

**CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION**

Agenda
December 15, 2020
7:00 PM

- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES**
 - 3A. November 10, 2020 regular meeting.**
- 4. PUBLIC DISCUSSION – Public comment on any item not otherwise listed on the agenda.**
- 5. PUBLIC HEARINGS**
 - 5A. An application by Triple J Holdings LLC of Duluth for a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone located at 4703 Hermantown Road. The property is located in a C, Commercial zoning district.**
- 6. CONTINUING BUSINESS**
- 7. NEW BUSINESS**
 - 7A. Multi Story Residential Structure Moratorium Discussion**
- 8. COMMUNICATIONS**
- 9. COMMISSION MEMBER REPORTS**
 - Greg Zimmerman**
 - Joe Peterson**
 - Corey Kolquist**
 - Tracy Lundeen**
 - Valerie Ouellette**
 - Samuel Clark**
 - Shannon Sweeney Jorgenson**
 - Wayne Boucher**

ADJOURN

Because attendance at the regular meeting location is not feasible due to the health pandemic, Hermantown's December 15, 2020, Planning and Zoning Commission meeting will be conducted remotely, utilizing the platform "Zoom" – which allows the public to view and/or hear the meeting from their phone or computer.

Beginning shortly before 7:00 p.m. on December 15, 2020, this meeting will be available at: <https://us02web.zoom.us/j/84579346528?pwd=SGhIRSt2NFFzcGFxN2s4ZDFCYi9IZz09> and/or by calling the number 312 626 6799 and utilizing the meeting ID 845 7934 6528 and the password 155286

A few important tips regarding the Zoom platform:

- If you do not have audio on your computer, but wish to see the meeting and speak at the meeting – you can log in both on your computer (to see) and call in on your phone (to speak)
- It is a new situation for all of us, so grace and understanding are appreciated

CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION
November 10, 2020 Meeting Summary
7:00 PM

1. ROLL CALL

Members Present: Joe Peterson, Greg Zimmerman; Corey Kolquist; Tracy Lundeen; Valerie Ouellette; Samuel Clark; Shannon Sweeney Jorgenson; and Wayne Boucher.

Members Absent:

Others Present: Eric Johnson, Community Development Director; Joe Wicklund, Communications Manager; and Debra Erickson.

2. APPROVAL OF AGENDA

Motion made by to approve the November 10, 2020 agenda Corey Kolquist as presented. Seconded by Shannon Sweeney Jorgenson. Motion carried.

3. APPROVAL OF MINUTES

Motion made by _____ to approve the October 20, 2020 minutes as presented. Seconded by _____. Motion carried. NOT AVAILABLE

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARINGS

5A. An application by Ron and Debra Erickson for a Subdivision to create a 115-foot-wide parcel of 0.59 acres and a 4.40 acre lot accessed by way of a flag lot of 50 foot width at 3985 Haines Road. The property is located in an R-3 zoning district.

The applicants, Ron & Debra Eriskon, are proposing to subdivide their existing property at 3985 Haines Road, approximately one-half mile north of Andrson Road with a lot frontage of 165'. A single family home is located on the property.

The applicants propose to create a new flag lot along the southern border of the existing property. The applicants are proposing a 50 foot 'pole/driveway' connection to Haines Road for a distance of 190 feet with the 'flag' portion of the lot being approxmiately 165' x 1094'. The applicants intend to either construct a new single-family home on the parcel or sell the newly created lot.

Motion made by Shannon Sweeney Jorgenson to approve the application by Ron and Debra Erickson for a Subdivision to create a 115-foot-wide parcel of 0.59 acres and a 4.40 acre lot accessed by way of a flag lot of 50 foot width at 3985 Haines Road. Seconded by Corey Kolquist. Motion carried.

5B. An application by Paul Paczynski for the construction of a 1,920 square foot garage (accessory structure) at 5381 Morris Thomas Road, which is located is in an R-1 zoning district.

The applicant, Paul Paczynski, is requesting approval of a Special Use Permit to allow construction of a 1,920 square foot garage.

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Accessory structures over 1,600 square feet in size are permitted only with a Special Use Permit in the R-1, Residential Zoning District. The accessory building would be 32 feet by 60 feet in size, with 12-foot sidewalls. The overall height of the proposed building is approximately 17 feet. The construction type would be slab-on-grade, with steel sided construction. The building will be used to house the applicant's camper, boat, tractor, bulldozer and truck.

The proposed property is located along Morris Thomas Road with the lot dimensions being approximately 1300' x 2600' for a total of +/-72 acres. The proposed accessory structure is approximately 450 feet from the nearest property line and approximately 1,400 feet from Morris Thomas Road.

Motion made by Greg Zimmerman to approve the application by Paul Paczynski for the construction of a 1,920 square foot garage (accessory structure) at 5381 Morris Thomas Road, which is located in an R-1 zoning district. Seconded by Valerie Ouellette. Motion carried.

6. CONTINUING BUSINESS

Eric provided an update on the Joint Airport Zoning Board (JAZB) draft zoning ordinance to the commission members.

7. NEW BUSINESS

Eric presented information pertaining to the City's Planned Unit Development (PUD) zoning ordinance in order to solicit comments and facilitate a discussion with the commission members.

8. COMMUNICATIONS

20-177 Dale Kaczmarek, 3991 Haines Rd. was read and placed on file.

9. COMMISSION MEMBER REPORTS

Joe Peterson – None.
Greg Zimmerman – None.
Corey Kolquist – None.
Tracy Lundeen – None.
Valerie Ouellette – None.
Samuel Clark – None.
Shannon Sweeney Jorgenson – None.
Wayne Boucher – None.

ADJOURN

Motion made by Samuel Clark to adjourn the meeting. Seconded by Shannon Sweeney Jorgenson. Meeting adjourned at 8:12 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant

5A. 4703 and 4709 Hermantown Road– Special Use Permit - Filling and Grading in a Shoreland Overlay Zone

Applicant: Triple J Holdings LLC of Duluth
Case No.: 2020-79-SUP
Staff Contact: Eric Johnson, Community Development Director
Request: Special Use Permit for filling and grading in a Shoreland Overlay area

RECOMMENDED ACTION:

Approve a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone in order to enlarge available parking area for customer parking and vehicle storage that support the applicant's automotive repair business.

DESCRIPTION OF REQUEST:

The applicant purchased the property located at 4703 Hermantown Road in 2016 for the purposes of operating their automotive repair business. In 2020, the applicant purchased the residential home located at 4709 Hermantown Road. This property has a split zoning on it consisting of C, General Commercial along Hermantown Road with the rear of the property being zoned R-3, Residential.

The applicant purchased the 4709 Hermantown Road property for the purpose of reconfiguring the lot and combine a portion of it with the 4703 property. This would allow the applicant to enlarge the parking area associated with their existing business as well as create a stormwater pond.

SITE INFORMATION:

Parcel Size: 2.5 acres total
Legal Access: 4703 and 4709 Hermantown Road
Wetlands: Yes, delineation approved in 2020; No proposed impacts
Existing Zoning: C, General Commercial and R-3, Residential
Airport Overlay: None
Shoreland Overlay: Natural Environment
Comprehensive Plan: Commercial

Development Details

The 4703 property consists of a 3,650 square foot building and a 6,300 square foot customer parking /vehicle storage area. The 4709 property consists of a 766 square foot home located on 1.25 acres. The previously attached garage and breezeway were recently demolished in anticipation of this project. There is an unmapped tributary of Keene Creek in the rear half of the two properties which is located along the northern portion of the properties.

The applicant is proposing to grade and fill a 20,000 square foot area which would square off the parking area as well as create a stormwater pond for the property. This area is entirely within the 300' natural area shoreland associated with the unmapped tributary.

Wetlands

The National Wetland Inventory map shows the presence of wetlands along the northern portion of the two properties. The applicant engaged a wetland delineator from MSA Professional Services to document the location of the wetland for use in the design of the parking expansion. The proposed work does not impact any of the documented wetland area.

Special Use Permit

The Special Use Permit is for filling and grading within a Shoreland zone. There are general conditions for all SUPs. Staff finds the following in regard to the criteria for Special Use Permits in the Zoning Ordinance:

No special use permit shall be approved unless positive findings are made with respect to each and every one of the following criteria:

- 1. The proposed development is likely to be compatible with development permitted under the general provisions of this chapter on substantially all land in the vicinity of the proposed development;**

An automotive repair business is an allowed use within the C, General Commercial zoning district.

- 2. The proposed use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the proposed development;**

Conditions placed on the SUP restricting wetland impacts and clearing and grading within 50 feet of the unnamed tributary meet the intent of the zoning ordinance to protect natural resources. An automotive repair business is an allowed use within the C, General Commercial zoning district.

- 3. The proposed use is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this chapter;**

The property is within an area marked for commercial development in the Hermantown Comprehensive Plan. The purpose of the Shoreland Overlay Zone is to protect public waterways. Impervious surface caps are included to prevent excessive runoff from constructed surfaces. The proposed impervious surface is below maximum limits and the required 50 feet buffer zone will protect the unnamed tributary.

4. **The proposed use will not result in a random pattern of development with little contiguity to existing programmed development and will not cause negative fiscal and environmental effects upon the community.**

The existing business is in a small neighborhood commercial node at the intersection of Haines Road and Hermantown Road. There is a convenience store/gas station on the south side of Hermantown Road. An automotive repair business is an allowed use within the C, General Commercial zoning district.

5. **Other criteria required to be considered under the provisions of this code for any special use permit.**

The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2. Additional details of note include:

- A. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
- B. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.

RECOMMENDATIONS:

Staff recommends approval of the Special Use Permit and Wetland Replacement Plan based on the findings set forth in the Staff report, subject to the following conditions:

1. The approval is for a Special Use Permit for filling and grading in a Natural Environment Shoreland of an unnamed tributary to Keene Creek to enlarge the parking/vehicle storage area and to create a stormwater pond for their automotive repair business. The Community Development Director may approve minor variations to structures and filling and grading indicated on the attached preliminary site plan as long as the variations do not result in greater wetland impacts.
2. The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
 - a. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
 - b. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.
 - c. The smallest amount of bare ground is exposed for as short a time as feasible;
 - d. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
 - e. Adequate methods to prevent erosion and trap sediment are employed;
 - f. Fill is stabilized to accepted engineering standards;
 - g. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;

- h. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;
 - i. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
 - j. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.
3. The applicant shall sign a consent form assenting to all conditions of this approval.
4. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:

- Site Location Map
- Proposed site plan

Location Map



7A. Discuss a six month moratorium on multi-story residential buildings within the R-3, Residential zoning district

Case No.: 2020-80-Multi-story residential structure moratorium

Staff Contact: Eric Johnson, Community Development Director

Request: Discuss a six month moratorium on multi-story residential buildings within the R-3, Residential zoning district

REQUESTED ACTION

Discuss a six month moratorium on the permitting of multi-story residential buildings submitted under the Planned Unit Development process within the R-3, Residential zoning district.

BACKGROUND

The City has received applications for multi-story residential buildings in the past 18 months. These applications have come in as Planned Unit Development requests and have been located in R-3, Residential zoning districts. The Planned Unit Development process allows projects where residential units are provided as part of the PUD, regardless of the underlying district. They may be single-family, two-family, multi-family dwellings, or any other type and arrangement of dwelling permitted in the city. The development of multiple types of residential development is strongly encouraged per the Planned Unit Development zoning code.

There have been mixed results with these applications and a number of questions raised by both the Planning and Zoning Commission and City Council on these multi-story projects. In an effort to study this further, City staff is proposing a six month moratorium on multi-story residential projects submitted under the Planned Unit Development process in R-3, Residential zoning districts.

If enacted, the City would contract with a planning consultant to review and study how other communities address multi-story residential buildings in single family residential districts and present guidelines/direction for the City to discuss. Assuming Planning and Zoning directs staff to present this to the City Council and the City Council enacting the moratorium, it would be effective immediately upon City Council approval and be in place for six months.