

# City of Duluth Planning Commission

January 9, 2024 – 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 5:01 p.m. on Tuesday, January 9th, 2024 in the Duluth city hall council chambers.

## Roll Call

### **Attendance:**

Members Present: Gary Eckenberg, Brian Hammond, Margie Nelson, Danielle Rhodes, and Michael Schraepfer

Members Absent: Jason Holliday, Jason Crawford and Andrea Wedul

Staff Present: Adam Fulton, Ryan Pervenanze, Jean Coleman, Jenn Moses, Kyle Deming, John Kelley, Chris Lee, and Hannah Figgins

## Approval of Planning Commission Minutes

Planning Commission Meeting – December 12, 2023 – Changes were previously requested by Danielle Rhodes and were shared with the commission by Deputy Director Adam Fulton. Danielle Rhodes emailed a correction to former-staff member Cindy Stafford, noting the word "enforcement" on pg. 4 under "Communications" was misspelled. Deputy Director Fulton ensured the correction would be made.

**MOTION/Second:** Hammond/Rhodes approve

**VOTE: (5-0)**

## Public Comment on Items Not on Agenda

### Consent Agenda

PL 23-182 Interim Use Permit for a Vacation Dwelling Unit at 608 1/2 W 4th Street Unit 4 by Justin and Alyssa Voegelé

PL 23-216 Interim Use Permit for Vacation Dwelling Unit in a Form District at 1722 London Road by Gregory and Claudia Kamp

PL 23-218 Interim Use Permit for a Vacation Dwelling Unit at 730 E Superior Street by 418 VR LLC

PL 23-223 MU-I Planning Review for Parking Structure at 315 E 1st Street by St. Mary's Duluth Clinic Health System

PL 23-192 Variance for Accessory Structure Closer than 10 Feet to Principal Structure at 105 W Wabasha Street by Kyle and Liz Eaton

**Commissioners:** PL 23-192 - Gary Eckenberg asked a clarifying question regarding the need for a variance for an accessory structure to be closer than 10 ft to a principal structure that in this case is a garage, on the same property as the accessory structure. Brian Hammond asked a related question, referencing code 5021. He noted the code addresses accessory units and

principal structures on separate lots, and in item PL 23-192 it appears the accessory unit and principal structure are on the same lot. He wonders why there is a need for a variance. Planner Chris Lee addresses the concern that 5021.3.b, the code applied under, that it's correct the code does specify the variance is for structures on different lots. Deputy Director Fulton requests the item be pulled from the Consent Agenda for further discussion by staff. Planning Commission agreed and this item was removed from the agenda.

**Public:** PL 23-192: Mark H. Baker - 1721 E 3rd St - addressed the commission. He is also concerned that a variance would not be necessary and staff should deliberate further.

PL 23-218: Jim Berarducci – 734 E Superior St. – addressed the commission. He expressed concerns about parking near the proposed VDU in item PL 23-218. He said there is not enough parking as it is for long-term renters in adjacent buildings, and he is worried this VDU will exacerbate the issue. He asked what considerations are made for parking when considering interim use vacation dwelling units. Deputy Director Fulton noted the plan includes an additional parking spot on the side of the proposed VDU.

**MOTION/Second:** Rhodes/Schraepfer approved the consent agenda items as per staff recommendations (PL23-192 removed)

**VOTE: (5-0)**

### **Public Hearings**

PL 23-181 Interim Use Permit for a Vacation Dwelling Unit at 608 1/2 W 4th Street Unit 1 by Justin and Alyssa Voegele

**Staff:** John Kelley introduced the applicant's request for an interim use permit for a front-yard parking lot. Front yard parking is not permitted in any zone district. Staff recommends denial of the interim use permit because the proposed location of the parking in the R-2 zoning district.

**Commissioners:** Gary Eckenberg asked for clarification of the available parking at the site. Kelley clarified that the units 2 and 3 each have their own long-term parking on the side or rear of the building, but unit 1 would have to rely on street parking.

**Applicant:** Justin Voegele introduced himself as the owner of the property for almost four years. He appealed to the value of upholding precedent. Justin Voegele addressed the commission and provided a packet with images and scans of permits provided by Construction Services. Voegele asserted the documents presented prove the 1977 addition of the concrete structure in the front yard was added legally and was fully permitted to be used for parking. Voegele states his front-yard parking spaces are permitted and legal, and hopes the commission will find the same. He welcomed questions.

**Public:** No speakers

**Commissioners:** Asked staff questions related to issuance of the 1977 permit. Staff explained the permit was for an addition to the building and not for construction of parking. The building official at the time would have reviewed the building permit for building code compliance, not for compliance with other city regulations. Staff confirmed in order for this parking to have been constructed legally, a variance would have been required. No Record exists of such a variance. Commissioner Hammond stated it seems unlikely the city would have granted a permit without reviewing all regulations.

**MOTION/Second:** Rhodes/Hammond, Motion to approve IUP failed

**VOTE: (2-3, Nelson, Eckenberg, and Schraepfer opposed)**

Commissioner Hammond would like staff to further investigate the permit record for this property.

**MOTION/Second:** Hammond/Rhodes, Motion to Table passes

**VOTE: (3-2, Nelson and Eckenberg opposed)**

PL 23-217 Special Use Permit for Parking Lot Improvements South of 2nd Street  
Between 3rd and 4th Avenues W by St. Louis County

**Staff:** Jenn Moses introduced applicant's proposal to reconstruct the parking lot with a special use permit and the conditions specified by planning staff detailed in the staff report. Applicant: Not present

**Public:** No speakers

**MOTION/Second:** Rhodes/Eckenberg approve as per staff recommendation

**VOTE: (5-0)**

### **New Business**

PL 23-221 COMMISSIONER RHODES: Viewshed Protection, Aerial Lift Bridge

**Staff:** Deputy Director Fulton thanked Commissioner Rhodes for bringing this topic to Staff's attention and for preparing the proposal. A case file was created, and the topic will be in consideration by the commission but there is not a staff recommendation, nor has any staff work been done on the issue at this time.

**Commissioners:** Danielle Rhodes was approached by a member of the public with this topic. She brought a packet that describes the issue at length. The way the UDC is written now, it allows for buildings to be built to 120' directly next to the Aerial Lift Bridge. She would like the commission to consider whether the case presented is strong enough to justify asking staff to devote time to create a report. She believes the Viewshed of the Lift Bridge is a value to the city and the Imagine Duluth 2035 plan. Gary Eckenberg agreed the issue is strong enough that the public should be given the chance to hear more about the topic. Brian Hammond agreed the issue may warrant a concern, but disagreed with the accuracy of the depictions in the materials presented by Rhodes.

Danielle Rhodes then said she would like to be clear what the request to staff is. She would like to know whether her height estimates were accurate. Deputy Director Fulton said staff would look in to it and get back to her. Eckenberg added the referenced heights may be close to the height of the DeWitt-Seitz building, which may warrant knowing the height of that building and whether anyone would argue with that height becoming the limit. Margie Nelson raised the concern that staff may not have much time to address this question.

**MOTION/Second:** Eckenberg/Schraepfer Motion to bring the issue to the next Planning Commission Meeting for a public hearing to hear from the public about the topic, and direct staff to provide a staff report at that time.

**VOTE: (3-2, Nelson and Hammond opposed)**

### **Other Business**

PL 23-127 Order for Review to Initiate Drafting an Alternative Urban Areawide Review (AUAR) for the Central High School Redevelopment Project

**Staff:** Kyle Deming outlined steps taken thus far in the AUAR process. The 30-day comment period on the Scoping EAW ended 1/4/2024. Four agency comments and two residents commented. Their comments are summarized with responses to the comments provided in the document emailed to commissioners Friday, Jan. 5, and posted on the web page. He asked commissioners to vote to accept the comments and responses to the comments. The second item is to adopt the order to initiate the drafting of the AUAR. Deming confirmed the staff interpretation is that none of the comments warrant any changes to the scenarios to be evaluated in the AUAR. Staff recommends the commission initiate the AUAR with no further changes to the scenarios. He welcomed any questions.

**Commissioners:** No questions

**Public:** No public hearing

**MOTION/Second:** Rhodes/Eckenberg approved as per the Jan. 5, 2024 staff memorandum

**VOTE: (5-0)**

**Communications**

Land Use Supervisor (LUS) Report – Deputy Director Fulton reports that staff have finalized the review of the Ulland site in Midway Township. They anticipate sending a letter to Ulland this week, and he and Director Chad Ronchetti will participate in the Midway Township Zoning Board meeting in February. Fulton also noted a few project updates: John Kelley did some analysis on the Mall, including Essentia's investments in the former Yonkers and Sears. Essentia has made great improvements to the parking lot. The Mall continues to be a priority for staff and want to see it succeed. Lakeview Apartments on Superior St. is seeing progress. Fulton gave his thanks for continued work on the AUAR for the Incline Village Project that Kyle Deming spoke to earlier. Fulton expressed his gratitude to the project team and the developers as the project is very large and complex. West Superior St road design plans are on the way; parking commission has been meeting to discuss the designs for parking on Superior St. through Lincoln Park. Staff is working to make the street scape work better but also provide a district parking solution for all users in the area. The 6th Ave E plans have progressed, and they are looking at safety improvements on a pilot project basis and will likely be in construction this summer. The Northern Lights Express project is not fully funded but they have received a grant for \$500,000 to MN Dot, not to the city of Duluth, to continue working on this project. Staff has greatly valued the support of St. Louis County for this project.

Heritage Preservation Commission – Gary Eckenberg noted they will be meeting this coming Monday. There was no meeting yesterday.

Joint Airport Zoning Board – No updates.

Duluth Midway Joint Powers Zoning Board – Deputy Director Fulton noted a lot of excitement on that zoning board to have an enforcement issue. That is the primary topic at present.

**Adjournment**

Meeting adjourned at 6:34 p.m.

Respectfully,

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Adam Fulton – Deputy Director  
Planning & Economic Development