

CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION
August 18, 2020 Meeting Summary
7:00 PM

1. ROLL CALL

Members Present: Joe Peterson; Greg Zimmerman; Corey Kolquist; Tracy Lundeen; Valerie Ouellette; and Wayne Boucher.

Members Absent: Samuel Clark.

Others Present: Eric Johnson, Community Development Director and Mike Koski, 6661 Highway 2.

2. APPROVAL OF AGENDA

Motion made by Corey Kolquist to approve the August 18, 2020 agenda as presented. Seconded by Valerie Ouellette. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Valerie Ouellette to approve the July 21, 2020 minutes as presented. Seconded by Greg Zimmerman. Motion carried.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARINGS

5A. An application by WKK, Inc. for a Commercial Industrial Development Permit (CIDP) for a multi-tenant commercial building on a 1.26 acre site located at 4803 Miller Trunk Highway. The property is located in a C, Commercial zoning district.

Eric Johnson, Community Development Director, informed the Commission that the applicant, WKK, Inc., is proposing to redevelop the existing site/building into a 7,394 square foot, three bay retail/commercial site. The project involves a partial tear down of the existing building, the reconfiguring of the parking lot area, the creation of a drive-thru area, new landscaping and stormwater facilities.

Greg Zimmerman asked if there would be a possibility of an easement for a frontage road.

Wayne Boucher, Mayor stated that the frontage road around the Chalet had previously been maintained by MNDOT. The frontage road has now been turned over to the City of Hermantown.

Mike Koski, 6661 Highway 2 introduced himself to the Commission. He noted that he is a former Hermantown graduate, and grew up in Hermantown. He is looking forward to getting the project underway. He believes it is a great location and a great improvement for the City of Hermantown.

Motion made by Tracy Lundeen to approve application by WKK, Inc. for a Commercial Industrial Development Permit (CIDP) for a multi-tenant commercial building on a 1.26 acre site located at 4803 Miller Trunk Highway. Seconded by Corey Kolquist. Motion carried.

5B. Zoning Ordinance text amendment by the City of Hermantown amending Section 1005 and 1010.04 of the Hermantown Zoning Code regarding the City approval process for flag lots.

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Eric gave the Commission background stating that in 2016, the Planning and Zoning Commission recommended changes to the City's subdivision ordinance allowing the creation of flag lots. A flag lot is a lot containing an area shaped like a "flag" which is the portion of the lot are to be located and an area shaped like a "pole" which is the portion of the lot connecting to the road. Flag lots were not previously allowed because they do not meet the standards for road frontage.

Flag lots were allowed if specific conditions could be met and the City found that the flag lot would not interfere with future development of the area.

Key conditions include:

- The pole cannot exceed 500 feet.
- The pole must be a minimum of 30' wide and driveway setback at least 10' from the neighboring property.
- The flag must meet width and area standards for the zoning district.
- The regular lot must continue to meet width and area standards for the zoning district.
- Only single family residential and accessory uses are allowed on the flag lot.
- Only one flag lot can be created from a property.

Since 2016, the City has approved 5 flag lots. The City has not denied a flag lot application. Flag lots require a public hearing and both Planning Commission and City Council approval. The City currently allows administrative approval of non-flag lots that result in three or fewer new lots. Requiring the Planning and Zoning Commission and City Council to approve the flag lot adds two to four weeks to the lot splitting process. Considering the lack of reported issues with flag lots, City staff is recommending that the ordinance be amended to eliminate the City Council's required approval to provide more responsive service. Staff is recommending that the ordinance be amended to include a process that would allow aggrieved parties to appeal the Planning Commission's decision to the City Council and for the Council to review a decision of its own accord.

Motion made by Corey Kolquist to approve the Zoning Ordinance text amendment by the City of Hermantown amending Section 1005 and 1010.04 of the Hermantown Zoning Code regarding the City approval process for flag lots. Seconded by Valerie Ouellette. Motion carried.

5C. A public hearing in order to solicit comments on a Draft Zoning Ordinance prepared by the Joint Airport Zoning Board.

Eric advised the Commission that currently, the Joint Airport Zoning Board (JAZB) is tasked with developing a zoning ordinance for land uses around an airport as described in Minnesota Statute 360.061 through 360.074 and Minnesota Rules 8800.1200 and 8800.2400. A JAZB is comprised of representatives from the cities, counties and/or townships that control land use development around an airport and is comprised of the member communities of Hermantown, Duluth, Rice Lake, Canosia Township and St. Louis County.

The State of Minnesota has protective legislation to prevent incompatible development around airports. Since 1943, airports in Minnesota have been required by state statute to enact safety zoning and in 1973, zoning was made a condition for airports to receive federal and state funding.

