

## Special Meeting Reconvene

August 17, 2004

Meeting was recalled to order at 7:00 p.m.

Members present: George Sundstrom, Corlis West, Stephen Dahl, Jeff Cook.

Members Absent: Bruce Aho

At the August 5, 2004 meeting the Town Board went through a number of recommendations presented to the Supervisors by the Planning Commission. A number of those items were tabled until this evening. This meeting will discuss those tabled issues and any other issues the Supervisors would like to address.

Jeff made a motion for an 8:30 or 9:00 p.m. close of the meeting this evening, Stephen seconded the 9:00 p.m. closure. No new topics will be brought to the table at 9:00 p.m. Motion passed.

### Tabled Items

#### LIU area – Mace Road

- *Reason: The intention of designating LIU areas in the Township was directed by the Comprehensive plan whereby those LIU's currently active and in existence would remain as an LIU. The Mace Road LIU was not designated on the DRAFT Zoning Ordinance. Subsequently, Bruce Lindberg, owner of the Mace Road LIU, informed the Planning Commission that his LIU was still operational and should be included as an LIU in the Proposed Ordinance. And, the Berggren's dispute the inclusion of the Mace Road LIU and the "Tank Farm" LIU in the Proposed Ordinance citing a Supreme Court decision made in the "80's". The Planning Commission recommends that the Town Attorney review all applicable legal documents and testimony and advise the Town Board as to the appropriate action regarding LIU's.*

Jeff made a motion to table this issue until we have more information from our attorney Tim Strom, Stephen seconded. Motion passed.

#### Sensitive Overlay Area (SENSO)

- *No changes are recommended. It is strongly recommended that the compromise reached by the Steering Committee be maintained.*

Corlis made a motion that we accept the planning commission's recommendation for no changes in the Sensitive Overlay, Stephen seconded. Corlis called the question, Yes Corlis No Stephen, Jeff and George. Discussion continued. Stephen made a motion to table this issue, Jeff seconded. Motion tabled

#### Community Participation Plan

- *Based on testimony, the following changes are recommended:*
  - *Article 9, Section 2B, 2, Page 72, Information required:*
    - *Drop a,b,c,d,e and insert the following:*

- *How those affected or otherwise interested will be provided an opportunity to discuss the applicants' proposal with the applicant and express any concerns issues, or problems they may have with the proposal.*
- *Article 9, Section 2C, Page 72, Community Participation Report:*
  - *Delete items 1,2,3, and 4.*

George made a motion to approve the recommendation by the Planning Commission, Stephen seconded. Motion passed. (This motion included both items under Community Participation Plan)

#### Technical and Editorial Changes

- *Article 4, Section 4, Item E, Setback requirements, Page 43: Add the following: "A sewage treatment permit must be obtained before a variance may be considered."*

Corlis made a motion to drop item E of Article 4, Section 4, Jeff seconded. Motion passed.

#### Proposed Zoning Ordinance July 2004 Article II:

#### Definitions

*Deck (detached) – a horizontal, unenclosed platform that is freestanding, greater than 18 inches in height above grade at any point, and is not attached nor functionally related to a structure. A detached deck shall have no roof, extended soffit, nor walls, but may have railings, seats or other related features.*

George made a motion to propose the following definition: a horizontal unenclosed platform that is attached, or functionally related to a structure. An attached deck shall have no roof, extended soffit, nor walls, but may have railings, seats, or other related features. Jeff seconded. Corlis added "which is not a platform" as a friendly amendment. Corlis withdrew his friendly amendment. Motion passed Yes Jeff, Stephen, George No Corlis

*Height of Building – The vertical distance between the highest point on the roof and the midpoint of ground level where the building foundation meets the ground. See Figure 1, page 22.*

George made a motion we adopt the County's version: The vertical distance between the highest point on the roof and the lowest at the ground level where the building foundation meets the ground, Corlis seconded. Motion passed.

*Variance – Any modification or relief from a Town of Duluth Land Use Ordinance within a permitted use where it is determined by the Planning Commission that, because of exceptional circumstances, the strict enforcement of the provisions of such ordinance would cause unnecessary hardship as defined herein.*

George made a motion to adopt the County's version; any modification, or relief from this ordinance where it is determined by the Board of Adjustment that, by reason of exceptional circumstances, the strict enforcement of the provisions of such ordinance would cause unnecessary hardship as defined herein. Motion died for lack of second.

George made a motion to recess this meeting, Corlis seconded. Motion passed.

This meeting will reconvene September 21, 2004 at 7:00 p.m.

By Ann K. Cox  
Clerk, Duluth Township