic has increased and his turned their home into a non-home. She has a 10-year old daughter and is concerned for her safety. The hotel has negatively affected them.

Commissioners: Michael Schraepfer noted this is a tough situation, with four families being directly affected. It is unfortunate, but noted 56 other residences in close proximity to a hotel. The hotel is on commercial property, and could have been even worse, and noted the comparison to a department store. This is bad zoning, but it has been this way for a very long time. There is not a great solution here, and feels this is a decision for the city council to make. Gary Eckenberg noted the Environmental Assessment Worksheet (EAW) came to the planning commission in 2022. The planning commission was the Regulating Governing Authority (RGU) who voted in favor of the EAW, and yet the developer was allowed to appeal to the city council, who ultimately overturned their decision. He doesn't feel options 1 or 2 will work, since other neighbors feel opening up the area to vacation rentals is a way to lose the neighborhood feel. Option 3 to keep the cap the same would allow the city council to weigh in with their decision.

MOTION/Second: Eckenberg/Hammond recommended to keep cap the same

VOTE: (6-0)

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton referred to page 92 of the commissioners' staff report packet which was a memo created by planner John Kelley regarding the public notification process of property owners within 350 feet of an applicant's property. Staff cannot recall other instances (besides the concern at Lake Superior College with a neighboring property to other school owned parcels – not being notified) where concern over the notice distance have been brought forward. Staff finds that the city UDC requirements are consistent with state statutes and enlarging the distance for notification would exceed state statute and would result in increased mailing costs and associated staff time. Commissioner Rhodes felt that the owner near Lake Superior College should have been notified, and it wouldn't require a change in the law, but maybe some logical consideration on staff's part. Deputy Director Fulton noted staff will make an effort to be more inclusive when the applicant owns multiple parcels next to each other. Deputy Director Fulton noted the city's transportation planner, James Gittemeier, will report to the planning commission in December.

Heritage Preservation Commission – Gary Eckenberg noted they met yesterday and discussed the railroad and Lincoln park. They approved a Certificate of Appropriateness (COA) for the St. Louis County Court house chiller system, which will need mechanical screening to match the color of the building.

Joint Airport Zoning Board – No updates.

Duluth Midway Joint Powers Zoning Board – Deputy Director Fulton noted a complaint related to a gravel quarry off of Becks Road.

Adjournment

Meeting adjourned at 5:45 p.m.

Respectfully,

DocuSigned by:
Adam Fulton
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Adam Fulton – Deputy Director
Planning & Economic Development