

**Town of Duluth  
Planning Commission  
Meeting Minutes  
August 28, 2025**

The meeting was called to order at 18:34 by Chair Justin Osadjan.

In attendance: Justin Osadjan, Ken Peterson, Tony Mancuso, Dave Meyer, Kit Grayson.

Absent: Andrew Aho, Nate Nesgoda.

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

**Agenda-** Ken made a motion to approve the agenda as presented, and it was seconded by Tony. The motion passed unanimously.

**New Business-**

The Stupnik variance hearing was opened, but because he had been unable to get the survey the Commission had requested, it was recessed to the September 25<sup>th</sup> meeting, at 6:30 pm. Beth said that notification was not needed for a hearing that is recessed.

A motion was made by Tony to recess the public hearing to September 25<sup>th</sup> at 6:30 pm, Ken seconded the motion, and it passed unanimously.

Kit- Did he get the corrective actions taken care of from the letter of warning, and if not, do we continue to postpone those down the road as well?

Liz- He moved the trailer and started the culvert process. By next month he should have an answer from the county with the site entry. It can take 1-3 weeks. I prefer to give up to 30 days for action to be taken.

**Old Business-** SC-1B district in Matrix Table 5.3.2- Definition of SC-1B- Shoreland Commercial- This district is intended for concentrated, locally based, commercial development along the shores of Lake Superior, for uses consistent with providing goods and services for the local community, and incidentally for the locally based tourism industry. This district supports a light level of development intensity.

Liz- Someone would like to purchase a property that is for sale in this zone, and he asked if he could run his current business there. He currently operates out of his home on the Gamble Rd. He wants to know if a variance is needed. In the current Ordinance matrix it states commercial isn't allowed in that zone. The reason being because it's not on the listed roads of Ryan, Lismore, Homestead, or Mcquade, which is listed in the Ordinance Article IX Conditionals Uses: Section 24 Commercial Uses. It's not commercial in the sense of goods and services with retail space. We have not had any complaints from where he has been operating for a couple of years. The property is currently commercial. Does he need a variance because the Ordinance states it is not allowed, or do we allow it because that parcel has already been commercial use and is grandfathered in?

Beth- It is not grandfathered in, but it is zoned as commercial.

Dave- The matrix is in disagreement with not including Highway 61.

Liz- There is an error in the matrix for SC-1B and COMM-1 stating no commercial use, but even if that's corrected, he still needs a variance for only road access being North Shore Drive. It may have been left out on purpose from a historical standpoint.

Ken- Could we also combine SC-1A and SC-1B? The only difference in the matrix between the two is that one does not allow accessory structures.

Liz will look at the history of minutes and ask some questions to the previous planning director regarding why North Shore Drive was excluded before a decision is made.

All agree he would need a variance. All agreed to fix the error in the matrix to allow Commercial Use-for SC-1B and COM-1, and to discuss at a later date combining SC-1A and SC-1B.

### **Ordinance update-**

#1. Commercial, Neighborhood & Accessory Structure, and Commercial, Highway & Accessory Structure listed in the matrix- Liz states the recommendation is to change zones SC-1A and SC-1B from performance standard to conditional use. They would need to meet the general performance standards for commercial anyway.

Ken- Is a meeting with the permit requestor necessary if we set it as a performance standard?

Liz- If under performance standards it needs to meet the following and it reads as such-

#### **Section 11 Shoreland Commercial (SC-1B)**

**A. Compatible with Surrounding Residential Area.** This district supports a light level of commercial development intensity. Development intensities and uses should be compatible with the surrounding residential scale and density abutting the commercial district. Permitted uses and standards associated with the use will reflect the surrounding intensity and scale of the neighborhood.

**B. Hours of Operation.** Hours of operation will be consistent with residential neighborhoods, generally limited to the hours between 7:00 AM and 9:00 PM. Hours of operation will be based on but not limited to the following factors and be limited accordingly.

**1. Amount of noise associated with the operation of the business.**

**2. Intensity and amount of light associated with operation of the business after sunset.**

**3. Amount of increased traffic on residential and non-arterial roads, including business traffic to the establishment as well as the shipping and receiving of goods and services.**

**C. Lighting and Signage.**

**1. All lighting and signage shall meet the general requirements of this Ordinance.**

**2. In addition, signage shall not be lit past hours of operation of the business.**

**D. Increase in Traffic.** The intensity, amount, and scale of use permitted with the commercial development will be directly related to the amount of increased traffic as a result of the commercial use. The proposed use should not result in a significant increase in traffic on non-arterial roads in the surrounding neighborhoods.

**E. Screening and Buffering of Commercial Uses.** Screening and buffering will be provided between the commercial use and the surrounding neighborhoods.

Justin- If performance standards are met then would we not need community input?

Liz- It makes more sense for the community to have more input in certain zones such as mostly residential areas.

Justin- I think conditional use makes sense for SC-1A and SC-1B and would be more aligned with the values of the community.

Kit- Given the building size limitations it doesn't seem necessary to change it to conditional use.

All agree to leave Commercial, Neighborhood & Accessory Structure, and Commercial, Highway & Accessory Structure category for zones SC-1A and SC-1B as performance standards.

All agree for Health Center Use to change zones SC-1A and SC-1B from performance standard to conditional use.

Liz will ask some questions and look into the history of why SC-1A and SC-1B were split into two zones to begin with. Beth and Laura will do research on previous meeting minutes as to why these are two separate zones.

**#2. Overlay- SSLO and LSSLO in the matrix- do the current designations of A and D in all categories make sense? And what is the difference between A and D? Possible difference could be the shoreland of rivers and streams, and shoreland of Lake Superior. There are also no E's listed in the matrix, despite E being in the legend.**

**Legend for Table 5.3: Overlay**

**A – Use is allowed within the Overlay.** All setbacks for the Overlay and the underlying zone district must be met. The requirements in Article VI must be met. All other applicable requirements of this Ordinance must be met.

**D – Use is allowed within the Overlay.** Must meet all setbacks along the shoreline of Lake Superior as defined in Table 5.2, Lake Superior Shoreland Overlay and in Article VI. Sections 2 and 3., and all other applicable requirements of this Ordinance.

**E – Use is not allowed in the part of the Overlay south of North Shore Scenic Drive (St. Louis County CSAH 61).** Use is allowed in the remainder of the LSSLO and must meet all other applicable requirements of this Ordinance.

All agree that A and D should be combined into one; being definition A, and to strike definition D, and to replace all the Ds with As. Liz will send a reminder to go through the matrix in greater detail at a later date.

**#3. Lake Levels-** they are dictated in two places, once in the current ordinance, and once in the proposed ordinance changes as follows:

Current ordinance states- **Shoreline, Lake Superior** – The shoreline is located at the ordinary high-water level (OHWL) which is determined by the Minnesota Department of Natural Resources as the ordinary water elevation of Lake Superior (601.5 feet).

The proposed ordinance document states- The OHWL of Lake Superior for the purpose of bluff or bluff impact zone determinations is set at 601.5 ft., as stated in the North Shore Management Plan. The OHWL for all public waters related matters is determined at the DNR's discretion.

All agree to add language to both listed above: “or as most recently determined by the NSMB, and the MN DNR.”

**#4. Vegetation management in shoreland overlay-** Update language regarding the interpretation of cutting vegetation to get a view as stated in the Ordinance from Article VI Section 2, B.3: **Vegetation as screening:** Removal of woody vegetation shall be limited so that vegetation serves as a screen for structures, parked vehicles or other facilities viewed from public roads and Lake Superior. *Selective removal of woody vegetation shall be allowed to provide a reasonable view of Lake Superior from individual residences.*

Also, from Section 4, A.2.g.ii: **Filter strips within setback from streams:** *The trimming and pruning of trees, shrubs and plants in accordance with accepted horticultural and forest management practices to provide a view.*

Liz- It is the healthy vegetation we’re worried about. We want to retain root systems to help reduce erosion.

Ken- I would like to dig up info from Congdon trust land, they wanted the city to maintain that to be able to view the lake. That might guide us too. The point could be to keep the shoreline scenic to view the lake and not groups of trees.

Beth states that we are required to match the North Shore Management Board regulations. She will add the language from North Shore Management Board, compare that to what the DNR states, and the commission can decide on the verbiage change in the October meeting.

**Approve Minutes-** July Planning and Zoning Commission Meeting- Ken made a motion to approve the July meeting minutes, and it was seconded by Dave. The motion passed unanimously.

The ordinance change documents and reference materials were given to the commission for them to review and approve at a later date. Liz states the only thing missing is the cannabis regulations, which will come in a part 2 to be reviewed at a later date.

**Directors Report-** The final paperwork for the Zurcher lawsuit has been finalized and sent out. James Dexter said they did fine him, it was appealed financially, but the fine stayed.

The MPCA is looking into a property on the Shilhon Rd. The issue is that it is near a trout stream and-activities on the property are contributing to sediment in the stream.

**Concerns from the Audience-** None.

A motion to adjourn the meeting was made by Dave, and it was seconded by Tony. The motion passed unanimously.

The meeting was adjourned at 20:24.