

CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION
April 12, 2022 Meeting Summary
7:00 PM

1. ROLL CALL

Members Present: Joe Peterson; Corey Kolquist; Valerie Ouellette; Samuel Clark; Buckley Simmons; Beth Wentzlaff; Dante Tomassoni; and John Geissler (via Zoom).

Members Absent:

Others Present: Eric Johnson, Community Development Director; The Edstroms, 5195 Miller Trunk Highway; Karl Kallberg, 4662 Ugstad Rd.; Bart Porter, 3677 Okerstrom Rd.; Tony Marino, 3760 Johnson Rd.; Dennis Kachelmyer, 4355 Stebner Rd.; Harley Davidson representative, 4355 Stebner Rd.; James Orman, 4537 Lavaque Bypass; Ruth & Jamie Bird, 5385 & 5389 Miller Trunk; and Nate Rickard, 4878 Trails End Dr.

2. APPROVAL OF AGENDA

Motion made by Corey Kolquist to approve the April 12, 2022 agenda as presented. Seconded by Buckley Simmons. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Valerie Ouellette to approve the March 15, 2022 minutes as presented. Seconded by Dante Tomassoni. Motion carried.

4. PUBLIC DISCUSSION

Tony Marino, 3760 Johnson Rd. Spoke on the Planned Unit Development by Jay Zierden.

5. PUBLIC HEARING

5A. An application by ATK Enterprises, Inc. for a Planned Unit Development for the construction of 60' x 202' storage building and a 40' x 104' storage building to be located at 4540 Norway Pine Place. The property is located in a C-1, Office/Light Industrial zoning district.

Eric Johnson, Community Development Director, presented the application of ATK Enterprises, Inc. In 2020, the applicant constructed two 60' by 160' cold ministorage buildings on a 6.5-acre lot in the Maple Hill subdivision with access off of Norway Pines Place. In addition to the buildings and the driving surface, the applicant constructed the stormwater detention system which accounted for these and future improvements. The project was approved as a Planned Unit Development (PUD) as that gave the applicant options on parceling out individual units within the development for sale at a future date. All of the previously constructed units are rental only at this time. The PUD approval also specified that any future additions to the development were required to go through the PUD process.

At this time, the applicant is now pursuing phase 2 of the development. Proposed work includes a 60' x 202' and a 40' x 104' cold ministorage buildings with 17 units total. There will be various sized units offered for rent on a monthly or annual basis.

The applicant will also be installing paving to access the two new buildings. The site's stormwater system has been designed for this additional development. The installation of private water and sanitary sewer may be involved in the future phases. Some form of plat, a traditional plat or CIC plat, may also be required. Staff has reviewed the potential phasing and is comfortable that the site can accommodate additional development, however, this PUD application does not convey future development approval.

Motion made by Corey Kolquist to approve the application by ATK Enterprises, Inc. for a Planned Unit Development for the construction of 60' x 202' storage building and a 40' x 104' storage building to be located at 4540 Norway Pine Place. Seconded by Beth Wentzlaff. Motion carried 7 to 0.

5B. An application by Porter Business Development LLC for a rezoning of a 2 acre parcel located at the SE intersection of Stebner Road and Arrowhead Road. The parcel is currently zoned P, Public with a proposed rezoning to C, Commercial.

Eric presented the application by Porter Business Development LLC who is requesting a change to the Hermantown Zoning Map by rezoning 2-acres in the northwest corner of Parcel: 395-0030-00010 and the approximately 12,400 square feet of adjoining right of way from P, Public to C, Commercial. The purpose of the rezoning is to facilitate the development of 2 – 1 acre building sites for future development.

The site is part of the 74-acre Sunrise Funeral Home, Cremation Services, and Cemetery located at 4798 Miller Trunk Highway. It has been owned and operated by the applicant for many years. The site is the 2-acres in the northwest corner of the property bound by Arrowhead Road to the north and Stebner Road to the west. The site measures 417.4 feet by 208.7 feet.

The property is bordered by R-3, Residential and C, Commercial zoning districts. Existing uses of the neighboring properties on the north side of Arrowhead Road are allowed in the C, Commercial district including an apartment building and medical clinic. Properties on the west side of Stebner Road are undeveloped.

Motion made by Valerie Ouellette to approve the application by Porter Business Development LLC for a rezoning of a 2 acre parcel located at the SE intersection of Stebner Road and Arrowhead Road. The parcel is currently zoned P, Public with a proposed rezoning to C, Commercial. Seconded by Buckley Simmons. Motion carried 7 to 0.

5C. A petition to change the street name of Eeve Drive to Stevie Drive. This road intersects Richard Avenue and Haines Road and is located in the Hermantown Marketplace.

Eric informed the commission members that the City has been received a petition to change the street name of Eeve Drive to Stevie Drive. This road intersects Richard Avenue and Haines Road and is located in the Hermantown Marketplace.

There are currently no businesses addressed off of Eeve Drive and in conversations with 911 addressing system, they have no issues with the proposed change of name.

Should this petition be granted by the City Council, the applicant would be responsible for the purchase of the new street signs, and any applicable invoices or fees incurred by the City for the work of the Public Works Department in the installation of the signs and the City Engineer and City Attorney for any review related work.

Motion made by Corey Kolquist to approve the petition to change the street name of Eeve Drive to Stevie Drive. This road intersects Richard Avenue and Haines Road and is located in the Hermantown Marketplace. Seconded by Dante Tomassoni. Motion carried 6 to 0. Joe Peterson abstained.

5D. Zoning Ordinance text amendments by the City of Hermantown amending the text of the Hermantown Zoning Code and adopting zoning maps establishing an airport zoning overlay safety zone within the City of Hermantown.

Eric presented to the commission that the City has been in discussions with the Duluth International Airport (DIAP) and the Joint Airport Zoning Board (JAZB) regarding the creation of and adoption of a Custom Zoning ordinance addressing safety zones associated with the runways at DIAP. In October 2021, the MN DOT approved the JAZB Zoning Ordinance which creates safety zones within the following communities:

- Hermantown (Zones 1,2,2.5 and 3)
- Duluth (Zones 1,2,2.5 and 3)
- Rice Lake (Zones 1,2,2.5 and 3)
- Canosia Township (Zone 3)
- St. Louis County ((Zone 3)

The state law enacted in 2019 allowing custom zoning better integrates airport zoning with the local zoning and planning processes. Custom zoning allows for increased flexibility for an airport to enact airport zones that are appropriately sized for the airport's needs. The JAZB Airport Zoning Ordinance reflects custom zoning.

The JAZB Airport Zoning Ordinance contemplated that the City of Hermantown would adopt amendments to its Zoning Ordinance that incorporates the applicable provisions of the Airport Zoning Ordinance. The purpose and intent of the Hermantown Airport Zoning Overlay Ordinance” or “HAZ00” is to protect the public health, safety, order, convenience, prosperity, and general welfare, and for the promotion of the most appropriate use of land and to prevent the creation or establishment of airport hazards for the citizens residing in the City of Hermantown.

The JAZB Airport Zoning Ordinance restricts those uses which may be hazardous to the operational safety of aircraft operating to and from the DIAP, and, to limit population and building density in the runway approach areas.

Certain properties within the City of Hermantown are subject to the requirements of the JAZB Airport Zoning Ordinance as they fall within one of 4 safety zones associated with runways 3 and 9 of the JAZB Airport Zoning Ordinance. The 4 safety zones and their restrictions as well as other applicable provisions/sections of the JAZB Airport Zoning Ordinance are included in the City's proposed ordinance.

The City will require that the City enters into an indemnification agreement with the City of Duluth whereby the City of Duluth, as the owner of the DIAP, indemnifies Hermantown from any liability for takings or crashes related to the adoption of the HAZOO as a condition to HAZOO becoming effective.

The following residents spoke about their concerns regarding this project. The main issues were, event gathering size and no change in C zone.

Dennis Kachelmyer, 4355 Stebner Rd., and Nate Rickard, 4878 Trails End Dr.

Motion made by Beth Wentzlaff to approve the Zoning Ordinance text amendments by the City of Hermantown amending the text of the Hermantown Zoning Code and adopting zoning maps establishing an airport zoning overlay safety zone within the City of Hermantown. Seconded by Corey Kolquist. Motion carried 7 to 0.

6. CONTINUING BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

None.

9. COMMISSION MEMBER REPORTS

Joe Peterson – None
Corey Kolquist – None
Valerie Ouellette – None
Samuel Clark – None
Beth Wentzlaff – None
Buckley Simmons – None
Dante Tomassoni – None
John Geissler – None

ADJOURN

Motion made by Samuel Clark to adjourn the meeting. Seconded by Valerie Ouellette. Meeting adjourned at 7:50 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant