

**Town of Duluth  
Planning Commission  
Meeting Minutes  
3/27/08**

**Call to Order:** The meeting was called to order at 7:00 p.m. by Chair Dave Miller.

**Roll Call:** Present: Michael Kahl, Dave Chura, Dave Miller, Janet Green, and Yvonne Rutford. Absent: Seth Levanen

**Approve Minutes:** A few spelling corrections were suggested. Jeanne will make those changes before posting the minutes. Janet made a motion to approve the February minutes, Michael Kahl seconded. Motion passed.

**Review Agenda:** Dave Chura made a motion to approve the agenda, Yvonne Rutford seconded the motion. Motion passed.

**Great River Energy Public Hearing:** Peter Schaube was at the meeting to represent Great River Energy. Sue Lawson reviewed the Agreements for Conducting a Public Hearing. Sue explained the CUP process, the Criteria for Private and Commercial Utility Towers, and the proposal.

**Following are the facts related to the CUP:**

Special requirements for towers:

- The structure must not encroach on any shore land, road, or yard setbacks for the zone or overlay district in which it is located.
- Towers will not be closer than two (2) times the tower height to the nearest structure off the property.
- At a minimum, the tower will be located a distance from property lines equal to the tower height.

**Zone District in which CUP is proposed:**

- **MUNS 4:** This district is intended to maintain and promote the rural character of the Township, and to prevent urban and suburban encroachment upon these areas. A moderately low level of development is important in these areas since the uses encouraged in this district would be less compatible in a more urban setting.
- **Dimensional Requirements**  
Minimum Lot Area: 4.5 Ac.  
Minimum Lot Width: 300 Feet  
Maximum Lot Coverage: 7%  
Minimum Side Yard Setbacks Principal: 50 Feet

**Community Participation Report:** Peter Schaube reported that Great River Energy only received 2 responses from the Neighbor Notification letters that were sent out to all neighbors within ¼ mile of the sub station.

- 1) Mr. Fischer called regarding questions about the sub station, not the pole. Great River Energy compiled information to answer Mr. Fischer's questions but was unable to reach Mr. Fischer. Great River Energy has the information if Mr. Fischer should wish to contact them again.
- 2) Anonymous caller wanted to know what the pole is for and will it increase wireless connection area? The pole is for monitoring the electrical grid at the sub station and it will not increase the wireless range.

The Planning Department received no letters or comments regarding this CUP. There were no concerns from the audience.

Janet Green made a motion to accept the CUP application with the following conditions:

1. The structure must not encroach on any shore land, road, or yard setbacks for the zone or overlay district in which it is located.
2. Towers will not be closer than two (2) times the tower height to the nearest structure off the property.
3. At a minimum, the tower will be located a distance from property lines equal to the tower height.

Dave Chura seconded the motion. CUP was approved.

**Election of Officers:** Janet Green nominated Dave Miller. Dave Miller declined the Chair position. Dave Miller nominated Dave Chura for the Chair position. Janet Green seconded the nomination. Approved. Dave Chura is the new Chair.

Janet Green nominated Michael Kahl for vice chair. Yvonne Rutford seconded the nomination. Approved. Michael Kahl is the new vice chair.

**Election of Planning Commission member to Board of Adjustment:** Dave Miller volunteered to represent the Planning Commission on the Board of Adjustment. Janet Green nominated Dave Miller. Dave Chura seconded. Approved.

**Planning Director Report:** Sue Lawson went to the North Shore Management Technical Assistance Committee (NSMB TAC).

1. Erosion Mangement. The TAC discussed erosion hazard areas and decided that the NSMB should provide a map for the LGU's of the erosion hazard areas. Ben VanTassel, who staffs the TAC for ARDC, will present the NSMB with alternatives to delineate these areas on a map. The alternatives will provide for a range of accuracy and, of course, cost – the maximum cost mentioned was \$120,000.
2. ARDC is producing another paper on Nodes. Sue commented to the TAC that if they are recognizing nodes, whose purpose is to concentrate development, then it is important to recognize the inter-nodal spaces and deal with the intensity and level of development in those spaces.
3. State of the Coast conference May 1<sup>st</sup>. Randal Arndt, expert on conservation design of planned unit sub divisions is the keynote.

**Office Hours:** John will start office hours the first Tuesday in April. Office hours will be Tuesdays from 4:00-6:00 p.m.

**Master Site Plan for the Community Center:** Dave Mount has been working with Mary Vogel with the Center for Changing Landscapes, University of Minnesota.

The Town Board and the School are in a collaborative process to create the master Site Plan. Both are seeking funding for the Master Site Plan with an anticipated cost of \$19,000. The school has received a \$75,000 grant from LP to improve the grounds. The process will need to have public input. Very important to get the kids involved in the site planning. Have a program that helps kids do planning for their school. This is one reason it is on a fast track because the kids get out of school the first part of June.

Janet Green indicated she has an interest in habitat and open space at NSCS location.

**Variance Request:** Veronica Ulanowski wants to split her property into two lots, thus creating one non-conforming lot. Mrs. Ulanowski currently has approximately 3.468 acres and is requesting a variance for two acres; 218 feet wide by 400 feet deep, leaving her a remainder of approximately 1.468 acres. The request is dated March 27<sup>th</sup>, so we need to set a date for the Public Hearing. The property is located east of Pine Park Road. Wednesday May 7<sup>th</sup> will be the date of the Public Hearing.

**New Planning Commission Member:** The Town Board will interview candidates April 8<sup>th</sup> at 6:30 and 7:00 pm. Bill Lannon and Paul Voge have applied. Michael Kahl said that he could attend this meeting. Sue will meet with the new Commission member once they have been hired.

**Community Alternative Dispute Resolution (CADR):** Center for Rural Planning is offering this program at no cost to the Town of Duluth. First come, first serve basis. If the commission is at all interested the Center for Rural Planning would be happy to give the Town of Duluth this presentation. This session could be combined with people from the Town of Duluth "offices", town board, fire department, first responders, planning commission, etc. It is a 3 hour presentation.

Yes the commission is interested in this. The middle to the end of May will work best. Sue will get back to everyone regarding a date.

**Chair Report:** None

**New Business:** None

**Old Business:**

- **Stoney Point:** Bob Ryan offered to come and talk to the Commission if they have other questions. The Commission declined the offer.

The Open House was a success with many residents attending the open meeting. Janet Green felt that the issues were discussed in great length.

Odyssey Development also needs a Community Participation Report at least a week before the Public Hearing. It would be useful if the Variance Requests are spelled out in detail and submitted electronically.

Greg Schendel wanted a copy of the minutes from the February meeting. Sue will send a copy of the approved minutes.

The Commission had concerns regarding the slope stabilization part of the development. The question was raised if the Commission might want to seek engineering consultation regarding this development. Janet Green suggested that a soil stability assessment be done. Dave Chura would like to see a soil stability test done. Janet Green said an engineer in a previous report had recommended that a soils report, stability analysis be done. Detailed stability analysis was not done. If the Commission is interested in seeking professional help, then it must have Town Board approval to hire consultants. Sue will look into the availability of soil scientists regarding slope stability.

Without a variance, Odyssey Development stated that six houses can be built on this location without disturbing the shoreline.

At the Open house, a performance bond requirement was discussed. Janet discussed this idea.

The Commission suggested that it would be good to have legal counsel at the Public Hearing.

Janet Green would like to make the following requests:

- Soil stabilization and characterization report by a soil scientist.
- Map – topographic at 1 foot intervals.
- Permit from the DNR.
- Preliminary assessment of wells drinking water.

**Dodges Log Lodges:** John Kessler attends the DNSSD meetings. John is following the Dodges Log Lodges legal documents for creating the Common Interest Community for Dodges Log Lodges. John is working with Sue and Tim Strom to assure that the Town's concern of not splitting up the property is addressed in the CIC agreement.

**Concerns from the Audience:** Ms. Holly Swedberg addressed the Commission regarding her house that was built in 2006. The land use permit was dated 11/09/06. She and her husband purchased the house from Brian Ardolf in October of 2007. Ms. Swedberg is concerned that Mr. Ardolf didn't follow his land use permit.

Sue asked Ms. Swedberg what she would like from the Planning Commission. Ms. Swedberg said that she would like the Commission to fine Mr. Ardolf for not following his land use permit because that would give her more documentation when she takes him to court.

Sue assured Ms. Swedberg that the Planning Department would look into the land use issues and work with her and that the Commission is sorry for her house problems.

**Close / Adjournment:** Michael Kahl made a motion to adjourn the meeting. Janet Green seconded the motion. Motion passed.

**Meeting Adjourned at 9:25 p.m.**