

**CITY OF DULUTH
PLANNING COMMISSION
OFFICIAL MINUTES**

April 5, 2010

PRESENT: Gary Canter; Chairman
Jim Johnson
Kelvin Kelkenberg
John Bell

ABSENT:

STAFF: Chris Collins, Planning Director

I. CALL TO ORDER

The meeting was called to order by Chairman Canter at 7:00 p.m.

II. GENERAL BUSINESS

- A. Introduction of staff reports and all other documents submitted to the Planning Commission at the meeting into the official record.
Motion was made by Commissioner Johnson. Seconded by Commissioner Kelkenberg. **Vote 4-0. Motion carries unanimously.**
- B. Approval of February 15, 2010 Planning Commission Minutes
Motion to approve was made by Commissioner Kelkenberg. Seconded by Commissioner Johnson. **Vote 3-0. Motion carries.** Commissioner Bell abstained as he was not a member of Commission at the time of the February 15 minutes.

III. OLD BUSINESS

None.

IV. NEW BUSINESS

A. **TA 2010-002 Article 24 Overlay Map Amendment**

Mr. Collins presented for staff. Noted the request to remove a specified parcel from the boundaries of the Buford Hwy Overlay District. Stated that the amendment is to Appendix A of Article 24, which is the official Overlay District map. Noted the specific parcel, 6261-009, formerly the

site of Mickey Hipp's lumber yard. Stated that it is zoned M-2 and has been since zoning was brought into the view of the city government and has operated that way until the present time. Noted the location of the property on May Road, near Buford Hwy and Pleasant Hill Rd. stated that a key issue for removal of the property is that there is a materials yard that wishes to use the site, which is what called into question whether this was an appropriate location for the BHOD with the presence of the M-2 zoning district, which allows chemical storage tanks and outdoor storage. Noted that this is the most intensive industrial and zoning district in the City. Stated that it doesn't play well with the Overlay District, which requires bricking and screening of all outdoor storage, etc.... Stated that Article 24 application of those regulations makes it somewhat difficult to develop M-2 uses at this location. Stated that this is one of the few pieces of M-2 zoning still in the City and from an economic standpoint, it is important for the City to have some sites available for industrial uses. Stated that the site is also at the edge of the Overlay District on the south end of Buford Hwy and is mostly surrounded by further industrial districts. Noted the parcel in question on the map.

Commissioner Bell asked if this was the parcel on the south side of May Road or did it include the apparent three parcels on the north side.

Mr. Collins stated that it was on the south side only. Noted the city limits on the map and that this property is on the edge of the city limits. Noted that only one parcel is in question.

Commissioner Johnson asked if the property was vacant.

Mr. Collins noted that while there are structures there, no one is operating there currently and the prospective tenant will utilize mostly existing structures. Noted the findings of facts that staff has presented and will be taken to Council if the Commission recommends approval. Stated that these were stated in the staff report and it was the same finding as the last removal from the Overlay, that the City Council found that the original inclusion of this parcel was possibly done in error and that limited development potential has been found in specified parcels that reduces the utility overlay district. Noted that in this case the limited development potential has to do with the M-2 zoning. Noted that no residential or general commercial can be done here. Noted that the presence of the BHOD causes limited development potential for the M-2 zoning.

Staff recommended approval of this request.

Chairman Canter asked for questions for staff. There were none. Called for input from public. There was none. Called for a motion.

Commissioner Johnson made a motion to accept the findings of fact relative to TA 2010-02 Article 24 Overlay Map amendment as presented by the planning department. Seconded by Commissioner Kelkenberg. **Vote 4-0. Motion carries unanimously.**

Chairman Canter called for a motion of action. Motion was made by Commissioner Johnson to approve findings of the planning department to accept the change in the TA 2010-02 map amendment as presented. Seconded by Commissioner Kelkenberg. Roll call vote was taken. **Vote 4-0. Motion carries unanimously.**

V. OTHER BUSINESS/DISCUSSION

- A. Matters from the Director. Mr. Collins noted that Mr. Clifford Cross has resigned his post as Planning Director and that Mr. Collins is now the interim Planning Director. Stated that staff would still work on the Unified Code and Friday morning 10:00 meetings will still be held for any member of Commission that wishes to attend.
- B. Matters from the Commission. Chairman Canter welcomed Commissioner John Bell to the Commission. Chairman Canter also praised Mr. Cross' work for the City. Welcomed Mr. Collins as interim director.
- C. Matters from Citizens. None.

VI. ADJOURNMENT

A motion was made by Commissioner Bell and seconded by Commissioner Johnson. **Vote 4-0.** Motion passes unanimously. Being no further business the meeting was adjourned.

Approved this _____ day of _____, 2010.

Chairman

Secretary/Witness