

City of Duluth Planning Commission

June 10th, 2025 – City Hall Council Chambers
Meeting Minutes

Call to Order

Vice President Andrea Wedul called to order the meeting of the city of Duluth Planning Commission at 5:00 p.m. on Tuesday, June 10th, 2025, in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Chris Adatte, Nik Bayuk, Brian Hammond, Danielle Rhodes, Dave Sarvela, and Andrea Wedul

Members Absent: Jason Crawford, Gary Eckenberg, and Kate Van Daele

Staff Present: Nick Anderson, Chris Lee, Jason Mozol, Ben Van Tassel, Ariana Dahlen, Natalie Lavenstein, Christian Huelsman, and Sam Smith

Approval of Planning Commission Minutes

Planning Commission Meeting – May 13th, 2025 –

MOTION/Second: Sarvela/Bayuk approved

VOTE: (6-0)

Public Comment on Items Not on Agenda

No comments.

(Item PLIUP-2505-0027 was removed from the consent agenda and placed under public hearings.)

Consent Agenda

PLIUP-2504-0026 Interim Use Permit for a Vacation Dwelling Unit at 301 104th Ave W by Carie & Clinton Massey [CH]

~~PLIUP-2505-0027 Interim Use Permit for a Vacation Dwelling Unit at 1329 Minnesota Ave by Kate Horvath [CL]~~

PLPR-2505-0002 Planning Review for a Cold Storage Building at 2030 N Arlington Ave in an MU-I district by St Louis County [JM]

PLSUB-2505-0007 Minor Subdivision at 010-2320-01680 (Sherburne St) by One Roof Community Housing [CH]

PLVAR-2504-0007 Variance at 9426 Congdon Blvd by Amanda Flowers [NL]

Public: No speakers.

MOTION/Second: Rhodes/Hammond approve the consent agenda items as per staff recommendations

VOTE: (6-0)

Public Hearings

PLIUP-2505-0027 Interim Use Permit for a Vacation Dwelling Unit at 1329 Minnesota Ave by Kate Horvath [CL]

Staff: Chris Lee addressed the commissioners. The applicant proposes to renew a 3-bedroom dwelling as a vacation dwelling unit at 1329 Minnesota Ave. This property was previously approved as permit PL19-158. The current zoning for this property is R-1, and a vacation dwelling unit is an Interim Use in the R-1 zone district. The applicant is proposing 2 off-street parking stalls, satisfying the standards in the UDC Section 50-20.3.V.3. The applicant has indicated they will not allow motorhome or trailer parking. The site plan does indicate a firepit and deck as outdoor amenities and has appropriate screening on one side and a screening waiver from the other neighbor.

One public comment was received concerning the conditions of the rear parking area. Staff has found that the gravel parking surface is compliant with what is permitted in residential zone districts. Staff recommends approval with conditions.

Commissioners: Commissioner Rhodes asked staff for clarification regarding the screening for the two parcels associated with this permit; PID 010-4390-01850 & 010-4400-00540. It appears that the screening requirement was only between the main dwelling and the neighboring dwelling. She asked if the unimproved and improved parcels for this permit should be treated as one property so both lots have the same screening requirements.

Staff: Lee answered that the two developed parcels will be subject to the screening requirements since those are the parcels where the residential uses are taking place. Staff found the screening to be adequate. Commissioners may add a condition to add more screening if they see fit. The comment received from the neighbor would not change staff's review on the screening.

Commissioners: Commissioner Hammond expressed concern regarding the ongoing trespassing issue brought up by a neighbor, the standing water in the driveway, and the approach to parking on the site. He feels that this VDU is not well-managed

Applicant: Kate Horvath addressed the commissioners. She stated that her property has been operating successfully as an Airbnb for the past 6 years. Horvath was not aware of the driveway condition issue brought up by the neighbor, and it is not one of the requirements on the application. She explained that the driveway is at a dead end, and the city plows dump snow and gravel at the end of the dead end where the driveway is. Other neighbors also use the driveway as public access to nearby trails and the public boat site. If there is trespassing, she feels that it's a community issue and not exclusive to her property.

Commissioners: Rhodes asked the applicant if they had seen the standing water and to clarify where it is, precisely. She also asked the applicant if they would be open to adding more screening to the unimproved lot where people are parking for delineation purposes.

Applicant: Horvath responded that there is a puddle at the end of her gravel driveway, and she could resolve the issue by dumping two buckets of gravel into the hole. She added that driveway maintenance is not a requirement for this application.

Horvath would be open to adding more screening, but the neighbor's garage and garden extend over the property line and onto her property. Those neighbors have declined additional screening.

On the other side of Horvath's property, there is vegetative screening that was planted by the neighbors. Those neighbors have not addressed their concerns with her directly. Horvath stated that those neighbors also drive their campervan through her yard to access their property. If the neighbors want her to fence that part of her property off, they will need to have a conversation with her about using her yard as access to their property.

Commissioners: Commissioner Sarvela asked staff to explain the process for when a neighbor has a complaint about a VDU property and asked if there have been any compliance issues with the subject property.

Staff: Lee explained the process for receiving zoning violation complaints and enforcement. Trespassing is handled as a civil matter. Staff research involves checking to see if any previous complaints had been made against a property, and there were none for the subject property. From a zoning perspective, it seems to be a well-run operation.

Applicant: Horvath added that she lives a couple blocks away from the subject property and all the surrounding neighbors have her cell phone number and are friends with her on Facebook, excluding the neighbors with the campervan. She has tried to contact the neighbors who complained but they do not respond.

Public: No speakers.

Motion/second: Rhodes/Hammond approve as per staff recommendation with the following conditions:

- 1. The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.**
- 2. Any alterations to the approved plans that do not alter major elements of the plan and do not constitute a variance from the provisions of Chapter 50 may be approved by the Land Use Supervisor without further Planning Commission review.**
- 3. The applicant will attempt to resolve the standing water issue in their driveway.**

Vote: (6-0)

PLUMA-2503-0003 UDC Map Amendment 3901 E Superior St by Northland Country Club [NL]

Staff: Natalie Lavenstein addressed the commissioners. Applicant is requesting a UDC Map Amendment (rezoning) from R-1 to Residential-Planned (R-P) to construct 11 two-family dwellings (22 units total), 4 lots for single family homes (4 units total), and 2 bed and breakfast sites (4 units total). They are proposing to rezone 13.4 acres of the Northland Country Club from R-1 to R-P. R-P rezonings allow for an expansion of uses and buildings with process to protect against development that is out of character with the area. As part of the Map Amendment process, an R-P plan identifying uses, density, and height is required. Lavenstein explained the rezoning process and went over the rezoning application criteria.

The parcels contain an existing sport court and accessory buildings to support Northland County Club amenities. The future land use is primarily open space with some traditional neighborhood. The R-P district requires a minimum of 30% of the area to be kept in open space and 66% of the remaining area (excluding common open space) for residential purposes; applicant is proposing 6.4 acres as common open space, 4.8 acres as residential, and 1.2 acres of commercial. The remaining one acre is for streets and infrastructure.

An R-P district requires a level of public benefit that exceeds what would be required in the underlying zone district. As shown in the attached memo, the applicant proposes the following three public benefits: 1) Preservation of Natural Resources and Undeveloped Areas: More compact two-family dwellings allow for clustered development, thereby preserving a larger contiguous tract of land. Approximately 4.2 acres directly adjacent to the 40th Ave Creek will be kept in preservation; this allows for creek, trees, and wildlife habitat to be maintained in its current state. 2) A Higher Level of Sustainability: Standards will be set to ensure this development achieves higher sustainability than otherwise required; staff recommends a minimum of 4 points in accordance with Sec. 50-29. 3) More Efficient & Effective Use of Streets: By extending an existing developed area to create single and two-family residential opportunities, there will be less environmental impact, utility work and road construction necessary to achieve development. Keeping the new access road to the proposed homes as a private street will eliminate the need for City plow and maintenance services. Lavenstein read through the rest of the Review and Discussion Items from the staff report. There was one public comment received with concerns about the use of multifamily dwellings, but the proposal does not include multifamily dwellings. Staff recommends approval to city council.

Commissioners: Rhodes asked staff for more information regarding the proposed waterline to lakeside and how it would be a public benefit.

Wedul asked staff about the general development shoreland area on the map, as well as what the other colors represented. She also asked for clarification on the distinction between single-family developments and town homes, and what the proposed access to the property looks like.

Staff: Lavenstein spoke with Engineering staff about this. There is an existing water tank above this area, and the hope is to transition from the tank to the waterline. There has been a watermain installed on the site.

Lavenstein explained that the general development shoreland area is the orange hatched part on the map. Shoreland regulations apply there. The red lines mark the setbacks. The blue boundary is labeled as pedestrian access for residents, club members, employees, and guests of the club. The yellow section on the map represents the area for single-family homes. There are four lots, and each of them is for a single-family home. The smaller boxes represent two-family dwellings, and the pink areas represent the proposed bed and breakfasts.

The 5 units per acre density speaks only to the residential developments and does not include the bed and breakfasts. There will be access from Superior Street and the applicants may be able to provide more details.

Commissioners: Rhodes asked if there is any consideration for the pedestrian right of way to extend to those who are not part of the club as a public benefit.

Staff: Lavenstein responded that that was not included as a staff-recognized public benefit because of the lack of public access. She deferred to the applicant for further clarification.

Applicant: Tony Young and Luke Sydow addressed the commissioners. Young is the former president of the country club and Sydow is the landscape architect working on the project. They have been working with city Engineering for the past couple years and are excited to bring a new water source to lakeside.

The only access is off Superior Street and there are no plans for other access points. The access for the pedestrian walkway will remain private.

Commissioners: Bayuk asked the applicant if there was any consideration for a turn lane on Superior Street because of the high school traffic down the road.

Wedul asked about their efforts to preserve the creek, and Bayuk asked if anyone would be able to buy these homes with the HOA.

Applicant: Sydow said that the high school traffic has not been a concern of the city engineer. They are not planning to build right against the creek. Their goal is to preserve its natural state, and the easement provides for that buffer as well. It is their intention that the HOA would be for members only.

Public: David Delisle, 3806 E 3rd St – Delisle is in opposition of the project provided pictures of areas along E. 3rd St. to the commissioners. He stated that when this plan was presented about a year ago, his street was in the process of being redone with the new waterline. At that time, Delisle said that the plan was to have the waterline connect into Northland's property via an easement beside his home. The waterline access has since been moved to a paper street (E. 3rd St.). He feels that there should be more consideration for this project.

Commissioners: Discussion ensued among the commissioners regarding connectivity issues in this neighborhood and the public benefits of the project.

Motion/second: Rhodes/Bayuk approve as per staff recommendation with the following conditions:

1. **This proposal is consistent with the Comprehensive Land Use Plan.**
2. **The proposed R-P District is reasonably related to the overall needs of the community and to existing land use.**
3. **Material adverse impacts on nearby properties are not anticipated or will be mitigated.**

Vote: (6-0)

PLUMA-2505-0004 UDC Map Amendment at 010-1773-00010 (Arrowhead Rd) by Titanium Partners [CL]

Staff: Chris Lee addressed the commissioners. Applicant is requesting a UDC Map Amendment (rezoning) from R-2 to Mixed Use Neighborhood (MU-N) to allow for a mix of commercial and residential uses. The parcel is currently vacant and natural. There is no history of development on the site. The future land use of this area is Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. It includes conversions of houses to office or live-work spaces, and it may include limited commercial-only space oriented to neighborhood or specialty retail markets.

One comment from city engineering was received regarding stormwater and the preservation of the headwaters of Chester Creek. This is not a condition for approval, but it would likely come up when building permits are pulled or if any special use permits are required for future developments on the site. City engineering wants to ensure that wetlands and sensitive areas are preserved. No other public comments were received. Staff recommends approval to city council.

Commissioners: Rhodes asked who enforces the preservation of a wooded swamp. Wedul asked why the parcels to the east and west of the subject property are not also being rezoned as to avoid spot rezoning.

Staff: Lee responded that as development progresses, the city will ensure that those areas are preserved. This will be done through the building permit review process and city engineering will make sure that storm water conditions are met.

Lee responded that while he is unsure of why the adjacent parcels are not being rezoned as well, the future land use of the subject area lines up with this proposal. He noted that the area being rezoned is 6.5 acres in total. Rezoning those other parcels would be treated differently according to the designated future land use.

Applicant: Jesse Carlson with Titanium Partners was present to answer questions.

Public: No speakers.

Motion/second: Sarvela/Rhodes approve as per staff recommendation with the following conditions:

1. **This proposal is consistent with the Comprehensive Land Use Plan.**
2. **The proposed MU-N zoning is consistent with the future land use categories of Neighborhood Mixed Use.**

Vote: (6-0)

PLUTA-2503-0001 UDC Text Amendment to Trash Enclosure Screening [CL]

Staff: Chris Lee addressed the commissioners and went over the memo for this proposal.

Currently, the code indicates that exterior trash enclosure screening must be constructed of masonry, brick, wood, stone, or similar material and it must have a gate constructed of wood or metal. This language is in place to create a cohesiveness in site-wide design of the enclosures, so they coordinate with other structures existing on the site.

Staff has proposed to remove the material requirements and replacing it with "durable, weather resistant material that is opaque." This allows entire enclosures to be constructed of wood or metal if it provides cost savings for the project. The proposed changes are to ease the financial burden and alleviate site constraints to new site development.

Commissioners: Rhodes appreciates that the code language is being changed to be more flexible as material options continue to change.

Wedul asked how opacity and durability will be determined.

Staff: Lee responded that staff looked at how other cities approach this language. Staff recognize that different materials can be used for screening purposes, so they want the code language to allow for that flexibility. The intent is to have trash containers screened with materials that won't fail without limiting people to the use of masonry, brick, wood, stone, or similar materials.

Public: No speakers.

Commissioners: Adatte is in support of the text changes.

Wedul expressed her concerns about the proposed language leaving open to interpretation, which could lead to liability issues. She does not oppose the changes, but she would like to see this proposal come back with less room for interpretation.

Motion/second: Rhodes/Sarvela recommend approval to City Council.

Vote: (6-0)

PLUTA-2505-0002 UDC Text Amendment Related to Daycare, Small and Large; and Preschool [KD]

Staff: Kyle Deming addressed the commissioners and gave a presentation. There continues to be a shortage of capacity for childcare in Duluth as documented in public and media reports. Multiple levels of government and non-profit agencies have been addressing this through a multi-prong approach. For its part, the City has examined current zoning rules concerning provision of childcare (City of Duluth Legislative Code Chapter 50, the Unified Development Chapter (UDC)) to identify opportunities to encourage the creation of additional childcare capacity.

The UDC modification would add new language to the use specific standards (Section 50-20.3.I) for Daycare facility, large and small, that would exempt the project from needing a special use permit if it meets a set of requirements, which are listed in the staff memo. The requirements

are based on a review of existing facilities, which are also listed in the staff report. This change would reduce uncertainty in establishing a daycare center by eliminating the discretionary approval by the Planning Commission and the public hearing preceding it. Projects that do not meet the proposed criteria would go through the special use permit process.

Staff also propose a few smaller changes. These include deleting some language that is already covered by state licensing, deleting the provision that allows the Land Use Supervisor to deny an application for childcare in MU-B due to health and safety concerns because this consideration can be made by the Planning Commission during the special use permit review, and adding a requirement for the Planning Commission to consider the location of outdoor play area relative to abutting residential uses.

In addition to the proposed changes listed above, staff is proposing UDC changes to definitions of daycare facility, large and small, to better align terminology with the building code and State licensing for the desired result of reduced confusion by potential daycare operators when navigating UDC rules.

Commissioners: Adatte asked staff to explain the reasoning behind having this language in the zoning code in conjunction with state regulations.

Staff: Deming responded that it is within our purview of local governments to regulate land use. The state does license daycare centers, and the county will license smaller operations. The goal is to align the terminology on a city level to make it more cohesive with state and county licensing requirements.

Commissioners: Rhodes is in support of the proposed changes. She asked if there will be further discussion about requirements and decreasing barriers for daycares.

Bayuk asked if part-time and full-time daycare children are treated the same in terms of capacity.

Staff: Deming stated that staff do consider ways to decrease barriers but are wary of the concerns about having too many regulations on a specific use. Planning commission and the land use supervisor have significant authority to consider individual circumstances, which allows a more sensitive approach.

Deming assumes that part-time and full-time kids are treated the same when performing headcounts, but he would defer to the state regulations.

Public: No speakers.

Motion/second: Bayuk/Rhodes recommend approval to City Council.

Vote: (6-0)

Other Business

Spirit Valley Core Investment Area (SVCIA) – Kyle Deming gave a presentation on the project. He outlined the project area boundaries and spoke about staff's engagement efforts, which included community strolls and business-focused meetings. Deming also spoke about the community feedback that staff received, and the plan committee that was assembled for this project. The presentation also highlighted the project's next steps and the goals that staff hope to accomplish this summer.

Commissioners: Rhodes asked staff about the desired outcomes, and if commissioners could expect to see UDC modifications and other zoning changes following this report.

Wedul asked if staff has identified potential funding sources as part of this project.

Staff: Deming explained that this is a stand-alone plan. The objective is to bring policy and recommendations from comprehensive plan into the SVCIA project so it can be utilized as a

resource for business owners and future developments. Though Deming has not thought that far ahead, he anticipates that there will likely be map and/or text changes in the UDC after this. Staff will identify potential funding sources but will not take things further than that. This is meant to serve as a high-level planning document.

Communications

Land Use Supervisor (LUS) Report – Ben Van Tassel addressed the commissioners and stated that he is filling as the LUS for tonight’s meeting in Jenn Moses’s absence. He informed them of the upcoming brown bag meeting on June 30th at 12pm.

Heritage Preservation Commission Report – Adatte was not in attendance for the most meeting, but he stated that the national historic recognition of the Ordean Building was on the agenda for commissioners to comment on.

Adjournment

Meeting adjourned at 6:36 p.m.
Respectfully,

Jenn Moses, Manager
Planning & Economic Development