

# City of Duluth Planning Commission

October 10, 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, October 10th, 2023 in the Duluth city hall council chambers.

## Roll Call

### **Attendance:**

Members Present: Jason Crawford, Gary Eckenberg, Brian Hammond, Margie Nelson, Danielle Rhodes, Michael Schraepfer, and Andrea Wedul (arrived after the approval of minutes)

Member Absent: Jason Hollinday

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

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

**Staff:** Kyle Deming gave an overview of his memo dated October 2, 2023. Is it a good land use practice to exempt vacation dwelling units (VDUs) in those portions of Rural Residential (RR-1) districts in close proximity to Mixed Use Commercial (MU-C) districts from the cap on VDU permits? A recommendation was proposed to make no change to the VDU cap because:

- i. The change doesn't serve an overwhelming need in the community (only 7 residences and one business would be affected), and
- ii. Expanding the exemption to the cap will increase the likelihood of getting more requests to be exempted from the cap.

If a change to the cap is desired, the commission was asked to consider the following conditions:

- i. Limit exemption to parcels within 300 feet of an existing MU-C district.
- ii. Before issuing the VDU interim use permit, require inspection and certification that the septic system is functioning property.
- iii. Require periodic septic system inspection.
- iv. Require notices be posted within the VDU regarding proper usage of the septic system

**Public:** Ben Fye – Osage Ave – addressed the commission. He is directly affected and noted the hotel should not be allowed next an RR-1 zone. This is going to diminish his home value.

**Commissioners:** Eckenberg noted this situation was created by city council. He would to see the pc remove this item from the agenda. There was no second. He also motioned to table the

item. There was no second. Hammond suggested passing on the memo with no recommendation. Rhodes first agreed to second, but then withdrew her motion. President Nelson agreed to second the motion for a vote.

**MOTION/Second:** Hammond/Nelson forward Memo to city council with no recommendations

**VOTE: (3-4, Crawford, Eckenberg, Schraepfer and Wedul Opposed) – Did not Pass**

**MOTION/Second:** Schraepfer/Crawford Send memo back to staff to re-evaluate

**VOTE: (4-3, Eckenberg, Hammond and Nelson Opposed)**

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## **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 Hollinday (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

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### **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)**