

City of Duluth Planning Commission

November 12th, 2025 – City Hall Council Chambers Special 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, November 12th, 2025, in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Nik Bayuk, Gary Eckenberg, Brian Hammond, Danielle Rhodes, Dave Sarvela, and Andrea Wedul

Members Absent: Chris Adatte, Jason Crawford, and Kate Van Daele

Staff Present: Nick Anderson, Jenn Moses, Chris Lee, Jason Mozol, Christian Huelsman, Reina Owecke, and Sam Smith

Approval of Planning Commission Minutes

Planning Commission Special Meeting – October 15th, 2025 –

MOTION/Second: Bayuk/Sarvela approved

VOTE: (6-0)

Planning Commission Special Meeting – October 28th, 2025 –

MOTION/Second: Wedul/Sarvela approved

VOTE: (6-0)

Commissioners: Bayuk requested that some changes be made to the October 28th meeting minutes under item PLUMA-2509-0006 on the second page. He recalled that the DNR advised that both the general development waters designation and the cold-water river designation were acceptable for the creek, and he requested that the minutes clearly reflect that as well. Bayuk also noted that on the same page, 'Ron Finnegan' should be changed to 'Rob Finnegan'.

Public Comment on Items Not on Agenda

N/A

(Items PLIUP-2510-0040, PLIUP-2510-0041, and PLIUP-2510-0042 were removed from the consent agenda and placed under public hearings.)

Consent Agenda

~~PLIUP-2510-0040 Interim Use Permit for a Vacation Dwelling Unit at 4721 E Superior St by
Reilly Brennan [CL]~~

~~PLIUP-2510-0041 Interim Use Permit for a Vacation Dwelling Unit at 38 Cato Ave by
Darin Reinke [JM]~~

~~PLIUP-2510-0042 Interim Use Permit for a Vacation Dwelling Unit at 1520 Minnesota Ave by
William Michels [CL]~~

(Item PLVAC-2510-0010 was removed from the agenda per the applicant's request.)

Public Hearings

PLIUP-2510-0040 Interim Use Permit for a Vacation Dwelling Unit at 4721 E Superior St by
Reilly Brennan [CL]

Staff: Chris Lee addressed the commissioners and gave a brief report on the project. The applicant is proposing a new interim use permit (IUP) for a vacation dwelling unit (VDU). The permit would allow for a 3-bedroom condominium with a maximum of 7 occupants in the F-2 form district. This property was previously approved for an interim use permit in 2023 under a previous owner. The site does not have any outdoor amenities and will need to provide a dense urban screen or acquire waivers from the adjacent residential property. Since it is in a form district, the site is not required to provide parking and there is no off-street parking indicated on the site plan. Properties in form districts are also exempt from the VDU cap. Staff recommends approval with conditions listed in the staff report.

Commissioners: Eckenberg asked staff if the subject property was on the eligibility list or if it was exempt from the list. He also asked if the applicant resides at the subject property, as they have listed themselves as the local contact and provided the subject property address as the local contact address.

Sarvela asked staff if the applicant will provide any off-street parking.

Staff: Lee stated that properties in form districts are exempt from the eligibility list. The IUP and VDU permits do not transfer with new ownership, so the new owners need to reapply. The staff report says that the subject property is residential and subject to the cap, but this is an error. Lee said that ideally, the applicant would list their residing address on the application when they fill out the form, and deferred commissioners to the applicant to address the local contact address questions.

Properties in form districts are not required to provide parking, and the applicant has not indicated that they will provide off-street parking.

Applicant: Reilly Brennan addressed the commissioners. He lives two blocks away from the subject property. He did not list his home address for safety reasons.

Commissioners: Rhodes asked staff to clarify what information is required for the local contact.

Staff: Moses responded that the requirement says that the contact must live within 25 miles, but she does not believe that their home address needs to be disclosed to anyone other than the staff that review the application. The local contact is required to provide their contact information, like their phone number, to anyone within 100 ft of the subject property.

Public: No speakers.

Motion/second: Hammond/Sarvela approve as per staff recommendation with conditions listed in the staff report

Vote: (6-0)

PLIUP-2510-0041 Interim Use Permit for a Vacation Dwelling Unit at 38 Cato Ave by Darin Reinke [JM]

Commissioners: Eckenberg noted that applicant owns all adjacent properties to the subject property but was not sure where to find them on the map in the staff report.

Wedul asked staff what the green space on the map represents.

Staff: Mozol responded that 36 and 38 Cato Ave are on the same parcel as a duplex, with 38 being to the north and 36 being to the south. Mozol also pointed out where 37 England Ave is on the map. The green box represents yard space.

Applicant: Darin Reinke addressed the commissioners. He confirmed that the green on the map represents grass. 37 and 39 England Ave are behind the subject property, and he lives in the single-family dwelling at 35 England Ave.

Public: No speakers.

Motion/second: Bayuk/Sarvela approve as per staff recommendation with conditions listed in the staff report

Vote: (6-0)

PLIUP-2510-0042 Interim Use Permit for a Vacation Dwelling Unit at 1520 Minnesota Ave by William Michels [CL]

Staff: Chris Lee stated that the applicant for this project is proposing a renewal of an existing interim use permit for a vacation rental. The proposed vacation dwelling unit contains 5 bedrooms spread among 2 structures (a 2-story home and 1-story cottage), which would allow for a maximum of 11 guests. The previous permit is PL 19-173 with no proposed changes to this renewal, and this is the third renewal for this property. There is dense urban screening on the property lines in the form of a privacy fence and dense vegetation. One property line does contain a shared driveway that is currently not screened. The applicant will need to obtain a waiver from the screening requirements for the shared driveway. Staff recommends approval and deferred to the applicant to provide more details regarding the local contact listed in the application.

Commissioners: Eckenberg asked staff how many parking spaces are required for this property given the amount of legal bedrooms present.

Staff: Lee responded that section three, point D on the VDU worksheet states that VDUs licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.

Applicant: William Michels addressed the commissioners. He stated that Lynn Taipale is the correct local contact, not himself. Taipale has been managing the property for about 10 years.

Public: No speakers.

Motion/second: Sarvela/Hammond approve as per staff recommendation with conditions listed in the staff report

Vote: (6-0)

~~PLVAR-2510-0013 Variance to Shoreland Regulations at 800 Railroad St by Donald Holm Construction [CH]~~

PLVAC-2510-0010 Vacation of Right-of-Way at 2832 Jefferson St by Grace Shervey [CH]

Staff: Christian Huelsman addressed the commissioners and gave a brief overview of the project. The applicant is requesting to vacate a 15-foot-wide portion of S 29th Ave E from the intersection at Jefferson St and terminating at the Lakewalk – a total of 0.03 acres – as depicted in the attachments to this report. All the vacated area is within the plat of Harrison’s Division of Duluth. The portion of right-of-way is inactive and unimproved—incorrectly designated as an active roadway in City GIS and confirmed by the City Engineer—and the applicant owns all the land along the west side of the proposed vacation. The proposed vacation will allow the applicant to make property improvements—specifically to build a residential addition with the proper setbacks.

The street proposed to be vacated was platted but never utilized for its intended purpose and is not currently served by utilities. A Petition to Vacate Street, Alley, or Utility Easement was submitted by the applicant, with signatures from the applicant and the neighbor to the west. The remaining, abutting land is right-of-way. The portion of proposed street to be vacated will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth. The remaining width of the S 29th Ave E right-of-way will be retained for current access to the Lakewalk. Based on consultation with the City Engineer, staff have also determined that this portion of the street is not and will not be needed for the safe and efficient circulation of pedestrians, bicycles, automobiles or trucks, or the efficient supply of utilities or public services in the city. Vacating the right-of-way will not impact or deny access to other property owners.

Two public comments were received seeking clarity on the action proposed and who submitted the application, and whether the action would impact their respective properties. Neither commenter owns property adjoining the proposed vacation area. MnDOT submitted comment expressing no immediate concerns regarding the proposed vacation area, requesting that coordination efforts be made such that “appropriate plats are updated to minimize future confusion for MnDOT surveys, right-of-way and private surveyors.” No other City, public or agency comments were received at the time of drafting this report. Staff recommends approval with conditions.

Applicant: Grace Shervey addressed the commissioners. She stated that half of the road was vacated years ago. She hopes to add a 9 ft addition to the house, and a 10 ft deck beyond that to help them be able to get to their front door. This vacation would help them obtain extra footage to meet setback requirements.

Public: No speakers.

Motion/second: Rhodes/Sarvela approve as per staff recommendations with conditions listed in the staff report

Vote: (6-0)

Other Business

PLEAW-2511-0002 Distribution of the Downtown Duluth Scoping EAW and Draft Change Order for Review

Staff: Moses addressed the commissioners and provided some background on how this project began. The City initiated this Alternative Urban Areawide Review (AUAR) in anticipation that the downtown area could see significant infill and redevelopment within the coming years, including areas that are within the City’s shoreland area and would require environmental review. The AUAR is meant to plan for this development in a holistic manner, understanding that there are environmental benefits of development within an already dense urban area, and that

environmental impacts are not contained to one site but rather are best studied and mitigated with a broader lens.

The purpose of the AUAR is to help the City adequately plan for this redevelopment and provide a mitigation plan for how the City and future developers will manage the environmental impacts. The City of Duluth is the Responsible Governmental Unit (RGU) and the proposer of the AUAR. Once complete, staff will update the AUAR every five years. The goal is to help streamline the process for developers and to help cut down on project timelines and expenses. The first step tonight is the Scoping EAW. The purpose of the Scoping EAW is to lay out the different scenarios that staff will be evaluating, which includes the environmental impacts of continuing existing conditions vs environmental impacts of development. This will not involve making changes to the comprehensive plan. The Scoping EAW is used to identify what exactly staff will be evaluating and how it will be carried out.

With planning commission approval, staff will distribute the EAW document to the public to start the 30-day public notice period. There will also be the public hearing in December so people can comment on the project. Staff will then complete the draft AUAR, which will have the results of the environmental analysis and any proposed mitigation. There will be another 30-day public comment period for the draft AUAR, and then staff will present the final AUAR. Staff anticipates the draft AUAR to come early in 2026, and the final AUAR will come after. Moses presented a visual diagram of the different topics that the EAW will cover.

Mitigation is an important part of the AUAR. The AUAR draft will include potential issues along with ways to mitigate those issues. The AUAR is a tool provided by the state of Minnesota, and it negates the need for an environmental impact statement. The conventional environmental review process would require the planning commission to decide whether an environmental impact statement is needed at the end of the process, but this is not needed with an AUAR. Staff recognizes that there are many vacant lots in downtown Duluth and more development is anticipated in the coming years, and the AUAR is the city's way of being proactive regarding environmental impacts for future projects in this area.

The boundaries chosen by staff include areas that have high potential for infill development and redevelopment. Areas of focus include Lot D Subarea, First St Subarea, Essentia Subarea, and a Secondary Subarea. Scenario A is the current land use, which reflects the existing conditions and will serve as a baseline to compare other scenarios. Scenario B reflects the maximum future development under the existing land use.

Planning commission's vote tonight will approve publication of the Scoping EAW and the draft order for distribution per the EQB. Moses went over the other steps for this project laid out in the timeline included in the memo.

Commissioners: Commissioners asked staff who proposed the boundaries, when commissioners could comment, and who will pay for this project.

Staff: Moses stated that the boundaries were created by zoning staff and economic development staff. The approval action tonight will initiate the comment period, so comments can be submitted after this first step is approved. Commissioners are welcome to email questions and considerations to planning staff. The city and DEDA will be paying for the study.

Commissioners: Commissioners asked how the AUAR impacts projects and developers within the proposed boundaries. They also asked if any other AUARs have been planned for other areas of Duluth to attract development.

Staff: Moses responded that the purpose of the AUAR is staff's effort in trying to help development move forward efficiently. With an AUAR in place, projects will not need individual EAWs, which will cut down on time and costs for developers. This is the first AUAR that staff

have done proactively. If council moves forward with the Lester Golf Course resolutions, staff could explore doing an AUAR for that area.

The scoping EAW lays out the plan for how staff will approach different development scenarios. Staff met with the consultant for several hours' worth of meetings to go over data and work out the potential development scenario. The AUAR will be updated every five years to ensure that staff are tracking development and any cumulative impacts from that development.

Commissioners: Rhodes asked if the development scenario includes environmental impacts for data centers and Wedul asked if the AUAR includes MnDOT's road work on I-35.

Staff: Moses responded that data centers are allowed in some areas, as Essentia has its own data center near 4th and 6th. However, none of the development scenarios include data centers. If a data center project were to come forward for this area it would be outside the scope of the AUAR, and the AUAR would need to be amended.

There is a transportation component in the AUAR, which includes a rough level of traffic study around downtown. Lot D will have a much more thorough traffic analysis because the developer has already provided a site plan. Any work MnDOT does on their own ROW has to follow their own EAW processes, and therefore the city is not responsible for their EAW processes.

Public: No speakers.

Motion/second: Wedul/Rhodes approve as per staff recommendation

Vote: (6-0)

Communications

Land Use Supervisor (LUS) Report – Moses informed the commissioners of the moratorium on VDUs on that city council passed on Monday, November 10th. It's a two-fold moratorium that includes a resolution and an ordinance, and with those combined it will be one year long. This moratorium will allow city staff to go back and review and improve the VDU process. The moratorium went into effect Monday night when council passed it. Planning staff are processing the applications that were received and completed before the moratorium passed but are not accepting new applications.

Moses introduced Reina Owecke, who recently joined the land use zoning team as the newest planner. For the past four years, Owecke worked for the city of Duluth as a permit coordinator in Construction Services & Inspections and previously served on a different planning team.

Heritage Preservation Commission (HPC) Report – Wedul stated that HPC members met on Monday, November 10th. They elected new officers for the upcoming year and plan to review the bylaws at the December meeting. There will also be some presentations at the next meeting on some upcoming projects.

Adjournment

Meeting adjourned at 6:07 p.m.

Respectfully,

Signed by:

Jennifer L R Moses

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Jenn Moses, Manager
Planning & Economic Development