

City of Duluth Planning Commission

January 12, 2021
Meeting Minutes

Due to the COVID-19 emergency, many planning commission members participated through video conference from home. The meeting was held as a Special Meeting pursuant to Minnesota Statute 13D.021 in response to the Covid-19 emergency. Public comment was taken at planning@duluthmn.gov prior to and during the meeting, and via verbal comment through public attendance in the WebEx video conference during the meeting.

Call to Order

President Margie Nelson called to order the meeting of the city planning commission at 5:02 p.m. on Tuesday, January 12th, 2021.

Roll Call

Attendance: (* Via WebEx video conferencing – all votes conducted via roll call)

Members Present: Jason Crawford*, Gary Eckenberg* (entered meeting after the consent agenda items), Tim Meyer* (entered meeting after the approval of minutes), Margie Nelson*, Eddie Ratnam*, Michael Schaefer*, Andrea Wedul*, Sarah Wisdorf*, and Zandra Zwiebel*

Member Absent: N/A

Staff Present: Adam Fulton*, Robert Asleson*, Steven Robertson*, Kyle Deming*, John Kelley*, and Cindy Stafford*

Public Comment on Items Not on Agenda - No speakers.

Approval of Planning Commission Minutes

Planning Commission Meeting – December 8, 2020

MOTION/Second: Zwiebel/Wedul approved

VOTE: (7-0)

Commissioners Michael Schaefer and Sarah Wisdorf recused themselves from the consent agenda items due to a financial conflict of interest.

Consent Agenda

PL 20-185 Variance to Side and Front Yard Setbacks to Match the Existing Foundation at 2001 W 8th Street by Kurt Herke

PL 20-189 Interim Use Permit for a Vacation Dwelling Unit at 7 N 19th Ave W, Unit 1 by Newcastle 8, LLC

PL 20-190 Interim Use Permit for a Vacation Dwelling Unit at 7 N 19th Ave W, Unit 2 by

Newcastle 8, LLC

PL 20-191 Interim Use Permit for a Vacation Dwelling Unit at 7 N 19th Ave W, Unit 3 by Newcastle 8, LLC

PL 20-192 Interim Use Permit for a Vacation Dwelling Unit at 7 N 19th Ave W, Unit 4 by Newcastle 8, LLC

Public: No speakers.

Commissioners: Zandra Zwiebel asked if each of the Interim Use Permits count towards the city's 60 cap limit. John Kelley stated they aren't part of the cap, since they are located in a form district, which is exempt.

MOTION/Second: Zwiebel/Crawford approved as per staff recommendations

VOTE: (6-0-2 abstained - Schraepfer and Wisdorf)

Public Hearings

PL 20-194 Variance to Off-Street Parking Requirements at 310 N 9th Ave E by Beverly Ricker

Staff: Kyle Deming introduced the applicant's proposal to convert an existing structure to a duplex while providing zero of the required one off-street parking spaces. The applicant reports that the manager of the property to the rear of her property has given verbal permission for them to use the space for parking two vehicles by the storage of trash/recycling bins. This agreement has been in place for the four years the applicant has owned the property without problems. The applicant has attempted to acquire land to the rear of her property for off-street parking spaces, but reports that after trying through a real-estate agent for six weeks, the landowner has refused to communicate with them about a potential property purchase or lease. Duluth Life Safety office will process the applicant's rental license application if the variance is approved. Staff recommends approval with the conditions listed in the staff report.

Applicant: Beverly Ricker not in attendance

Public: No speakers.

Commissioners: Zwiebel asked if the applicant will continue her efforts to try to purchase the land from the adjacent property owner. Deming noted previous communication efforts resulted in a dead-end, and he is unsure if the owner will continue to try. Andrea Wedul confirmed the variance would be reducing the number of parking space from 1 to zero. Deming affirmed and also noted they are not allowed to expand the structure. Sarah Wisdorf asked why this is a planning commission issue. Deputy Director Fulton noted it is not a licensed rental, so it needs to be brought before the planning commission as use issue. Gary Eckenberg asked if the applicant was invited to attend the planning commission meeting. Deming answered yes. Eckenberg would have liked to see the applicant in attendance, and will be voting against this item based on that issue.

MOTION/Second: Wedul/Wisdorf approved as per staff recommendations

VOTE: (8-1, Eckenberg Opposed)

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton gave an overview. He welcomed city attorney, Rebecca St. George, and city councilors, Van Nett, Randorf, and Filipovich who will be in attendance for the work session on pending UDC text changes following the planning commission meeting. Staff is working with the Enger Park Golf Course developer, and public

meetings will be scheduled. The city is not proceeding with the Lester Golf Course site. Zwiebel asked about Central High School. Deputy Director Fulton hoped to have an update soon, and will email commissioners. Historical Central is still in project development stage and may not come back to the planning commission because it is in a Form District. It is fairly likely a business subsidy will be applied for related to its redevelopment, but they have not applied yet. Top of the Hill Central – There have been preliminary discussions, and staff would like to assist the school district in proceeding with its plans for the site. There may be some zoning aspects which the planning commission will need to evaluate. Zwiebel asked about the Kenwood/Arrowhead site tree situation. Deputy Director Fulton noted grading took place by the owner at the site. The developer constructed a berm and plans to plant trees on top of the berm to shield the neighbors from the Plaza shopping center. The developer is working on plans, and it is a work in progress. They will continue to seek to address neighbors' concerns. Gary Eckenberg asked about the administrative citation given to the Cody Street property owner. Deputy Director Fulton shared it is a city charter requirement for personal delivery of the ticket. They are working with the police to help with delivery. Wedul noted the Stocke Development on East London Road and 36th Avenue East, and asked about tree removal. Deputy Director noted development is under way and there have been notable trees removed. New trees will be planted and construction is slated to begin in March or April. A vegetative buffer will be added.

Heritage Preservation Commission – Commissioner Wisdorf gave an overview. They are getting close to finalizing the Marten Trail Plan. This will be a good educational opportunity for the community. The HPC is looking forward to Adam Fulton and Jason Hale's presentation to them at their next meeting regarding Old Central High School.


Joint Airport Zoning Board – No report.

Duluth Midway Joint Powers Zoning Board – No report.

Adjournment

Meeting adjourned at 5:44 p.m.

Respectfully,

DocuSigned by:

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Adam Fulton – Deputy Director
Planning and Economic Development

Work Session on Pending UDC Text Changes

Senior Planner Steven Robertson gave a brief presentation about several proposed zoning ordinance text changes: vacation rental dwelling units, sober house regulations, self-storage and mini-storage, and signage related to mass transit bus shelters. Deputy Director Fulton noted that some of these topics, specifically sober house rules and to a lesser degree vacation dwelling units, were discussed earlier last year, but more direct action had been delayed due to the challenges of holding public hearings and information meetings during COVID.

Robertson shared some of the recent ordinance and actions on vacation dwellings. Commissioner Eckenberg stated that the planning commission already submitted their recommendation to the city council, adding that maybe the next step should involve more direction from the city council as opposed to the planning commission trying to guess at what the city council would like to see. Commissioner Schraepfer added that with the new construction code rules for vacation dwellings, a lot of people have been pushed out of the market due to the high cost of making their homes handicap accessible. Deputy Director Fulton added that a recent vacation dwelling application that the planning commissioners saw involved the applicant spending a lot of funds to upgrade their structure and driveway to meet the new ADA rules, and as a consequence there is pressure to increase density to help defray the construction costs. Commissioner Schraepfer added that there is very limited exception to the construction code, other than for accessory homes shares. Commissioner Meyer stated that he believed that a hard cap on the number of vacation dwelling units is superfluous, and that if we removed a cap the free market would do a better job of deciding what the right number is, and added that we should focus attention on ensuring that the existing vacation dwellings are done right, and not worry about how many exist in Duluth. Commissioner Wedul stated if the city council wants a perspective and clear answer from the planning commission on what the right number is, that number should probably come from them as they may have a better idea of what they, or their constituents, want to see. Commissioner Zwiebel noted that accessory home shares are not capped, and issuing new accessory home shares does not impact or take away from the maximum number of on vacation dwelling units. Commissioner Wisdorf noted that the new construction costs for ADA compliance is a challenge for people that want to enter the market.

City Councilor Roz Randorf thanked the planning commissioners for their work, and stated that she has appreciated their work in the past and respect their recommendations. She added that concerns for affordable housing plays a part in the overall discussion in vacation dwellings, and that there is a concern that too many vacation dwellings can take away housing that would have otherwise gone to a family that needed affordable housing. City Councilor Zack Flipovich also thanked the planning commissioners for their work on this project, and has recalled that this has been a major topic since at least 2016. He added that he wanted to make sure that the added construction costs for ADA compliance is a statewide mandate, not a specific City of Duluth requirement. He concluded that thinks vacation dwellings can be a great tool for some homeowners to make occasional revenue on their homes, but understands that there can be concern about the full-time commercial vacation rentals that remove housing stock from the housing market.

President Nelson stated that she felt that there was good dialogue, but at this point the conversation probably has concluded and we are not going to add any more meaningful items to the conversation tonight. She added that it would be helpful if in the future staff would provide the planning commissioners with a summary of code changes, a list of suggested changes, and an idea of how those various code changes could possibly impact the city and the housing market. Commissioner Zwiebel stated that she would like more information on the ADA compliance costs that some people are seeing. Deputy Director Fulton stated that they can ask for some of that information from the City of Duluth Construction Services Department. Commissioner Schraepfer stated that he understands the fear about the impact of vacation dwellings on the housing market, but he feels that the actual impact is very small as most of the vacation dwelling units are larger or more expensive homes that would not be available as real affordable housing. City Councilor Flipovich added that he does have a concern about the

impact on affordable housing, but he would like to see more data and information on the topic instead of having to rely upon anecdotal information.

Roberson discussed the sober house rule change, adding that there has been requests from staff and citizens on more clarity for this item. He continued by saying that staff would like to reintroduce the language that was presented last year for planning commission consideration.

Robertson discussed the idea of amending the code to allow more flexibility in the locating of new storage facilities in commercial areas. He added that with some of the challenges we are seeing with undeveloped areas zoned MU-C, and big box retail stores becoming vacant, the city may want to consider allowing storage facilities in areas that the city resisted in the past. Robertson added that staff are suggesting design standards (such as window transparency and active space), which would allow for more interesting and functional designs than what we would have seen in the past.

Robertson discussed the general idea of allowing limited off-site commercial advertising on bus shelters. The flexibility for advertising would be tied to bus shelters that are covered by a master concurrent use permit. Phil Pumphrey, General Manager of the Duluth Transit Association, expressed an interest and support for flexibility for signage at DTA transit shelters, stating that the additional revenue will allow them to better maintain shelters for their transit users.

A copy of the meeting video-recording is available upon request.