



City of Duluth
Planning Division

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City of Duluth
Planning Commission
Minutes of June 21, 2011
City Council Chambers, City Hall

- I. President Digby called a Special Planning Commission meeting at 5:00 pm, Tuesday, June 21, in the City Council Chambers to discuss the UDC Six Month Update.
- II. Roll Call: Henry Banks, Rebecca Covington, Drew Digby, Terry Guggenbuehl, Frank Holappa, Heather Rand, David Sarvela, Luke Sydow and John Vigen
- III. Public Hearings
 - A. **FN 11-077** – UDC Text Amendments (Public Hearing on Proposed Revisions to the UDC As Part of the Six Month Review Process)

Petkac stated that the materials Steven Robertson provided to commissioners reflected the final list of proposed text amendments to the UDC. She stated that the revisions include changes made based on public input received at the June 9 public meeting as well as the discussion at the June 17 brown bag. Petkac then provided an overview of the major revisions being proposed to the UDC, via a powerpoint presentation.

Julie Perrus - 7900 Xerxes Ave S. Perrus is an attorney representing T-Mobile. She stated that T-Mobile was supportive of the revisions to the definition of modify/modification as it relates to cell towers. The changes will ensure that upgrades to wireless technology can occur.

Rick Ball - 222 E 2nd Street. Ball is the executive director of the HRA. He is concerned with the Natural Resources Overlay District. He stated that the designation of a coldwater river to the tributaries in the Hawk Ridge Estates impacts about 38 lots. He wanted to know why they were designated that way since since they weren't designated under the old zoning code and water resource management ordinance. He asked that the tributaries be removed from the NR-O map. He also questioned the definition of a coldwater river. Holappa asked if the water runs year round on this creek. Ball stated that they do not run much during the year. Digby asked what is state law? Petkac said that the coldwater rivers are public waters of the state determined by the Minnesota Department of Natural Resources. Petkac stated that the City has indicated to the HRA they could pursue a variance from the shoreland setback based on the building envelopes that are part of the subdivision covenant.

David Peterson – 222 E 2nd Street. Peterson is the development coordinator for the HRA. He agreed with Ball's statements. He stated that he would like to see an administrative review process for variances occur simultaneously as the review process for building permits so that he wouldn't have to wait 6-8 weeks for a permit.

Michael DeMao – 1215 Minneapolis Ave. DeMao is with the Woodland Development Pre School. He commented on the differences between a pre-school and a day care and that the number of children permitted in a day care is dictated by the size of the building. He stated that the majority of pre-schools in the city are currently in some sort of religious center. He added that he was glad to see the addition of pre-schools in the UDC.

MOTION/Second: Rand/Holappa. The commissioners discussed the proposed revisions. Vigen offered an amendment, which was accepted, to add the phrase "on which the structure fronts" after "public right-of-way" to the proposed revisions to screening standards for roof-mounted mechanical equipment in Sec 50-26.1.B.1. Sydow offered an amendment, which was accepted, to change the term landscaping to landscape in Sec 50-25.2.

MOTION/Second: Rand/Holappa to **Recommend Approval** of the UDC text amendments to the City Council as amended. **Vote:** Unanimous 9-0

IV. Adjournment

Respectfully,



Cindy Petkac, AICP
Planning Manager
CP:eu