

City of Duluth  
Planning Commission  
February 11, 2020 Meeting Minutes  
Council Chambers - Duluth City Hall

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:02 p.m. on Tuesday, February 11, 2020, in the council chambers in Duluth city hall.

Roll Call

Attending: Jason Crawford, Tim Meyer, Margie Nelson, Michael Schraepfer, Andrea Wedul, Sarah Wisdorf, and Zandra Zwiebel (left before PL 20-004)

Absent: Gary Eckenberg

Staff Present: Adam Fulton, Robert Asleson, Steven Robertson, Chris Lee, John Kelley, and Cindy Stafford

Public Comment –N/A

Approval of Planning Commission Minutes

January 14, 2020

**MOTION/Second:** Wisdorf/Wedul approved the minutes

**VOTE: (7-0)**

Consent Agenda

PL 20-002 Variance to Rear Yard Setback at 1110 E. 12<sup>th</sup> Street by Jonathan Marifke and Sonja Winder-Marifke

PL 20-003 Concurrent Use of Streets Permit for a Canopy at 831 E. Superior Street by Kitchi Gammi Club Foundation, Inc.

PL 19-057 St. Louis River Natural Area Management Plan as part of the final designation to the Duluth Natural Area Program (Information Presented at the May 14, 2019, Planning Commission Meeting)

PL 20-006 Vacation of Street and Utility Easements at Hartley Hills Fourth Addition by Sanford Hoff

**Staff:** N/A

**Applicant:** N/A

**Public:** No speakers.

**Commissioners:** PL 20-002 Andrea Wedul asked if this property is located in the Skyline Parkway overlay, and if there is a height restriction. Deputy Director Adam Fulton noted it's quite a bit lower than Skyline Parkway. Per Kelley, it is located within the overlay, but it is quite a bit lower and height does not to come into play

**MOTION/Second:** Wedul/Meyer recommended approval of the consent agenda items as per staff's recommendations.

**VOTE: (7-0)**

Public Hearings

PL 19-114 Future Land Use Change for Areas Near Highland Street between 59th to 63rd Avenue West

**Staff:** Steven Robertson gave an overview. Staff recommended one change to the future land use map: amended approximately six acres from traditional neighborhood to business park.

**Applicant:** N/A

**Public:** No speakers.

**Commissioners:** N/A

**MOTION/Second:** Wisdorf/Crawford recommend approval as per staff's recommendations.

**VOTE: (7-0)**

PL 19-185 Rezone from Residential-Traditional (R-1) and Mixed Use Neighborhood (MU-N) to Rural Residential 2 (RR-2), 8600 to 9200 Block of West Skyline Parkway/Thompson Hill (Presented at the January 14, 2020, Planning Commission Meeting)

**Staff:** Steven Robertson gave an overview. The city is proposing to rezone the property from the current zoning of MU-N (Mixed Use - Neighborhood) and R-1 (Residential - Traditional), to RR-2 (Rural Residential 2). Staff recommends approval.

**Applicant:** N/A

**Public:** No speakers.

**Commissioners:** N/A

**MOTION/Second:** Meyer/Wisdorf recommend approval as per staff's recommendations.

**VOTE: (7-0)**

PL 20-001 UDC Text Amendment Related to Vacation Rentals, and Medical Facilities

**Staff:** Steven Robertson gave an overview. Staff is requesting some changes to the Unified Development Code. The changes are listed in the staff report. Interim use permits (IUPs) for vacation rentals will terminate upon change of ownership of the property, or in six years after the date of issuance, whichever occurs first. The cap will be increased from 60 to 100 permits. On February 1<sup>st</sup> of each year, the maximum number of permits that may be issued shall increase by 10% or 10% of the number of new dwelling units created in Duluth the previous year, whichever is less. For Accessory home share permits, a twin home or duplex two-family dwelling would be allowed. Michael Schraepfer asked if after six years the IUP is void. Per Robertson, after six years the permit holder has the option to renew. Zandra Zwiebel asked about the 10% increase. Per Robertson it is net new dwellings. If some are demolished, it would be subtracted from the total. Wedul asks about the attached component to the accessory home share. Robertson, a twin home is an enclosed box, and is still in the same footprint. Detached dwellings are not included. Sarah Wisdorf asked for consideration for detached dwellings to include tiny homes and mother-in-law apartments. Robertson notes Accessory Home shares must be owner occupied. Schraepfer asked after 2/1 how the new iup's will be issued. Per Robertson, might go back to lottery system once the 100 IUP cap is filled.

**Applicant:** N/A

**Public:** Ashley Grimm, 4020 Grand Ave, addressed the commission. She is vice-chair for human rights commission. On behalf of Housing Justice Duluth she noted the affordable housing crisis. She is opposed to the increase of the IUPs from 60 to 100 units, because she feels it encourages investors to take up the housing supply. Laura Marlin, 801 E. 2<sup>nd</sup> St., addressed the commission. She supports Grimm's comments. She is worried the spirit of Duluth has started to slip. She is opposed to increasing the cap.

**Commissioners:** Tim Meyer supports the increase in IUPs. He personally feels the number should be unlimited. He notes there have been instances of illegal usage, and increasing the cap is a good way to regulate vacation rentals. He feels it is a positive change. He affirms affordable housing is a concern, but feels it is a non-related issue. He is in support. Shraepfer would like to see a data/math correlation, but agrees with Meyer it is unrelated. Zwiebel noted there is an opportunity for lower income households to rent out their home when they go on vacation to help with their mortgage. It helps lower income people sustain their homes. She is in support. Chair Nelson does not support the increase, and would like to defer to staff regarding detached housing for accessory home share permits. Director Fulton noted these are technical aspects, and is important to get it right. Robertson, noted they can include detached dwellings in the home share regulations. Wedul noted motor homes being an accessory unit on site. Chapter 33 states number of days you can live in a motor home. Per Robertson, the city doesn't allow on-street parking for RVs. Deputy Director Fulton noted it is at the commissions discretion to table the item, and bring back to staff. Wedul would like to resolve it with a technical correction. Deputy Director Fulton suggest issues related to RV's are not related to IUP's, but it is at the discretion of the commission. Wisdorf supports with caveat to add detached accessory home share within 50' proximity. Capping at 175.

**MOTION/Second:** Wisdorf/Meyer recommend approval as per staff's recommendations with an amendment to allow for one detached structure be allowed for a home accessory share within the property and increasing the interim use permit cap to 175.

**VOTE: (5-2, Zwiebel and Nelson Opposed)**

Zwiebel noted she was voting against the amendment, but is in favor of the overall policy change. City Attorney Robert Asleson noted they could revote on the amendment and then vote again. Deputy Director Fulton notes the vote as stands is 5-2. The commissioners decide there is no need to vote again.

PL 20-005 Rezone From Industrial-General (I-G) to Mixed Use Business Park (MU-B) and Residential-Traditional (R-1) at 1325 North 59<sup>th</sup> Avenue West

**Staff:** Steven Robertson gave an overview. Staff is recommending approval of the proposed rezoning to MU-B and R-1.

**Applicant:** N/A

**Public:** No speakers.

**Commissioners:** N/A

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

**VOTE: (7-0)**

#### Other Business

PL 20-004 Subdivision Plat Approval – Final Plat – Hartley Hills Fourth Addition by Sanford Hoff

**Staff:** John Kelley gave an overview. The applicant is requesting approval for the final plat of 11.96 acres of land into 18 lots ranging from .24 acres to .84 acres into "Hartley Hills Fourth Addition". Staff recommends approval with the conditions listed in the staff report. Public comment is optional.

**Applicant:** Present, but did not speak.

**MOTION/Second** Wedul/Meyer accept opening the meeting for public comment

**VOTE: (7-0)**

**Public:** Paul Makowski, 445 W. Winona St., addressed the commission. Easements and right of ways for park access. He is a frequent walker and wanted to confirm there will still be access. Per Kelley three public easements are proposed.

**Commissioners:** Zweibel asked staff to display the area on Google maps. She noted there are no sidewalks on the surrounding streets. She would like the unimproved access points to have signage. She noted having two sidewalks is excessive, and thinks only one is needed.

**MOTION/Second:** Zweibel/(there was no second) remove a sidewalk on 1 side. Per Deputy Director Fulton it will not negate the UDC requirements. There would need to be a variance from the UDC.

(Zweibel left at 6:10 p.m., before the vote.)

**Commissioners:** Wedul asks the applicant about stormwater and parking. Applicant's rep Luke Sydow noted the stormwater will be treated off-street, and noted parking will be allowed along the new streets. Wedul asked if the eyebrow section was accepted by fire. Sydow affirms and states there will be a full turn-around area, and will ensure it meets the fire code.

**MOTION/Second:** Meyer/Wisdorf recommend approval as per staff's recommendations.

**VOTE: (6-0)**

#### Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. Census day is 4/1/2020. Rebuild Duluth is now finished accepting application. They received over 30 responses, and the selection process continues. Thurs a.m. at DECC childcare incentives sponsored by the 1200 fund. Busy summer for construction. Nearing end of Mayor's Housing task force. Bluestone View under construction. Wedul noted the new sustainability officer hired for the city. Deputy Director Fulton noted the new sustainability offices will mostly be working with the energy commission, but could also coordinate with the planning commission. Meyer asked about annual meeting. Robertson noted it could be in February, but needs a 10-day notice. Other possible dates are 3/12 and 3/16. He will keep commissioners posted.

Joint Airport Zoning Board (JAZB) Report – Chair Nelson noted there was a meeting last week. MNDot is rewriting the ordinance. Chair Nelson can't attend the meetings anymore. Meyer stated he is interested.

Duluth – Midway Joint Powers Zoning Board (DMJPZB) Report – Deputy Director Fulton noted Janet Kennedy used to be on this board. There are no new announcements.

#### Adjournment

Meeting adjourned at 6:26 p.m.

Respectfully,



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Adam Fulton – Deputy Director  
Planning and Economic Development