

CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION
July 21, 2020 Meeting Summary
7:00 PM

1. ROLL CALL

Members Present: Joe Peterson; Valerie Ouellette; Samuel Clark; and Wayne Boucher.

Members Absent: Greg Zimmerman; Tracy Lundeen and Corey Kolquist.

Others Present: Eric Johnson, Community Development Director; Emy Dewitt, 5126 Wagner; Sandra Carlson, 5161 Morris Thomas Rd.; and Brian Bergeron, 5164 Country Ln.

2. APPROVAL OF AGENDA

Motion made by Valerie Ouellette to approve the July 21, 2020 agenda as presented. Seconded by Samuel Clark. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Samuel Clark to approve the June 16, 2020 minutes as presented. Seconded by Valerie Ouellette. Motion carried.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARINGS

5A. An application by Sandra Carlson for a Subdivision to create a 147-foot-wide parcel of 1.69 acres and a 3.90-acre lot accessed by way of a flag lot of 37-foot width at 5161 Morris Thomas Road. The property is located in an R-3 zoning district.

Eric Johnson, Community Development Director, presented to the Commission that the applicant, Sandra Carlson, proposes to create a new flag lot along the western border of the existing property. The applicant is proposing a 37 foot 'pole/driveway' connection to Morris Thomas Road for a distance of 500 feet with the 'flag' portion of the lot being approximately 183' x 823'. The proposed lot sizes for the two total parcels are:

Parcel A: 147' x 500' / 73,616 sf. or 1.69 acres

Parcel B: 37' x 500' and 183' x 823' / 169,884 or 3.90 acres

The applicant intends to sell the new lot for a new single-family home. The applicant will keep the existing home. The applicant will need to remove the secondary gravel drive on the west side of the property which serves the existing home as shared driveways are not permitted.

A Zoom participant asked if the driveway really needs to come back 500 feet.

According to Eric, the answer is yes. The pole portion that is 500 feet is where the driveway lays within that area.

Another Zoom participant asked if the map could be put up again and explain the 500 feet reference.

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Eric presented the location map and noted that 500 feet is what is allowed by the City's Ordinance.

Another Zoom participant asked what the offsets to each side were.

Eric noted there is a 10 foot setback from the driveway to the property line. He also stated that there are no wetlands on this site.

Samuel Clark asked for an overview of what a flag lot is in the City of Hermantown.

Eric noted that approximately two years ago, City staff looked at the possibility of adding more housing stock to the City without creating more infrastructure.

Samuel also asked if the City dictates how long a driveway needs to be.

Eric stated that no, the City does not. He also stated that as long as meets the side yard and rear yard setbacks, that driveway could be as long as the property owner wanted.

Brian Bergeron, 5164 Country Ln., is concerned about the location of the new home in relation to the back of his own property. He is also concerned about the increased density of housing in this particular area. Brian also asked for further explanation with the creation of the new flag lot, the requirements to utilize City sanitary sewer and water services.

Eric explained that there is water and sewer services on Morris Thomas. The City's policy is when a structure is within 600 feet of those utilities, the property owner is required to hook up into those utilities. Depending on the ultimate placement of the home, the property owner could choose septic or well.

Motion made by Valerie Ouellette to approve the application by Sandra Carlson for a Subdivision to create a 147-foot-wide parcel of 1.69 acres and a 3.90-acre lot accessed by way of a flag lot of 37-foot width at 5161 Morris Thomas Road. Seconded by Samuel Clark. Motion carried.

5B. An application by William and Jennifer Wolk for a Subdivision to create a 135-foot-wide parcel of 0.79 acres and a 4.26-acre lot accessed by way of a flag lot of 31.75-foot width at 5140 Morris Thomas Road. The property is located in an R-3 zoning district.

Eric noted that the applicants, William and Jennifer Wolk, own a five acre property at 5140 Morris Thomas Road, one-quarter mile west of Lavaque Road with a lot frontage of 166'. A single family house and three accessory buildings are located on the property.

The Wolks propose to create a new flag lot along the western border of the existing property. The applicant is proposing a 31.75 foot 'pole/driveway' connection to Morris Thomas Road for a distance of 255 feet with the 'flag' portion of the lot being approximately 166' x 1032'.

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The proposed lot sizes for the two total parcels are:

Parcel A: 135' x 255' / 34,425 sf. or 0.79 acres

Parcel B: 31.75 x 255' and 166' x 1032' / 185,454 or 4.26 acres

The Wolks also intend to construct a new single-family home on the new parcel and then sell the existing home upon completion of the new residence. There is an existing power pole within the right of way of the newly created 'pole' which the Wolks would need to coordinate with the utility company to have relocated.

Emy Dewitt, 5126 Wagner Rd., stated that she is against a driveway being placed on Wagner Rd.

Motion made by Samuel Clark to approve application by William and Jennifer Wolk for a Subdivision to create a 135-foot-wide parcel of 0.79 acres and a 4.26-acre lot accessed by way of a flag lot of 31.75-foot width at 5140 Morris Thomas Road. Seconded by Valerie Ouellette. Motion carried.

5C. An application by David Mesojedec for the rezoning of 3721 Lavaque Road from R-3, Residential to C, Commercial.

Eric informed the Commission that during the spring of 2020, Mr. Mesojedec inquired with St. Louis County why his property was being assessed at a commercial rate. The question was brought to the Hermantown Board of Appeal and Equalization on April 15, 2020 and staff verified that the property was zoned R-3, Residential. However, from review of the property file, internet search and visual inspection it was apparent that Mr. Mesojedec was conducting a business out of a residentially zoned property, which is in violation of the City ordinance.

From staff review of the property file, this lot was originally zoned C, Commercial. In 2010 the previous property owner applied for a lot split and a rezoning of the original 22 acre property. The application was approved with the result being a 5.82 acre lot (3721 Lavaque Road) and a 16.23 acre lot (3747 Lavaque Road) which were both rezoned from C, Commercial to R-3, Residential.

Staff contacted Mr. Mesojedec to discuss this and offered one of two courses to resolve the zoning violation. One option was the rezoning of the property back to a C, Commercial zoning with the second being the relocation of the business to an appropriately zoned district.

Sam asked if there were any other similar cases such as this in recent years with the City of Hermantown.

Eric stated there was not. The City tries to avoid spot zoning.

Martin Theobald, 3747 Lavaque Rd., stated that his property was also zoned to residential before the Theobalds and the Mesojedecs purchased the properties. As part of the Purchase

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Agreement with the prior owner, it was agreed upon that the prior owner would rezone the remaining land to residential. Mr. Theobald is against the rezoning to commercial.

Wayne Boucher, Mayor, asked if there is a legal way for Mr. Mesojedec to continue his business and still ensure that any succession ownership of the property would not change the business use.

Eric stated that when this initially came up to City, staff looked at it as a home occupation standpoint. Home occupation generally is suited toward a one hair chair salon, or a one person insurance agent office. The fact that equipment is stored on the property, it is also open for employees to congregate and assemble at, it falls outside the realm of the home occupation guidelines. Staff does not have the ability to handle this under a special use permit because we'd be going against the zoning.

Wayne suggested that the matter be tabled this evening and that the City Council could take up the matter.

Dave Mesojedec, 3721 Lavaque Rd., stated that he is fine with the matter being tabled this evening.

Motion made by Samuel Clark to table the application by David Mesojedec for the rezoning of 3721 Lavaque Road from R-3, Residential to C, Commercial. Seconded by Valerie Ouellette. Motion carried.

5D. An application by P&R Properties for a Wetland Replacement Plan for wetland impacts located at 5298 Miller Trunk Highway. The property is located in a C, Commercial zoning district.

Eric presented to the commission that applicant, P&R Properties, is proposing a 149-unit, five story apartment building consisting of 11 alcove/studio units, 85 one bedroom units, 33 two bedroom units and 20 three bedroom units. The building has a footprint of approximately 42,260 square feet for a total of approximately 222,050 square feet in size.

The location of the building and stormwater pond will impact 13,540 square feet of wetland on the property. The proposed delineation has been reviewed and approved by the Hermantown Technical Evaluation Panel (TEP) with the impacts being approved on July 20, 2020.

Staff recommends approval of the Wetland Replacement Plan with the following conditions:

1. Proof of a purchase agreement for wetland credits in Bank Service Area 1;
2. Conduct best management methods that will be used to protect the wetland soils harvested from the existing wetlands and being used in the raingarden;
3. Construct the 3,642 square foot raingarden in accordance with the approved engineering plans;

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4. The applicant shall sign a consent form assenting to all conditions of this approval;
and
5. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

Motion made by Valerie Ouellette to approve application by P&R Properties for a Wetland Replacement Plan for wetland impacts located at 5298 Miller Trunk Highway. Seconded by Samuel Clark. Motion carried.

6. CONTINUING BUSINESS

None.

7. NEW BUSINESS

Eric discussed briefly what will be on the August Planning and Zoning agenda regarding the airport custom zoning with the Duluth Airport Authority and their Zoning Board, the Joint Airport Zoning Board.

8. COMMUNICATIONS

None.

9. COMMISSION MEMBER REPORTS

Joe Peterson – None.

Greg Zimmerman – Absent.

Corey Kolquist – Absent.

Tracy Lundeen – Absent.

Valerie Ouellette – None.

Samuel Clark – None.

Wayne Boucher – None.

ADJOURN

Motion made by Samuel Clark to adjourn the meeting. Seconded by Valerie Ouellette. Meeting adjourned at 8:26 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant