

# Town of Duluth Planning Commission Meeting Minutes

January 24, 2008

**Call to Order:** The meeting was called to order at 7:00 p.m. by Chair Dave Miller.

**Roll Call:** Michael Kahl, Seth Levanen, Dave Miller, Dave Chura, Adam Hendrickson and Janet Green.  
**Absent** – Yvonne Rufford.

## **Worden Short Term Rental Conditional Use Public Hearing**

Ed and Shawn Worden applied for a short term rental conditional use permit for their property located at 5249 Greenwood Road. For the past year the Worden's have been renting their property out by the week. They didn't have good results with long term rentals and decided to try short term rental instead. The short term rentals have worked better for them. They require renters to be over 21 and to not have more than 5 people at a time. The Worden's have a list of rules for renters to follow when using the property. The property is the Worden's personal cabin – they use it frequently and check on it often. They have a daughter that lives close by who takes care of the property also. The Worden's conducted a Community Participation report and found that most neighbors didn't have a problem. Only one neighbor expressed concern.

### **Public Testimony:**

1. *Caroline Shallman:* Concerned that the renters haven't been informed of certain things that are happening in the area. For instance, a fire ban in the area was in effect and a renter started a fire during this ban. Would like to know who to call if there is an issue or concern at the rental. Ms. Shallman is also concerned with the community spirit of the neighborhood and the neighborhood quality of life. That there are 5 rentals in the neighborhood is of great concern to her. She would like to speak against ALL rentals.
2. *Bill Mittlefehldt, 5247 Greenwood Road:* The property in question is ½ the minimum size of the required lot size for the short term rental according to the Commission's description (page 78 in the Ordinance). Can this CUP continue because of the lot size minimum? Other issues include:
  - a. Owners do not live in, on or in the community. What happens if there are issues?
  - b. No one around to make sure renters follow the rules.
  - c. Traffic issues – maybe one family rents but other friends and relatives come so there are more cars and loud people.
  - d. Dog issues. Dogs left unattended.
  - e. Possible loss of property value.
3. *Carol Surine:* Concerned that the location and character of the desired pattern and development of the area. She doesn't want more rentals in the area. Concerned that there are too many rentals in the neighborhood. It takes the neighborhood feel away.
4. *Pam Mittlefehldt:* Asked the Commission to please not grant this application. Would also like to request that the Commission not grandfather in any reservations that have already been booked.
  - a. Concerned with loss of safety and sense of neighborhood.
  - b. Use of this as short term rental is not a positive factor for the neighborhood.
  - c. Concerned with the issue of not knowing the individuals that are renting vs. when you have a neighbor that you know.
  - d. No regulations for check-in and check-out.
  - e. No barrier between her property and the rental property.
5. *Diane Daniels:* Why should anyone who has chosen to live in a certain community want to have short term rentals? She is against granting the permit for short term rental.
6. *Don McTavish:* It seems that the conditional use permit doesn't follow the land limit so would recommend that this not be granted for a lengthy period of time. Have a time limit.

**Worden's Testimony:** There are 5 other rental units in the neighborhood so this isn't something new. The Worden's experience has been that long term renters are tougher on their property than the short term renters. Were only aware of 1 police call while a renter was at the property and that was with a long term renter. Haven't had problems with short term renters.

**Public Testimony portion of the Hearing closed.**

**Motion made by Seth Levanen to grant the Conditional Use Permit for the short term rental. Seconded by Adam Hendrickson.**

After a lengthy discussion the Planning Commission members agreed upon the following Conditions:

**Conditions agreed to be added to CUP:**

1. The Conditional Use Permit is limited to 2 (two) years from the date of granting or until the property is sold, whichever comes first.
2. The owners will establish a local contact person that is available to respond to any problems that may arise related to the rental of the property.
3. A visual barrier will be established and maintained on the west side of the property to block light, sound and provide a more definitive property line. The visual barrier will take into account the elevation differences between the rental property and the property directly to the west and increase the height accordingly.
4. The fire pit will be relocated to the northeast side of the lot. A fire ring will be constructed and campfires will be allowed only in the fire pit. The renters will be informed by the owners or their agent of any burning bans.
5. No dogs will be left outside unattended.
6. Quiet hours from 10:00 PM until 7:00 AM will be posted and adhered to.
7. Check-in for renters will be completed prior to 10:00 PM.
8. The total number of occupants at one time is limited to six (6) which corresponds to two persons per bedroom.
9. Rental of the property will be for no less than seven days.
10. Conditions 1-9 will all be completed and in place, with the exception of Condition 3, by May 31<sup>st</sup>, 2008. Condition 3, a visual barrier, will be completed and in place by July 30, 2008.
11. As per the Town of Duluth Zoning Ordinance, Article IX, Section 6 (G): "On-going review. Conditional uses with conditions will be reviewed periodically by the planning Commission. Where such a use does not continue in conformity with the conditions of the original approval, the permit shall be terminated and such non-compliance shall constitute a violation of the Ordinance."

**Motion made by Dave Miller to approve the CUP with the 11 conditions. Motion was approved unanimously.**

**Reasoning of the vote:** The Commission felt that with the addition of the conditions the application met the requirements for granting a conditional use permit.

**Review Agenda** – Motion to approve agenda made by Dave Chura. Seconded by Adam Hendrickson. Agenda accepted.

**Approve Minutes from Nov. 29, 2007 meeting** – Motion to approve Minutes made by Jan Green. Seconded by Seth Levanen. Approved.

**Planning Director Report** – Sue introduced herself and said she was happy to be the new Planning Director.

**Chair Report** – No report

**New Business:**

- **Community Participation Report for Great River Energy Conditional Use (Area of Impact)**  
As per our ordinance, the area of impact for a community participation report is to be determined by the Planning Commission. Great River has submitted a CUP application for a 90 foot communication tower on the Homestead road.

A letter had been sent out to GRE informing them that they had to contact people within ¼ mile from their site. Would the Commission like to expand that area of impact because of the 90 foot tower, effect of natural resources, visual effects and length of time?

What area of impact would the Commission like to have? The pole has a horizontal antenna attached to the pole. What will the impact be of the 90 foot pole? It might end up being about twice the height of the vegetation in the area.

**Jan Green made a motion of ½ mile. Dave Chura seconded the motion. Motion Passed.**

Information regarding this CUP will be published in the March Newsletter. Don McTavish offered to write something for the Newsletter. Sue said that she would work with Don on this.

- **Budget For 2009**

Sue reviewed proposed budget with the commission members.

Put training in for \$200.

Service Fee: \$250 for 2008 – what is this for? Change service fees to recording fees so that everyone knows what it is actually for. 2009 budget is \$350. There are 10 or 12 old CUP's and variances that yet need to be recorded - for about \$650.

Mileage: changed it to \$800.

The largest unknown in the Planning Budget is the amount of revenue received from Land Use Permits. In 2007, there were about half the number of permits which resulted in a reduction of revenue.

*\*See proposed budget on last page.*

- **Solicit for new Planning Commissioner (Adam's replacement)**

Place an ad in the Newsletter for March regarding the open Planning Commission position. Town Board can conduct interviews in April. Application should be in by April 1<sup>st</sup>.

- **Variance requests on the Shore**

There are two potential variance requests for property on the Shore. Some of these properties are quite close to the requirements – is that good enough? It was confirmed that the policy for requiring variance requests is explicit in the ordinance and should be followed. Unless permit requests meet or exceed (or are less than, according to the requirement) the exact amount stated in the Ordinance a variance will be required.

- **Planning Initiative – focus for 2008**

Town Board wants the Planning Department to continue its work in zoning and start to expand the planning part of the Department. Sue will prepare a list of prioritized planning opportunities mentioned in the Comp Plan. They will be available at the next meeting for the Commission to review and recommend to the Town Board.

## **Old Business**

Update: Odyssey Development, Stoney Point: Now applying for a sub division, changed from a CUP to a PUD.

## **Concerns from the Audience**

John Bohlen, representing the NSSD wanted to know if the Town was aware of what was happening at Dodges Log Lodges.

The Town is aware that it is going through a reorganization regarding ownership. Wayne Dahlberg talked about this situation with the Commission last year. The Planning Commission's position with regard to the Zoning Ordinance is that as long as the property is not split up into small parcels and the use is consistent with how it has been operating the Commission doesn't have concerns.

John Kessler will follow this issue with the NSSD and will get a copy of the legal agreement between the property's owners when it becomes available.

**Upcoming activities:** Lake Country has on its list of projects to take down and move the railroad bridge on the Lake Country/St. Louis county line. Janet Green wants the Commission to be aware of this upcoming project.

**Planning and Zoning Draft Budget**

01/24/08

<b>Expenditures</b>	<b>2007 Actual</b>	<b>2008 Current</b>	<b>2009 Proposed</b>
Wages	\$14,873.83	\$18,000.00	\$18,500.00
PERA	\$736.84	\$750.00	\$750.00
Withholdings	\$901.74	\$950.00	\$950.00
Professional Services	\$3,262.00	\$500.00	\$500.00
Telephone + Email	\$1,670.46	\$1,500.00	\$1,500.00
Postage	\$136.44	\$200.00	\$200.00
Training	\$708.00	\$0.00	\$200.00
Office Supplies	\$1,216.65	\$800.00	\$800.00
Service Fee (Recording Fees)	\$0.00	\$250.00	\$350.00
Senior Housing Stipend	\$500.00	\$0.00	\$0.00
Advertising	\$172.54	\$500.00	\$300.00
New Equipment	\$161.24	\$0.00	\$400.00
Mileage	\$463.39	\$1,200.00	\$800.00
Planning Projects /Education	\$0.00	\$2,500.00	\$2,500.00
Reimbursement (building Permit)	\$25.00	\$0.00	\$0.00
<b>Total Budget</b>	<b>\$24,828.13</b>	<b>\$27,150.00</b>	<b>\$27,750.00</b>
<b>Total Levy</b>		<b>\$16,000.00</b>	<b>\$16,600.00</b>

**Close / Adjournment:** Motion to adjourn was made by Seth Levanen. Seconded by Jan Green. Motion Passed.

**Meeting Adjourned at 9:40 p.m.**