

City of Duluth Planning Commission

**July 12, 2022 – City Hall Council Chambers
Meeting Minutes**

Call to Order

President Sarah Wisdorf called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, July 12th, 2022 in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Jason Crawford, Gary Eckenberg, Jason Hollinday, Samuel Lobby, Margie Nelson, Michael Schraepfer, Andrea Wedul, and Sarah Wisdorf
Member Absent: Danielle Rhodes

Staff Present: Jenn Moses, John Kelley, Kyle Deming, and Cindy Stafford

Approval of Planning Commission Minutes -

Planning Commission Meeting – June 14, 2022

MOTION/Second: Nelson/Crawford approved

VOTE: (8-0)

Public Comment on Items Not on Agenda

None

(Commissioner Jason Crawford recused himself from the consent agenda items.)

Consent Agenda

PL 22-087 Minor Subdivision at Coty Street and Petre Street by Timothy Carter
PL 22-093 Interim Use Permit for a vacation dwelling at 1820 E 9th Street by ALN Properties
PL 22-094 Minor Subdivision at Buffalo Street by Bulldog Development
PL 22-103 Preliminary Plat for 12 Acres on Arrowhead Rd, West of Rice Lake Rd by Force 1, LLC

Staff: Interim Manager Jenn Moses added a condition for PL22-103 escrow for traffic conditions added before the building permit is issued.

Public: No speakers

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

VOTE: (7-0, Crawford Abstained)

Public Hearings

(The next item was moved up on the agenda.)

PL 22-086 Final Plat of 14 Acres into Kara-Mia Addition at the Southwest Corner of Palm Street and Blackman Avenue by KAMI Holdings, LLC

Staff: Kyle Deming introduced the applicant's proposal to combine parts of 14 lots in two existing plats and two acres of unplatted land into the proposed 14-acre Kara-Mia Addition consisting of two building lots and associated utility easements. Lot 1 is for an apartment building and Lot 2 is planned to be townhomes. The applicant must enter into a development agreement addressing terms identified by city staff that is approved by the city council before the final plat is recorded. Staff has included a condition that tree removal shall not commence until the Land Use Supervisor approves the tree replacement plan and fencing is installed to protect trees during construction. Staff recommended approval with the conditions listed in the staff report.

Applicant: Present for questions. There were none.

Public: No speakers

MOTION/Second: Nelson/Eckenberg approved as per staff recommendations

VOTE: (8-0)

PL 22-108 UDC Text Amendments Related to Outdoor Living Sites, Two Family Dwellings, Accessory Heliports, Landscaping and Tree Preservation, Building Design, Lighting, and Appeals by the city of Duluth

Staff: Jenn Moses introduced the city's proposal to change several sections of the city's Unified Development Chapter (UDC). These changes codify existing Land Use Supervisor interpretations, amend wording relating to accessory heliports and appeals, and adds a new use, Interim Outdoor Living Site. An interim outdoor living site would provide short-term, temporary living, while requiring operators of sites to provide sanitation, potable water, refuse collection, and other necessities (including sharps containers).

Commissioners: Andrea Wedul asked about tenancy rights. Moses stated the outdoor living sites will run similarly as a CHUM center. This is a transient population which is not meant to be permanent housing. Moses reiterated the meaning of an interim use permit, which is temporary. Wedul asked problems arise, how are permits revoked? Per Moses, the IUP is a short time duration. Operators on site are there to address issues as they occur. This oversight will increase safety. Wedul asked how the site operator record people coming and going. Fences? Per Moses this will be addressed on a site by site basis. They are against fences and chain link fences are not allowed. Fences do not contribute to the community. Gary Eckenberg noted item #2 in the staff report as it related to parking lots and asked for an example. Per Moses, CHUM has churches. They envision a church stating their parking lot is open. Staff doesn't want parking taken away from community parking. Eckenberg noted #5 – if located adjacent to residential uses, a dense urban screen must be provided. Moses has not seen a specific potential site, but staff elected to include dense urban screening, because it was already in the code for vacation rentals. Eckenberg asked about duration. If city anticipates the IUP to be one year in length, why not list it? Moses stated it depends on the individual site. It is purposes vague to provide flexibility. The fees are intended to be waived. Eckenberg ask about #6 – operator must be onsite. Per Moses, there is meant to be some flexibility. CHUM shelters don't allow guests during the day. Each site will come up with an individual plan. Wedul asked about campgrounds for profit, and how they could ask for donations instead of paying a fee. Moses stated they are against the word encampment, because they don't want campgrounds. Moses noted zoning is just 1 piece of the puzzle. They were charged with finding a solution. There will be different sites, with different operators and different situations. Margie Nelson noted it will be up to the planning commission to vet each situation and catch people who are

out to make a profit. Nelson noted how these sites could be helpful and that some people have to sleep in their car and then go to work. Other changes to the UDC were discussed including the change to design and illumination standards for lighting. LED lighting may not exceed a correlated color temperature of 3000 Kelvin. Moses stated there have been conversation on how lighting effects migratory birds.

Public: Laura Berden of St. Louis County addressed the commission. They are aware of the homelessness situation and feels a plan is a long time coming. She noted they have worked with the police and there are grants for outreach workers to manage sites. She thanked the commissioners for their time, and noted homelessness is an issue which is growing exponentially.

Commissioners: Eckenberg stated he will be voting against the UDC Text changes. The code language regarding outdoor living sites does not seem to be organized enough to be an ordinance. Too much flexibility doesn't seem right. Wedul is concerned about the existing loopholes, and will be voting against it. Michael Schraepfer stated the intent is proper. It is a unique situation and can be refined over time. Chair Wisdorf concurred and noted there are many interpretations of interim use permits. The rules may not be 100% clear, but the intent is clear. Nelson reiterated each permit will be addressed and evaluated individually.

MOTION/Second: Wedul/Eckenberg Motion to Table – Did not Pass

VOTE: (2-6, Crawford, Hollinday, Lobby, Nelson, Schraepfer, and Wisdorf Opposed)

MOTION/Second: Schraepfer/Nelson recommended approval

VOTE: (6-2, Eckenberg and Wedul Opposed)

Old Business

(Commissioner Schraepfer recused himself from the following item.)

PL 22-077 Interim Use Permit for a Vacation Dwelling at 2835 Minnesota Avenue by Tri-Waters Property, LLC

Staff: Kyle Deming introduced the applicant's proposal to use a 1,871 square feet, 3-bedroom detached home as a vacation dwelling unit with two off-street parking spaces, for a maximum of seven occupants. The proposed vacation dwelling is located in an R-1 district and was on the vacation dwelling unit eligibility list. Staff recommends approval with the conditions listed in the staff report.

Commissioners: Eckenberg clarified there is a maximum of seven occupants, as there was a discrepancy listing eight. Deming affirmed seven is the maximum.

Applicant: Mike Kokotovich of Heirloom Properties who is the applicant's managing agent addressed the commission and noted the rules were followed properly. They previously had a long-term renter, which was allowed.

Public: No speakers.

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

VOTE: (7-0, Schraepfer Abstained)

Communications

Land Use Supervisor (LUS) Report – Interim Manager Moses gave an overview. There will be a special planning commission meeting on Tuesday, July 19th at noon. Essentia will give an update on their progress.

Heritage Preservation Commission – Chair Wisdorf wasn't able to attend, but noted they denied the Astoria Hotel item and tabled the other item.

Joint Airport Zoning Board – No update.

Duluth Midway Joint Powers Zoning Board – No update.

Adjournment

Meeting adjourned at 6:05 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning & Economic Development