

**Town of Duluth
Planning Commission
Meeting Minutes
December 4, 2025**

The meeting was called to order at 18:32 pm by Chair Justin Osadjan.

In attendance: Justin Osadjan, Ken Peterson, Nate Nesgoda, Dave Meyer, Andrew Aho, Kit Grayson.

Absent: Tony Mancuso.

Also attending: Liz Strohmayr, Planning Director; ArMand Nelson, Town Board liaison to the Planning Commission; Beth Mullan, Secretary; and Laura Herzog, incoming secretary.

Agenda- Nate made a motion to approve the agenda as presented. Ken seconded the motion. It passed unanimously.

Liz added the zone district land use matrix update to the agenda under old business.

New Business- None.

Old Business- Section 5 of the Ordinance, Zone District Land Use Matrix updates.

Liz stated it is her intent to ensure the matrix makes sense. She would like to find any errors, or areas that need discussion or clarification. She stated that certain land uses can be allowed, or not allowed in certain zones, unless they reside in the Lake Superior overlay, and stream and shoreland overlay, which apply different permissions.

Matrix legend for table 5.3: PS- performance standards, P- permitted, C- permitted with conditional use permit. I- permitted with interim use permit.

Table 5.3.1- Dwelling Land Use-

Ken asked why Accessory Dwelling; Subordinate Residential land use is classified as I- permitted with interim use permit throughout all zones. Liz stated that it is per county requirement and that the permit can be renewed, and the commission can decide to make it a longer expiration if they choose.

Nate asked if there are houses in zone LIM-1. Liz said there is one house in 1 of the 3 LIM-1 zones, and Dryco and the missile base are the businesses in the other 2 LIM-1 zones. She also stated the ordinance supports needing a conditional use permit to live in LIM-1 zones.

No changes were made to dwellings in land use.

Table 5.3.2-Commercial & Industrial Land Use-

Liz explained that the matrix shows commercial use is not allowed in zones SC-1B and COM-1, which doesn't make sense since those are both commercial zones, and it looks to be in error, so that has now been updated to PS-performance standards in those 2 zones. Liz said the matrix should be consistent with what is permitted and not permitted for zones SC-1A and SC-1B.

All agree to update SC-1A, SC-1B, and COMM-1 to PS- performance standards.

It was questioned why North Shore Drive is not listed as an arterial access for SC-1A and SC-1B in Section 24 Commercial Uses in the ordinance. This section states as shown below.

Section 24 Commercial Uses

In addition to the general criteria and requirements listed in Section 7 of this Article, and the zoning requirements of the zone district in which it is to be located (as described elsewhere in this Zoning Ordinance), the Town of Duluth requires the following conditions for Commercial Uses:

A. Road Access. The parcel where the proposed commercial use is located must lie along and have direct access to any of the following roads:

- 1. Homestead Road from the junction of Shilhon Road south to Scenic Highway 61**
2. Ryan Road from the junction of Lismore Road south to Scenic Highway 61
- 3. McQuade Road from the junction of Lismore Road south to Scenic Highway 61**
4. Lismore Road from the junction of Ryan Road west to the McQuade Road
5. Bergquist Road from the junction of Lismore Road south to the junction of Highway 61 Expressway.

Liz stated that she believes both zones SC-1A and SC-1B, even though being commercial zones, that they are also still surrounded by a lot of residential dwellings, and keeping it be permitted with conditional use permit makes more sense, rather than just permitted without conditions.

There is likely more history to why this was decided upon in the past, and all agree to further research this topic before making any changes.

Beth explained that for Commercial Waterfront the ordinance states it is not an allowed land use for SC-1A and SC-1B, and she asked if we should update those zones to C-permitted with conditional use permit since those are all commercial zones. All agree.

Beth and Liz realized that the Overlay zone districts of LSSLO and SSLO are not consistent with what should be allowable and not allowable. They both decided to leave the overlay zones out of this matrix review, and to research that at a later date if updates are needed if it states something other than A- allowed, or Ø- not allowed. Beth will look into pulling minutes from those meetings when those zones were discussed.

Liz explained that SC-1A and SC-1B were both updated to C- permitted with conditional use permit for Health Center, Commercial. All agreed.

Ken asked if we should we be consistent with Greenhouses and update SC-1B to C- permitted with conditional use permit to match SC-1A.

Liz stated it doesn't make sense if we allow it in both SC-1A and SC-1B, and in commercial zones, but not in LIM-1. She thought there was a lot of conversation at one point in time around commercial greenhouses with light pollution in residential areas, but she believes it was based off of an isolated issue in the past.

Nate thinks everything allowed in commercial zones should also be allowed in LIM-1.

Liz stated that they are different in some areas.

Beth read aloud the definitions of LIM-1 and Commercial zones from which was recently updated from Article 5, Section 2, part J of the ordinance. Beth stated that Performance Standards will reflect differently as far as parking, noise, and lighting.

Kit clarified that LIM-1 is more based upon manufacturing, and COMM-1 is more customer based with a storefront.

All agree to update Greenhouse land use in zones SC-1B and LIM-1 as C- permitted with conditional use permit.

Home Based Business land use currently shows that the only zone it is not allowed is SSUR-1, and that SC-1A and SC-1B are also not consistent with each other.

Ken thinks in the commercial zones we should allow all commercial uses. He said that PS- permitted with performance standards should be allowable for all commercial zones.

All agree for Home Based Business land use to change SSUR-1 zone to C- permitted with conditional use to match all other zones along North Shore Drive, and to update SC-1A to PS- permitted with performance standards to be consistent with zone SC-1B.

Liz explained the difference between home-based business and home occupation. Home based businesses can have up to 5 employees. Home occupation does not have employees, but it is still running a business out of the home.

Dave asks if we can remove the Changeable Electronic Variable Message Signs land use in the ordinance since they aren't allowed in any zone district. Also, the same with Shooting Range land use. He asked if instead we could state in the ordinance that those two land uses are not allowed in the township.

Liz stated that it is listed in the matrix because the township gets a fair amount of questions about those two land uses, so we can just refer to the matrix that they aren't allowed, and we would have to change the definitions of both of them to state that they are not allowed. All agree to leave as is for the sake of fewer updates.

For Solar Energy Systems for Community and Large-Scale Solar Arrays land use under zone SSUR-1 it was asked if that zone is located on the North Shore. Liz said yes, and that it's the one area on the North Shore with the potential to have larger lots that exist.

ArMand asked if a lot size requirement could be stated with that type of land use, and Liz said that is a possibility.

In Article IX Section 27 of the ordinance solar energy systems states there is no minimum acreage requirement. Liz told the commission they could add lot size requirements if they felt necessary.

Justin stated that solar for individual home use versus large scale community use seems to be the main difference between the two for possible acreage requirements.

The definition from the ordinance was read and it states whether it is for 1 house or for multiples houses being community scale systems.

All agree to leave it as C- permitted with conditional use permit so that the commission can add stipulations if needed depending on the land use and zone district. That way the community also has input.

Table 5.3.3- Public Facility Uses-

Justin stated that Recycling Center land use should be C- permitted with conditional use permit for all zones instead of PS- permitted with performance standards, because he thinks the community would want some input on that type of public facility in their neighborhood.

All agree to change all zones to C- permitted with conditional use permit for Recycling Center land use.

Table 5.3.4- Accessory Structures and Uses-

Kit asked if there is a size limit on saunas.

Liz said they need to meet performance standards and setbacks in all zones, and that a permit is needed if it's over 144 sq ft.

It was noted that zone RR-1 had a typo under sauna land use, and it was updated to PS- permitted with performance standards.

Table 5.3.5- Planned Unit Development

Liz pulled up the planned unit development definition on page 11 and 12 of the ordinance. There are 3 types: commercial, residential, and mixed use. Liz explained that mixed use, for example, would be commercial space on ground level, and living space above on a second level in the same building.

Ken stated that this allows a lot of small structures in a small area.

Beth added that another common practice is larger acreage with multiple smaller units and one communal space.

No changes to this section were made.

Meeting Minutes for October Planning and Zoning Meeting

Ken made a motion to approve the October meeting minutes. It was seconded by Dave. The motion passed unanimously.

Directors Report

MS4 update- Liz stated that herself, ArMand, and Nicole all learned that Duluth Township will not have to be a part of MS4. She said they were notified that a new legislative change took place causing the township to be able to petition to not be included, and the township completed the petition. The township's consultant has a connection with another consultant who was the lead person on how the law was written, and he reviewed our petition.

Dave asked if the township needed to pay anything for that change.

ArMand said we paid the consultant for some work that was started, and that we need to make sure the language regarding illicit discharge moves forward.

Zurcher Legal Case- Liz shared that as of October the Zurchers were given 60 days to comply, but the paperwork was incorrect and it should be 30 days, but it will be kept at 60 days since that is what was stated. She said we also received a certified letter in the mail stating that they are planning to sell the property, they do not intend to make any changes for compliance, and they believed that it will all be transferred to the buyer of the property. It will need to be sold by December 15th to meet the 60-day deadline. If it is not sold by the deadline, then he can be held in contempt of court.

Kit stated that a judge could give him an extension, but he would need to show up in court to get the extension.

Liz said the MPCA fined him the maximum amount, and that an environmental covenant can change the property value because they know the property needs updates for compliance that may not be done.

Liz also stated it is not resolved, but there is movement and deadlines are in place.

Concerns from the Audience

None.

Dave made a motion to adjourn the meeting. Kit seconded the motion. It passed unanimously. Meeting adjourned at 20:00.