

City of Duluth Planning Commission

**October 15th, 2025 – City Hall Council Chambers
Meeting Minutes**

Call to Order

President Gary Eckenberg called to order the special meeting of the city of Duluth Planning Commission at 5:00 p.m. on Wednesday, October 15th, 2025, in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Chris Adatte, Nik Bayuk, Jason Crawford, Gary Eckenberg, Brian Hammond, and Dave Sarvela

Members Absent: Danielle Rhodes, Kate Van Daele, and Andrea Wedul.

Staff Present: Nick Anderson, Ben Van Tassel, Tricia Hobbs, Jenn Moses, Chris Lee, Jason Mozol, Christian Huelsman, Ariana Dahlen, and Sam Smith

Approval of Planning Commission Minutes

Planning Commission Meeting – September 9th, 2025 –

MOTION/Second: Sarvela/Bayuk approved

VOTE: (6-0)

Public Comment on Items Not on Agenda

No comments.

(Item PLSUB-2508-0010 was removed from the consent agenda and placed under public hearings.)

Consent Agenda

PLIUP-2508-0039 Interim Use Permit for a Vacation Dwelling Unit at 2413 W 7th St by Ryan & Brittany Kuschel [CH]

~~PLSUB-2508-0010 Minor Subdivision at Swan Lake Rd (010-0803-00020) by Adam Schminski [CH]~~

PLSUB-2508-0011 Minor Subdivision at 1806 Rice Lake Rd by Terri Crossmon [CL]

PLVAC-2509-0009 Easement Vacation at 2302 Nick Glumac Dr by Duluth Economic Development Authority [JM]

Public: Kevin Pietrusa, 2411 Swan Lake Pl – Pietrusa addressed the commissioners regarding item PLSUB-2508-0010. He expressed concerns about access to the property, wetlands, and other potential legalities that may be impacted should the proposed subdivision be approved.

MOTION/Second: Consent agenda items approved by unanimous consent

VOTE: (6-0)

Public Hearings

PLSUB-2508-0010 Minor Subdivision at Swan Lake Rd (010-0803-00020) by Adam Schminski [CH]

Staff: Christian Huelsman addressed the commissioners. This application proposes splitting one parcel into 4 separate parcels. Currently, there are no structures on the subject property and staff are not aware of any easements or restrictions.

Regarding Pietrusa's statement, Huelsman explained that staff's review addresses whether the application meets zoning requirements. Findings in the staff report indicate that this subdivision application meets the necessary zoning criteria and the proposed parcels that would result from the split would meet the current R-1 standards.

Commissioners: Hammond asked if staff typically review the types of underlying deed restrictions Pietrusa brought forward to determine if they are valid and legally enforceable.

Staff: Moses responded that staff look at zoning requirements when reviewing applications. A surveyor will look at things like public easements and public utilities. It is up to the property owners to monitor any deed restrictions or private easements that may exist on their property. Moses has not seen the documents that Pietrusa spoke about, but staff could certainly look at them and determine whether the private agreements apply to the subdivision of the subject property.

Applicant: Adam Schminski addressed the commissioners and was there to represent the owner, Jesse Stokke, and the contractor, Darren Weets.

Jesse Stokke, 4914 Trails End Dr – Stokke bought the subject property four years ago. He went through this same process a few years ago with the property to the west of this one with no issues. He was unaware of any legal issues until today, and he has been working with city staff to ensure that he is following this process properly. Stokke's hope is for this application to be approved so he can construct two twin homes on the subject property.

Commissioners: Hammond stated that he would like staff to weigh in on the validity of the deed restrictions. Tabling the application would allow staff more time to review.

Public: No speakers.

Motion/second: Hammond/Bayuk table this item

Vote: (6-0)

PLUMA-2509-0006 UDC Map Amendment for Lower Miller and Coffee Creek Shoreland Designations at 2402 W Michigan St by City of Duluth [JM]

Staff: Jason Mozol addressed the commissioners. The application focuses on sections of Miller Creek and Coffee Creek that exist right before they discharge into the St. Louis River and the proposed shoreland designation for these areas.

Mozol presented images from the staff memo and described the specific locations of each creek. He explained that they both flow together into a culvert that goes under I-35 and then discharges into St. Louis River. Staff were recently requested to provide the relevant setback

from Miller Creek below S 26th Ave W by an architect working for an adjacent property owner. To answer this question, staff consulted with the Minnesota Department of Natural Resources (DNR) and City Engineering staff to identify relevant regulations and appropriate stream classifications. Upon review, staff determined that applying cold-water shoreland regulations to this section of stream is appropriate. Since it's recognized as a trout stream, it has a higher standard within the DNR's hierarchy of streams. A cold-water shoreland designation would be appropriate because while it is the most restrictive of the shoreland management zones, it corresponds with the DNR's trout stream designation. Further, staff recognized that the adjacent section of Coffee Creek, recently daylighted during construction of the Twin Ports Interchange project, has similar characteristics to Miller Creek and should also be designated as a cold water shoreland zone.

Approval of this application would establish a cold-water shoreland designation for these streams and it will be added to the Natural-Resources Overlay (NR-O), which aligns with the comprehensive land use plan. The future land use for the areas surrounding the streams is "Open Space". Open Space is defined as, "High natural resource or scenic value, with substantial restrictions and development limitations", and adding the shoreland overlay would accomplish that goal of having development limitations near the stream.

Staff recognize that these areas have a number of already developed properties that would fall within the shoreland setbacks, so they would become non-conforming. Those properties would be allowed to continue as they currently are, and they will be able to be maintained, but there will be shoreland variance processes if they wish to build and expand. Staff recommends approval to city council.

Commissioners: Adatte asked staff why this change is being proposed and inquired if any of the existing buildings and businesses have impacted the stream.

Staff: Mozol responded that there has been a change with Twin Ports Interchange daylighting that section of Coffee Creek. Also, the comprehensive plan provides some guidance that this area would be eligible for higher protection. He is not sure why this was not included in prior shoreland overlay mapping.

Moses added that state says the city is obliged to enact shoreland regulations that the DNR have in place to creeks in Duluth, and city staff have worked closely with the DNR on these specific sections of the creeks. From a shoreland regulation standpoint, these sections should have shoreland protections. These regulations also provide clarity for developers.

Commissioners: Hammond consulted the state law that is requiring the city to enact this change and agreed that staff are obligated to give setbacks to streams, however, he read that an average of 30 ft and up to a 50 ft setback is needed. The application is proposing 150 ft, and he is concerned that it may be too much and could have a big impact on the nearby properties from a real estate perspective. Hammond feels that the 50 ft general development classification may be a more appropriate fit rather than the 150 ft cold water river classification.

Staff: Mozol responded that staff had considered the general development zone for this area, as other places in Duluth have those standards. The DNR encouraged cold water setbacks due to the trout stream designations. The cold water river designation for the subject area would also be consistent with other stretches of Miller Creek and Coffee Creek. Mozol noted that there are other cold water streams going through urban areas around Duluth, and gave the example of the section of Chester Creek that runs from Superior St up to 4th St.

Commissioners: Hammond stated that the DNR encouraged the cold water designation, but they did not require it. He feels that three blocks of real estate would be wiped out with most restrictive shoreland standards if this application is approved, which could impact the city's tax

base. He also said that the stretch of Chester Creek that Mozol was referring to runs through a residential area and not a built-up downtown area like the sections of creeks in the application. Eckenberg asked if approval of this application with modifications to the proposed shoreland setback would be with the commissions' purview.

Staff: Mozol stated that the commissioners could vote to move forward with a modified version of this application, but the DNR would need to approve any modifications as well.

Commissioners: Eckenberg expressed hesitation about approving the application because some business owners who operate within the subject area contacted him with their concerns about potential impact on their businesses. He would like to consider tabling this item so those people can attend next month's meeting. Eckenberg also asked staff to explain how the comprehensive plan description would apply to this application in terms of open space and recreation.

Staff: Moses stated that an area designated as open space in the comprehensive plan does not necessarily have to meet all parts of the open space description. All areas along Duluth streams are designated as open space because they are sensitive areas, but it doesn't mean that recreation must be provided there. The stream has been designated as a cold water stream by the DNR, so there could be some potential legal difficulties if the city says that it is not a cold water stream. All other places along Miller Creek are designated as cold water stream as well.

Public: No speakers.

Motion/second: Eckenberg/Hammond table this item

Vote: (5-0)
Crawford abstained

Other Business

PLOR-2510-0015 Resolution of the City of Duluth Planning Commission Recommending that the City Council Approve Sale of Certain Real Property in the Lester Park Neighborhood to the Duluth Economic Development Authority

Staff: Director Ben Van Tassel addressed the commissioners. The commission will not be able to vote to approve this item as seven of nine members are needed to do so.

The Lester Park Golf Course property is a 268-acre site that was previously a city owned and operated golf course. In 2021, the City of Duluth conveyed approximately 37.5 acres of the property to the Duluth Economic Development Authority (DEDA) for development purposes. The remainder of the property, an approximately 230-acre parcel, remains city owned. After conveyance to DEDA, and leading up to a public sale, additional public processes and decisions will be required of planning commission and city council. Approval of this resolution is the first step, and it will initiate a series of public processes and provide the opportunity for our community to envision and realize the future of the Lester Park Golf Course property.

As part of this conveyance, a development agreement will outline the terms of the transaction. Two important components of that transaction will include a required public sale of the site, as well as a land use study carried out by the city prior to the sale. DEDA is equipped to effectively complete the pre-development work that may be needed for the site.

The planning commission is not deciding the future use of the site tonight. There are no plans for the site because a land use study must be completed first. Commissioners have seen other land use studies come before them in the past. These studies are led by zoning staff, and they

can take around six months to complete. Planning commissioners, other commissions and authorities, and the public will be engaged and updated by staff throughout the process. The property is currently zoned as Park and Open Space (P-1) and its future use is designated as Open Space under the Duluth 2035 Comprehensive Land Use Plan. Potential changes to future land use and property rezonings will follow the typical public process, including opportunities for input from the public, with Planning Commission oversight and City Council approval. In addition to the land use study, a formal environmental review process will need to be completed, likely in the form of an AUAR. The AUAR process also provides opportunities for stakeholder engagement.

Approval of this resolution will initiate a series of public processes and provide the opportunity for our community to envision and realize the future of the Lester Park Golf Course property. Jenn Moses will lead the study and be able to answer questions, and Tricia Hobbs can answer DEDA-related questions.

Public: Diane Desotelle, 3031 Branch St – Desotelle is opposed to the resolution. She stated that public process is critical for projects like these and transparency from the city is important. Desotelle believes that open spaces should be protected and cited a principle in the comprehensive plan that says the city should support private actions that will contribute to the public realm. She expressed concerns about other commissions not being involved in this process and said that a mini master plan should be completed before this resolution is approved.

Ansel Schimpff, 3608 Allendale Ave – Schimpff is opposed. He is the executive director of Cyclists of Gitchee Gumee Shores. They are stewards of public lands and advocate for improved accessibility, as well as helping to manage and maintain over one hundred miles of natural surface trails in Duluth. He also has experience serving on the Lester Park working group, and he explained their objectives. He urged the planning commissioners to follow the comprehensive plan process and reiterated that public input processes need to happen before DEDA acquires the land.

Lisa Luukkala, 1020 N 9th Ave E – Luukkala is opposed. She is a member of Duluth Area Outdoor Alliance and has concerns about transparency from the city. She feels that this resolution outlines leadership's vision, but not the constituents, and there should be more public engagement. Luukkala stated that this land should be protected as public green space, and the Parks department should be co-leading this process.

Jill Crawford-Nichols, 1505 W Morgan St – Nichols is speaking on behalf of the McCabe Duluth Chapter of the Izaak Walton League of America and is opposed to the resolution. One of their main priorities is to maintain public green space. She said that the comprehensive plan calls for a mini master plan for these 230 acres, but she has not seen evidence of said plan. Nichols believes that this mini master plan should be put in place before land sales, and DEDA should not be the body tasked with developing the land. She requested more opportunities for public input and urged commissioners to reject the proposed resolution.

Lisa Fitzpatrick, 5229 Peabody St – Fitzpatrick is opposed. She heard that the former golf course would be developed into lower income housing with some park space and is concerned that the planning commission is trying to do the opposite by having DEDA in control of the land. She is worried that it will be developed into high-income housing, a hotel, or a private golf course. Fitzpatrick suggested that Duluth consult its sister city in Europe to weigh in on this. European mixed income neighborhoods set a good example for development. She also suggested that any development be built close together to save money on infrastructure.

Julie O' Leary, 5128 Arnold Rd – O'Leary asked why this item was not advertised as a public hearing and why it is being discussed without all planning commissioners present.

Commissioners: Eckenberg stated that while the commissioners can't vote to approve this resolution due to not having enough members present, he wanted to respect those members of the public who showed up by letting them speak.

Hammond feels that the proposed resolution may not be the best way to execute this process. Sarvela has concerns about a potential R-P for this land because he feels that commissioners have less power with R-Ps. Discussion ensued amongst the commissioners regarding the process for the land conveyance and what options they have regarding actions that can be made at tonight's meeting.

Staff: Van Tassel addressed some concerns that he heard. He stated that there will be future community meetings and other opportunities for public input. Input processes will be led by city staff from planning, engineering, and parks. The result of that will be a recommendation for the future land use for the site and any changes in the comprehensive plan, which would need to go through planning commission and city council approval processes. Any rezonings that would need to occur would also be required to go through planning commission and council. Moses added that a mini master plan is different from a land use study. The parks department has mini master plans for future parks properties when they want to understand how the park property should be used. Moses has only seen these plans for properties that are entirely park land. The only way to go through the future land use process as well as amending to the comprehensive plan is through a land use study. A land use study is long process with many opportunities for public meetings and analysis, and it allows staff to look at a mixture of opportunities for a property.

Commissioners: Discussion continued amongst commissioners about how they feel the process should be carried out. Eckenberg expressed concern about the mini master plan and breaking any promises about maintaining the land as protected park space.

Staff: Van Tassel responded that any past plans would be considered during this process. Moses added that the language Eckenberg is referencing is from the parks master plan, but she cannot speak to the history of it as she is not parks staff. Setting city policy is at the council level, so if this moves forward to the council level, city council can weigh in.

Commissioners: Hammond believes that this is not the right way to start the process and would like the land use study to happen first.

Adatte added that this land has sat vacant for years and costs the city thousands of dollars each year in maintenance. He said Duluth also needs housing, and that he is favor of approving the resolution.

Motion/second: Hammond/Sarvela deny the resolution

Vote: (2-4)

**Adatte, Bayuk, Crawford, and Eckenberg oppose
Motion fails**

Motion/second: Bayuk/Crawford table the resolution

Motion to table (6-0)

Communications

Land Use Supervisor (LUS) Report – Moses announced that the planning department hired a new planner, and commissioners can expect to see her at upcoming meetings. Next month's meeting will be moved to Wednesday, November 12th due to Veterans Day, and it will be a special

meeting since it is not on the regularly scheduled day. Moses stated that since several items were tabled at tonight's meeting, there will be a tentative special meeting on October 28th to avoid keeping the applicants waiting.

Heritage Preservation Commission Report – no report.

Adjournment

Meeting adjourned at 6:31 p.m.

Respectfully,

Jenn Moses, Manager
Planning & Economic Development