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The purpose of the ordinance is to regulate and restrict the height of structures and objects of natural growth and otherwise regulate the use of property in the vicinity of the Duluth International Airport by creating the appropriate zones and establishing the boundaries thereof.

In 2019, the Minnesota legislature enacted amendments to the State Airport Zoning Legislation that permits individual airports to create custom zoning regulations for the individual airport.

JAZB has been reviewing the existing Zoning Ordinance in order to amend the original document which was created in 1988. An initial draft of an amended Ordinance was prepared in 2015 to revise the zoning regulations and accommodate the DAA's proposed extension of runway 3-21. The consideration of the 2015 draft was put on hold when the DAA decided to rebuild Runway 9-27 instead of extended Runway 3-21.

JAZB has created a Draft Custom Zoning Ordinance pursuant to the 2019 legislation which received approval from JAZB in July 2020. JAZB has asked each member community of JAZB to solicit comments from their communities on the JAZB draft ordinance. Comments received at tonight's August 18, 2020 Hermantown Public Hearing will be forwarded to JAZB for its consideration at their September 3, 2020 meeting. JAZB will then decide whether to modify the proposed JAZB draft ordinance and/or schedule a public hearing on their own behalf.

The state law enacted in 2019 allowing Custom Zoning would better integrate airport zoning with local zoning and planning processes. The Custom Zoning would allow for increased flexibility for each airport to enact airport zones that are appropriately sized for that airport's needs. The JAZB Draft Zoning Ordinance reflects custom zoning.

The JAZB Custom Zoning Ordinance must still satisfy land use criteria and still provide a reasonable level of safety.

Proposed changes in the JAZB Custom Zoning Ordinance as compared to the current 1988 Zoning Ordinance, as amended and standard zoning, include:

- Safety Zones A, B and C are now being referred to as Safety Zones 1, 2 and 3 respectively;
- Modifications to the Safety Zones for Runway 3 which eliminates Safety Zone 2 (B);
- Changes Airport Zoning Administrator (City of Duluth) to Local Airport Zoning Administrator (designated person within each member community to administer airport zoning);
- Decreases lot size restrictions in Safety Zone 2 (B) for the end of Runway 9 from a minimum of 3 acres to 2.5 acres;
- Increases site population in Safety Zone 2 (B) for the end of Runway 9 from 15 persons per acre to 20 persons per acre;
- Modifies the variance process to involve the Local Airport Zoning Administrator as well as the JAZB Board of Appeals;
- Defines the Local Airport Zoning Administrator duties to enforce the regulations of the applicable Local Airport Zoning Ordinance within each community – each member community is responsible for airport zoning within its community as opposed to Development Zoning Administrator under the 1988 ordinance, as amended; and

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- Revises JAZB Safety Zone Maps to reflect new Safety Zone designations and sizes. Prepared by the JAZB consultant – RS&H.

Greg asked what the height restriction was.

Eric stated that it is approximately 80 to 85 feet above the airport elevation of the runway. There is nothing within the City that comes close to that elevation.

Cory Kolquist stated that he also sits on the Military Affairs Committee through the Duluth Chamber of Commerce and asked if the custom zonings is taking into consideration the expansion of the crosswind runway?

According to Eric, the purpose of the custom zoning is a reflection of the potential expansion of that runway.

Wayne Boucher, Mayor, also noted that airport expansion is what triggered this change in zoning.

Ryan, from RJ Sport & Cycle commented that he's on board with this.

Troy Bobbitt, 4201 Creekwood Place, stated that he is in support of the JAZB zoning ordinance.

6. CONTINUING BUSINESS

Eric updated the Commission on Mr. Mesojedic's application to rezone his property from R-3 Residential to C, Commercial from the July 21, 2020 Planning & Zoning meeting. Mr. Mesojedic has withdrawn that application for that change and is currently working with City staff on the creation of some declaration of restrictive uses associated with his property located at 3721 Lavaque Rd.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

20-120 Duluth International Airport – Taxiway a Mill and Overlay Project.

Eric stated this is a neighborhood notice. The Airport will be completing a pavement rehabilitation project on much of the western half of Taxiway A. The funding is 100% funded by the Federal Aviation Administration (FAA).

9. COMMISSION MEMBER REPORTS

Joe Peterson – None.

Greg Zimmerman – None.

Corey Kolquist – The Taxiway A project has been completed.

Tracy Lundeen – None.

Valerie Ouellette – None.

Samuel Clark – Absent.

Wayne Boucher – None.

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ADJOURN

Motion made by Valerie Ouellette to adjourn the meeting. Seconded by Tracy Lundeen. Meeting adjourned at 7:55 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant