

CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION
June 16, 2020 Meeting Summary
7:00 PM

1. ROLL CALL

Members Present: Joe Peterson; Greg Zimmerman; Chad Scott; Corey Kolquist; Tracy Lundeen; Valerie Ouellette; Samuel Clark; and Kristi Schmidt.

Members Absent: None.

Others Present: Eric Johnson, Community Development Director; Joe Wicklund, Communications & Community Engagement Manager; Christie Erickson; Todd Pelkey; Gary Gilbert; Sabrina, Brady Korwin; and Mark Johnson, Vice President of Vireo Health.

2. APPROVAL OF AGENDA

Motion made by Chad Scott to approve the June 16, 2020 agenda as presented. Seconded by Samuel Clark. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Corey Kolquist to approve the May 19, 2020 minutes as presented. Seconded by Valerie Ouellette. Motion carried.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARINGS

5A. An application by Fresenius Kidney Care Duluth for a Commercial Industrial Development Permit (CIDP) for 12,000 square foot medical dialysis clinic located at 41xx Richard Avenue. The property is located in a HM, Hermantown Marketplace zoning district.

Eric Johnson, Community Development Director presented to the Commission that applicant Fresenius Kidney Care of Duluth requests a Commercial Industrial Development Permit to locate a medical clinic at a one-story, 11,934 square foot building at the northwest corner of Richard Avenue and Eeve Drive. Fresenius will be a tenant of the proposed building with Patriot Properties being the overall property developer.

Medical and Dental Clinics are permitted with a CIDP in the HM, Hermantown Marketplace Zoning District.

Parking will be provided on the north, east, and south sides of the site. Car Parking in the HM zoning district is the same as the C zoning district. The HM zoning district requires bicycle parking.

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The Hermantown Marketplace requires a landscaping plan for the overall site and landscaping of the parking areas and lot boundaries. Patriot Properties as part of their site planning process will be preparing plans for these requirements.

Proposed traffic volumes at the clinic will not have a major impact on the roadway system around the area. Access to the site will be via Richard Avenue and Eeve Street. This area of the City is commercial in nature and the roads have been constructed in such a way as to have substantial excess capacity. Patriot Properties, the overall developer, has entered into an agreement with the City on a roadway assessment which addresses the future extension of Richard Avenue and subsequent utilities, north to Lindgren Road.

Patriot Properties is proposing to utilize the existing stormwater pond which is shared with Sam's Club, on the west side of the property. In addition, an extension to this existing pond is proposed along the north portion of this property. The stormwater plans will be reviewed and approved by the City Engineer.

To date, Patriot Properties has been utilizing building signage for their projects. All signage on the site must be within the requirements of the Zoning Ordinance, and sign permits will be required. Signs shall be of compatible colors and materials.

Corey Kolquist asked if this project will affect any wetlands.

Eric stated the wetland process has been approved and wetland credits have been purchased.

Motion made by Samuel Clark to approve the application by Fresenius Kidney Care Duluth for a Commercial Industrial Development Permit (CIDP) for 12,000 square foot medical dialysis clinic located at 41xx Richard Avenue. Seconded by Corey Kolquist. Joe Peterson abstained. Motion carried.

5B. An application by Northwoods Sodding for a Special Use Permit (SUP) for the purpose of grading and filling in a Natural Environment Shoreland Area in order to increase the yard capacity of their facility located at 3688 Midway Road. The property is located in a BLM, Business Light Manufacturing zoning district.

Eric introduced to the Commission that the applicant, Northwoods Sodding, purchased the property and existing building, located at 3688 Midway Road, in 2018 for the purposes of operating his commercial landscape business and have a small retail component. As he began operating he discovered that there are traffic conflicts between the retail customers and the commercial vehicles using the property. The applicant is proposing to enlarge the parking and turnaround area in the yard to reduce traffic conflicts as well as for his commercial vehicles to operate in a more safe, efficient manner.

The property consists of a 4,500 square foot building, 5,000 square foot customer parking area and a 50,000 square foot commercial landscape area utilized for deliveries, storage

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and commercial vehicle parking. There is an unmapped tributary of the Midway River in the rear half of the property which bisects the area at an angle.

The applicant is proposing to grade and fill a 20,100 square foot area which would square off the commercial vehicle parking area and create an area for these vehicles to maneuver. This area is entirely within the 300' natural area shoreland associated with the unmapped tributary.

The Hermantown TEP reviewed the delineation at its October 28, 2019 meeting. The TEP found that the delineation was presented accurately and should be approved. In addition, the TEP reviewed the request for 14,890 square feet of wetland impacts in order to create a parking and turn around area for tractor trailers that support his landscaping business.

Corey asked what a trout stream was and how it functions.

Eric stated that tributaries are small connector streams running into a main stream or river. With this project, the wetland replacement typically you can fill up to 10,000 sq. ft. of wetland with a basic permit. However, when you're in shoreland areas, or trout streams, that area is reduced to 400 sq. ft. After 400 sq. ft., you have to purchase wetland credits.

Samuel Clark asked if there has ever been a problem with their space to date.

According to Eric, there have been no issues.

Motion made by Valerie Ouellette to approve the application by Northwoods Sodding for a Special Use Permit (SUP) for the purpose of grading and filling in a Natural Environment Shoreland Area in order to increase the yard capacity of their facility located at 3688 Midway Road. Seconded by Corey Kolquist. Motion carried.

5C. An application by Northwoods Sodding for a Wetland Replacement Plan in order to increase the yard capacity of their facility located at 3688 Midway Road. The property is located in a BLM, Business Light Manufacturing zoning district.

Eric shared two additional graphics with the Commission. One is the wetland delineation that was done for this property. The second is the proposed area of the wetland filled. It is a little over 20,000 sq. ft. associated with that wetland fill.

Again, Eric noted that the Hermantown TEP reviewed the delineation at its October 28, 2019 meeting and found that the delineation was presented accurately and should be approved.

Motion made by Chad Scott to approve the application by Northwoods Sodding for a Wetland Replacement Plan in order to increase the yard capacity of their facility located at 3688 Midway Road. Seconded by Tracy Lundeen. Motion carried.

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5D. An application by JLG Enterprises for a Final Plat for a 6 lot and 2 outlot subdivision located at 3956 Stebner Road. The property is located in an R-3 zoning district.

Eric advised the Commission that the applicant, JLG Enterprises, is requesting approval of a Final Plat for construction of a six lot, 2 outlot residential development at 3956 Stebner Road.

The preliminary plat for this project had been approved several months ago. The initial preliminary plat was looking at more lots for this development in the first phase.

The applicant proposes to plat the five parcels for residential development, starting with six single family residential lots an Outlot (A) containing stormwater treatment facilities on approximately 2 acres with a large Outlot (B) covering the remaining 67 acres to be reserved for future subdivision. Phase 1 will have access from Stebner Road via a new City street to be constructed by the Applicant. Future additions to the subdivision will require an additional road connection on the eastern portion of the property connecting to Oak Ridge Drive for public safety, road maintenance, and traffic improvements.

The proposed final plat meets the R-3, Residential dimensional standards for single-family homes connected to City water and sanitary sewer of ½ acre in area with 100 feet wide frontage at lot line and at the 50' building setback line of lots on cul-de-sacs.

The project will connect to City water lines located adjacent to the subdivision in the right-of-way of Stebner Road. Sanitary sewer will be served via an existing stub into the property. The new sewer and water lines will be a City main constructed to City standards. The applicant will provide engineered plans to the City Engineer for utility connections prior to beginning such work on the site. Preliminary engineering plans have been presented with the Final Plat.

Greg Zimmerman asked about the eastern portion of the development, could that have the option for having something other than single family homes, or is this all being designated single family homes?

Eric stated that at this time, that eastern portion of the property is zoned HM (Hermantown Marketplace) and there are different housing options that can occur in an HM zoning district, are allowed if the developer chooses to continue with single family homes. If something were to change, those changes would be considered PUD's (Planned Unit Developments).

Valerie Ouellette asked if the developer will handle the installation of the utilities or will the City.

Eric said all of the utilities are the responsibility of the developer. The developer designs and installs the utilities based on the City's standards. Once installed, the City Engineer and the Public Works Department will inspect the installations.

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Motion made by Greg Zimmerman to approve application by JLG Enterprises for a Final Plat for a six lot and 2 outlot subdivision located at 3956 Stebner Road. Seconded by Corey Kolquist. Chad Scott abstained. Motion carried.

5E. An application by Vireo Health for a Commercial Industrial Development Permit (CIDP) for 2,500 square medical cannabis dispensary located at 4960 Miller Trunk Hwy, Suite 300. The property is located in a C, Commercial zoning district.

Eric presented to the Commission that the applicant, Vireo Health, is proposing to lease a 2,500 square foot space at Sugar Maple Crossing for the purposes of opening a medical cannabis dispensary.

The State of Minnesota amended its Medical Cannabis regulations to allow the expansion of distribution facilities from eight to sixteen statewide. Each Congressional District is allowed two distribution facilities. A facility operated by Leafline, Inc. already exists in Hibbing.

The City Council passed a six month moratorium on medical cannabis facilities in August 2019 to allow time to consider what, if any, regulations should be enacted in regards to medical cannabis facilities. Staff discussed the subject and possible zoning approaches with the Planning Commission at its August 2019 meeting and the ordinance change was approved at the November 2019 City Council meeting.

Distribution facilities are heavily regulated by the State and cannot be located within 1000 feet of a public or private K-12 school. Patients on the medical cannabis registry visit the distribution facility by appointment and meet with a pharmacist to discuss their specific medication needs. Prescriptions are not written at the facility nor is the medical cannabis administered or used on site.

Kristi Schmidt asked that prescriptions are not written on site, patients have to bring a prescription from a physician, and the facility fills the prescription at the site.

Eric stated that was correct.

Samuel asked for the reasoning for the CIDP to change the ownership.

Eric stated that City Staff and the City Attorney are looking into that and that for the time being, the way the Ordinance is written, this is the correct route to follow.

Greg Zimmerman asked what the demand is for the product and what kind of traffic can be expected.

Mark Johnson, Vice President of Vireo Health stated that their dispensary volumes vary depending on the market. Their facility in Moorhead, MN (the lowest volume) has approximately 150 patients that come through per week. Their facility in Bloomington, MN (the highest volume) has approximately 700 patients per week.

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Tracy Lundeen asked what the hours of operation would be.

Mark noted that typically, they open at 8:00 am and close as early as 5:00 pm. Mark stated that it all depends on demand and frequency as well as what is convenient for the patients, and that the facility is only open to those people who have prescriptions. Mark also stated that there is a secure storage area in the back of the space. That space will be reinforced and will have 24 hour surveillance both inside and outside. The State of Minnesota requires that they store those surveillance videos for up to 90 days, and that the local police department come and review the facility before opening to make sure everyone is comfortable with the operation.

Samuel stated that if in the future a lease change comes up, in his opinion the Commission is not the best use of the Commission's time when the matter could be handled by City Staff.

Motion made by Corey Kolquist to approve the application by Vireo Health for a Commercial Industrial Development Permit (CIDP) for 2,500 square medical cannabis dispensary located at 4960 Miller Trunk Hwy, Suite 300. Seconded by Samuel Clark. Joe Peterson abstained. Motion carried.

6. CONTINUING BUSINESS

None.

7. NEW BUSINESS

None although Eric did state that Staff will be reviewing how Staff might clean up some items of the CIDP process as well as looking at the flag lot ordinance.

8. COMMUNICATIONS

None.

9. COMMISSION MEMBER REPORTS

Joe Peterson – None.

Greg Zimmerman – None.

Chad Scott – Tendering resignation.

Corey Kolquist – None.

Tracy Lundeen – None.

Valerie Ouellette – None.

Samuel Clark – None.

Kristi Schmidt – None.

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ADJOURN

Motion made by Chad Scott to adjourn the meeting. Seconded by Greg Zimmerman. Meeting adjourned at 8:01 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant