

CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION
November 16, 2021 Meeting Summary
7:00 PM

1. ROLL CALL

Members Present: Joe Peterson; Valerie Ouellette; Samuel Clark; Buckley Simmons; Beth Wentzlaff; and John Geissler

Members Absent: Corey Kolquist.

Others Present: Eric Johnson, Community Development Director; Bryan & Marilee Malec, 4008 Stebner Rd.; Maurice Bourdage, 3876 Getchell Rd.; Jamie & Randine Lepage, 4071 Lavaque Rd.; Anne Peterson, 5080 Maple Grove Rd.; Trish Crego, 5670 Miller Trunk Hwy., Shannon Sweeney Jorgenson, 3605 Lindahl Rd.; and James Talago, 106 S 15th Ave. E, Duluth.

2. APPROVAL OF AGENDA

Motion made by Samuel Clark to approve the November 16, 2021 agenda as presented. Seconded by Buckley Simmons. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Valerie Ouellette to approve the September 21, 2021 minutes as presented. Seconded by Samuel Clark. Motion carried.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARING

5A. An application by Maurice Bourdage for a Special Use Permit for operation of a vehicle impound lot (parking as a primary use) at 4918 Lightning Drive. The property is located in a BLM Business and Light Manufacturing zoning district.

Eric Johnson, Community Development Director advised the commission that the applicant, Maurice Bourdage, is proposing to purchase the subject property for the purpose of relocating his existing towing business to the site. The applicant owns Nascar Towing, which had previously been operating out of 4803 Miller Trunk Highway until the property was sold earlier this summer.

The applicant is also proposing to fence a portion of the property in order to provide secure storage of towed vehicles. The proposed location is in the NW portion of the site underneath the existing power lines and is approximately 7,000 square feet in size. Parking and fencing are allowed in this powerline easement area; however, no buildings are. This is similar to the City's impound lot which is located approximately 800 feet to the west.

The applicant further proposes to use the existing building for storage of his vehicles as well as office space. From discussions with the Police Department, it is recommended that the applicant install security cameras on the property in addition to slatted/screen fenced storage area.

Motion made by Valerie Ouellette to approve the application by Maurice Bourdage for a Special Use Permit for operation of a vehicle impound lot (parking as a primary use) at 4918 Lightning Drive. Seconded by Buckley Simmons. Motion carried 4 to 0. Beth Wentzlaff abstained.

5B. An application by Miller Creek Property Investments for a Special Use Permit for the operation of a lawn and garden material supplies business. The property is located at 5350 Miller Trunk Highway and is located in a C-1 Office/Light Industrial zoning district.

Eric presented that the applicant, Miller Creek Property Investments, purchased the subject property in the summer of 2021 for the purpose of relocating their existing lawn and landscape business previously located at 4818 Swan Lake Road. The applicant's business model has changed over the years with the business primarily being a contractor-based business rather than having a retail sales component as they had in past years.

The applicant is utilizing the main building located on the 5396 parcel as their office and future office/showroom space. The garage/accessory building on this parcel and the 5350 parcel are used for storage of materials. The rear portion of the property is utilized for storage of plant material awaiting installation at job sites.

Since purchasing the property, the applicant has conducted numerous site/building improvements and is expanded the business model to include the rental or portable storage pods to businesses or homeowners. The empty pods are stored on site with rented pods being delivered to a home or business for use at that location. On site storage of filled/rented pods is not proposed.

Motion made by Valerie Oullette to approve the application by Miller Creek Property Investments for a Special Use Permit for the operation of a contractor yard/lawn and garden material supplies business. Seconded by Buckley Simmons. Motion carried 5 to 0.

5C. An application by Bryan and Marilee Malec for a Subdivision to create a 110-foot-wide parcel of 2.0 acres and a 7.1-acre lot accessed by way of a flag lot of 79-foot width at 4008 Stebner Road. The property is located in an R-3 zoning district.

Eric presented the application of the property owners, Bryan and Marilee Malec, who own a 9.1 acre property at 4008 Stebner Road. The property has a lot dimension of 331' x 1072'. A single family house and two accessory buildings are located on the property.

The property owners propose to create a new flag lot along the southern border of the existing property. The property owners is proposing a 79 foot 'pole/driveway' connection to Stebner Road for a distance of 467 feet with the 'flag' portion of the lot being approximately 331' x 822'. The proposed lot sizes for the two total parcels are:

Parcel A: 110' x 467' = 90,009/43,560 or 2.07 acres

Parcel B: 79' x 467' and 331' x 822' = 311,054/ 43,560 sf. or 7.14 acres

The property owners intend to sell parcel B with the new owner retaining the existing home. The applicants have discussed this proposal with the City Utility Clerk as well as Public Works in order to verify that utilities are available and that a new driveway cut would be permitted.

Chris Rohret, 4020 Stebner Rd., asked for clarification of the sub-division.

Eric stated that the City has stipulated that the flag lot can only be used for a single family home purpose. Since the application was submitted as a subision and not a planned unit development, staff is recommending the simple flag lot split for a single family home only.

Eric also noted that according to the city ordinance, the Planning and Zoning Commission has the authority to approve or deny flag lot applications.

Shannon Sweeney Jorgenson, 3605 Lindahl Rd., stated she believed there was a mistake with the application documents. She also asked about the pole portion of the flag lot which she believes abutts Stebner Rd. and wetlands.

Eric stated that the applicant had contracted with a professional wetland delineator along with the Technical Evaluation Panel, (TEP), which includes himself (as a representative of the City), the and the St. Louis County Soil, Water and Conservation District, as well as the Board of Water and Soil Resources, all of which reviewed the property this past spring and did approve the delineation. Again, Eric noted that any property owner has the ability to impact up to 10,000 sq. ft. of wetland on their property or 5% of total wetland on site, whichever is less.

Motion made by Buckley Simmons to approve the application by the property owners, Bryan and Marilee Malec, who own a 9.1 acre property at 4008 Stebner Road. The property has a lot dimension of 331' x 1072'. Seconded by Beth Wentzlaff. Motion carried 5 to 0.

5D. An application by JP Holding Company, LLC for a Preliminary Planned Unit Development for 108-unit apartment building on a 13-acre site at 50xx Maple Grove. The property is located in an R-3 zoning district.

Eric presented that the applicant, JP Holding Company, LLC, is requesting approval of a Preliminary Planned Unit Development (PUD) Plan, to construct a 103-unit, (not 108 as initially stated) four story apartment building on 13 acres in the R-3 Zoning District at 507x Maple Grove Road.

The site is currently undeveloped with topography rising from the south to the north and contains a mixture of trees and open grassland area. The City's trunkline sanitary sewer runs along the western boundary of the property. The site has access from Maple Grove Road to the south and is providing a future road connection to the north. There are wetlands present on the property which have been delineated and have received TEP approval for impacts associated with the road construction.

The applicant has discussed holding a neighborhood meeting with City staff. A neighborhood meeting is not required per the PUD ordinance; however, the applicant is considering a future meeting prior to a City Council meeting and inviting property owners within 1000 feet of the proposed project.

The 103-unit, 4 story apartment building consists of a mix of housing units. There will be 92 interior parking and 97 surface parking spaces for a total of 189 parking spaces. There will be 4 stories above grade and be 42' to the top of the roof peak as measured from the ground elevation. The building includes landscaped grounds, a sidewalk system and outdoor patio space. The building will consist 70 one-bedroom units and 33 two-bedroom units.

The property owner will be able to connect into the city sewer and water mains that serve the property. The City will require that these utilities are either in public right of way or are within a 30' wide easement when in the private roadway section.

The applicant is proposing an internal sidewalk system for the project. This sidewalk system will connect to the existing sidewalk along Maple Grove Road and could be extended in the future to the north in order to access a future trail system by the City.

Beth Wentzlaff asked about the traffic study. Eric responded with the estimated traffic volumes associated with the development as indicated by the traffic engineer consultant.

Valerie Ouellette asked if specific landscaping that would cover that elevation?

Eric stated that this is a preliminary application at this time, and assuming this moves forward in the process, staff would work with the applicant to make those decisions.

Buckley Simmons asked about the PUD ordinance regarding neighborhood meetings, and wondering if they were recommended or were they mandatory.

Eric noted that neighborhood meetings were recommended.

John Geissler spoke to how the proposed project was in keeping with the new PUD ordinance which staff, the Planning Commission, and the City Council had done much work on over the past year.

Joe Peterson asked for more information about easements and structures under the power lines.

The applicant, James Telego, 106 S 15th Ave. E, Duluth, and Trish Crego, 5670 Miller Trunk Hwy., addressed the issue of structures under the power lines, and Trish stated that the stormwater proposed there is not considered a structure, it is considered a filtration basin, filtering any stormwater that came into the already existing wetlands, thereby protecting those wetlands.

The following residents spoke about their concerns regarding this project. The main issues were, the entrance being located on top of the sewer line, potential traffic issues, safety issues, and density issues.

Jamie LePage, 4071 Lavaque Rd.
Randine LePage, 4071 Lavaque Rd.
Michael Koppy, 5124 Beaver Creek Rd.

Motion made by Beth Wentzlaff to approve the application by JP Holding Company, LLC for a Preliminary Planned Unit Development for 103-unit apartment building on a 13-acre site at 50xx Maple Grove. Seconded by Buckley Simmons. Motion carried 5 to 0.

6. CONTINUING BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

None.

9. COMMISSION MEMBER REPORTS

Joe Peterson – None.

Corey Kolquist – Absent.

Valerie Ouellette – None

Samuel Clark – None

Shannon Sweeney Jorgenson – Absent.

Beth Wentzlaff – None.

Buckley Simmons – None.

John Geissler – Again acknowledged Steve Overom’s service to the City as the City Attorney and that he will still be stepping back from some of his duties and that his associate, Gunnar Johnson will be the new City Attorney effective January 1, 2022.

ADJOURN

Motion made by Buckley Simmons to adjourn the meeting. Seconded by Valerie Ouellette. Meeting adjourned at 8:05 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant