## Hermantown Planning \& Zoning Meeting - March 19, 2024

Hermantown's upcoming Planning \& Zoning meeting will include both remote access and in-person access to Council Chambers. The remote access will be available through the platform, "Zoom," which allows the public to view and participate in the meeting via phone or computer. Interested parties can also choose to attend the Planning \& Zoning meetings in person at City Hall.

Remote access to the 7:00 pm Planning \& Zoning Meeting will be available at:
https://us02web.zoom.us/j/89710487385?pwd=RFZYekswalBBNEluUjZXTXVQUEYydz09
and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 897-1048-7385 and the passcode of 122771.

A few important tips regarding the Zoom platform:

- If your computer does not support audio, you can still watch the meeting on your computer and call in on your phone to hear the meeting.
- Everyone has varying levels of comfort regarding remote technology, so grace and understanding are appreciated.


## Agenda

March 19, 2024
7:00 PM

## 1. ROLL CALL

2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES

3A. February 27, 2024 regular meeting.
4. PUBLIC DISCUSSION - Public comment on any item not otherwise listed on the agenda.

## 5. PUBLIC HEARINGS

5A. An application for a Final Planned Unit Development (PUD) by Jay Zierden/BMAX for a 10 building/20 total unit twinhome/duplex development on 10 acres. The property is located at 399x Stebner Road and is located in a R-3, Residential zoning district. -THIS ITEM HAS BEEN REMOVED FROM THE AGENDA

5B. An application by ABDO Markethouse LLC. for a Commercial Industrial Development Permit for the construction of a 10,640 square foot retail/commercial building with associated site and stormwater improvements. The property is approximately 2.75 acres in size and is located at 559x Miller Trunk Highway and is located in a C-1, Office/Light Industrial zoning district.

## 6. CONTINUING BUSINESS

## 7. NEW BUSINESS

8. COMMUNICATIONS

24-31 Resignation of Dante Tomassoni from the Planning \& Zoning Commission
9. COMMISSION MEMBER REPORTS

Joe Peterson
Corey Kolquist
Valerie Ouellette
Beth Wentzlaff
Buckley Simmons
Matthew Fournier
John Geissler

PLANNING \& ZONING COMMISSION

February 27, 2024 Meeting Summary
7:00 PM

## 1. ROLL CALL

Members Present: Joe Peterson; Valerie Ouellette; Beth Wentzlaff; Matthew Fournier; and Councilor John Geissler

Members Absent: Corey Kolquist; Buckley Simmons; and Dante Tomassoni
Others Present: Eric Johnson, Community Development Director; Mr. \& Mrs. Bjork; Jim Atkinson, 30 W Superior St., Duluth; Anne Peterson, 5080 Maple Grove Rd.; Darren Weets, 3960 Peyton Ln.; Dave Fulda, 4961 Greystone St.; Mark Carlson, 3988 Stebner Rd.; Steve \& Kathy Ide, 4918 Radar Rd.; Brandon Manny. 45 E Harraty Rd.; Dale \& Barbara Harris, 4017 Stebner Rd.; Jack Dougherty, 3205 Wellington St.; Mary \& Craig Monson, 3916 Stebner Rd.; Mark Wolcott, 5652 Roses Rd.; Gage Richie, 30 W Superior St.; Dane Della Rossa, 4383 Sundby Rd.; and John Jamniek, JPJ Eng.

## 2. APPROVAL OF AGENDA

Motion made by Valerie Ouellette to approve the February 27, 2024 agenda as presented. Seconded by Beth Wentzlaff. Motion carried.

## 3. APPROVAL OF MINUTES

Motion made by Valerie Ouellette to approve the January 17, 2024 minutes as presented. Seconded by Matthew Fournier. Motion carried.

## 4. PUBLIC DISCUSSION

None.

## 5. PUBLIC HEARING

5A. An application for a Preliminary Planned Unit Development (PUD) Amendment by Jay Zierden/BMAX for a 10 building/20 total unit twinhome/duplex development on 10 acres. The property is located at 399x Stebner Road and is located in a R-3, Residential zoning district.

Eric Johnson, Community Development Director, advised the commission that the Applicant, Jay Zierden/BMAX, is proposing to construct a 10 twinhome buildings ( 20 units total) on an existing 10 -acre lot with access to Stebner Road. The proposed development consists of a 1050' feet of public street with a 66' right of way; a 5' wide sidewalk on the north side of the street; a 4,800 square foot accessory/storage building and two pickleball courts.

Valerie Ouellette asked commented on the narrow spacing between each twin home.
Jay Zierden, 4571 Martin Rd., Duluth, addressed that concern and stated that six weeks ago when he was on the agenda, his plan did have 10 -foot side lots and that the pickleball court was at the
end of the cul-de-sac. On the advice of City Staff, this is plan he was asked to resubmit. He noted that he would prefer the 10 -foot side lots, with the pickleball court at the end, but this was the plan he was required to put forth.

Valerie asked Eric to explain why the pickleball courts had to be put where they are proposed.
Eric stated that it was required to accommodate a future right of way, the needs of the development today, and to potentially provide for the needs of the development in the future, i.e. right of way extension and to meet the needs of the applicant. i.e. number of units and garages, etc., and still limit wetland impacts.

Matthew Fournier, asked if the pickleball courts would be open to the general public, or open to the residents of the development.

According to Eric, the courts would be open to the public and that the roadway can accommodate one side parking.

The following residents spoke about their concerns regarding this project. The main issues were, why the zoning change, initial wetland/swampland, various development within the City, loud excavating noise, and traffic concerns associated with the project.

Barbara Harris, 4017 Stebner Rd.
Mary Monson, 3916 Stebner Rd.
Craig Monson, 3916 Stebner Rd.
Natascha Ellis, 3995 Stebner Rd.
Motion made by Valerie Ouellette to approve the application by Jay Zierden/BMAX for a 10 building/20 total unit twinhome/duplex development on 10 acres. The property is located at 399x Stebner Road and is located in a R-3, Residential zoning district. Seconded by Beth Wentzlaff. Motion carried 4 to 0.

5B. An application by JP Holding Company, LLC for a Preliminary Planned Unit Development for a 19 lot single family homes and 9 townhome buildings (18 units total) for a total of 37 lots/units on a 13-acre site located at 507x Maple Grove Road. The property is located in an R-3 zoning district.

Eric advised the commission that the Applicant, JP Holding Company, is the property owner associated with this 13 -acre property at $5007 x$ Maple Grove Rd., and is proposing the Arbors of Maple Grove project which consists of 18 single family lots and 9 twinhomes (18 units) with a minimum dimension of $55^{\prime} \times 125$ ' and a minimum square footage of 6,875 square feet. In addition, there are 9 twinhome buildings ( 18 units total) with a minimum lot size or $40^{\prime}$ x $113.5^{\prime}$ and minimum lot size of 4,540 square feet for each individual unit lot.

In 2021, the City approved a preliminary PUD for a 103-unit, 4 story apartment building. In discussions with the applicant, there is the desire to move away from the apartment and instead pursue a small lot single family home development along with twinhomes. Assuming this project is recommended by the Planning and Zoning Commission and approved by the City Council, the previously approved preliminary PUD for this property will be voided.

The single-family homes are projected to be approximately 1,750 square feet with a two-car garage. Each twinhome are projected to be approximately 1,300 square feet. There may be some twinhome units with walk-out basements which could increase the square footage to 2,200 square feet. Each twinhome will have a two-car garage as well.

Matthew asked if the City had looked at a traffic flow with the Pillars of Hermantown located next to this project.

Eric stated there was a traffic analysis had been completed in the prior PUD when the applicant was looking at putting in an apartment at the site.

James Talago, $15^{\text {th }}$ Ave., Duluth. Mr. Talago feels the residential need is much higher in Hermantown than the need for apartments.

Motion made by Matthew Fournier to approve the application by JP Holding Company, LLC for a Preliminary Planned Unit Development for a 19 lot single family homes and 9 townhome buildings ( 18 units total) for a total of 37 lots/units on a 13-acre site located at 507 x Maple Grove Road. Seconded by Valerie Ouellette. Motion carried 4 to 0.

5C. An application by Hage and Co. for a Special Use Permit for the construction of a 72,000 square foot warehouse building with associated site and stormwater improvements. The property is located at 438x Sundby Road and is located in a BLM, Business and Light Manufacturing zoning district.

The Applicant, Hage and Co., is proposing to construct a 72,000 square foot building for the purpose of providing indoor storage in an area of close proximity to the Duluth International Airport. The proposed building is a 2 story building, 26 feet in height with a footprint of $120^{\prime} \times 600^{\prime}(72,000 \mathrm{SF})$.

The BLM, Business and Light Manufacturing zoning district identifies maximum lot coverage (generally) of $35 \%$. The code does allow for an increase in lot coverage up to $65 \%$ if there is a landscape plan provided with the proposal and approval by the City Council of a Special Use Permit (SUP).

The Applicant's engineer has provided a landscape plan which provides a mixture of deciduous and evergreen trees along the north and south facades of the proposed buildings. In addition, there are ornamental grasses proposed along the east and west facades of the buildings. And six large deciduous trees proposed in various locations on the property. The plant material along the building facades are planted within a rock maintenance strip along all sides of the buildings.

David Bolf, City Engineer, spoke to the commission regarding this project and he and City Staff have approved the stormwater plan with one underground system and the other is a stormwater pond.

There are utilities on Airbase Rd., and those utilities are City of Duluth utilities located in Hermantown, on easements on private properties. Because of this, the developer has to secure an easement from the property owners across the street and has to extend the public utilities across that easement to the Airbase Rd. right of way and then cross the right of way.

The following residents spoke about their concerns regarding this project. The main issues were, quality of life being destroyed, increased crime and traffic, property values and proposed landscaping associated with the project.

## Page 3

Bradley Bjork, 4395 Sundby Rd.
Dane Della Rossa, 4383 Sundby Rd.
Mrs. Bjork, 4395 Sundby Rd.
Eric stated that the applicant wanted a one-way traffic system throughout. He clarified that the entrance would be on Sundby Rd. and the exit would be onto Airbase Rd.

Applicant, Kerry Hage, 2 Merilane, Edina, is the developer for the project and he stated that it is a Business and Light Manufacturing zoned property, and as such, it is for the use of warehouse light manufacturing. There are similar businesses across the street, so it is an area that does what it is intended for.

Beth Wentzlaff stated that it would affect the property values somewhat because of the rest of the use around it. She feels it would be more of a benefit than a detriment.

Kerry also stated that he intended to build on the property to drive through it as to limit traffic flow outside of the structure. He doesn't believe there will be a tremendous amount of traffic, unlike the eye clinic across the street.

Motion made by Valerie Ouellette to approve the application by Hage and Co. for a Special Use Permit for the construction of a 72,000 square foot warehouse building with associated site and stormwater improvements. Seconded by Matthew Fournier. Motion carried 4 to 0.

5D. An application by Hage and Co. for a Commercial Industrial Development Permit for the construction of a 72,000 square foot warehouse building with associated site and stormwater improvements. The property is located at 438x Sundby Road and is located in a BLM, Business and Light Manufacturing zoning district.

Eric advised the commission that the Applicant, Hage and Co. is proposing to construct a 72,000 square foot building for the purpose of providing indoor storage in an area of close proximity to the Duluth International Airport. The proposed building is a 2 story building, 30 feet in height with a footprint of $120^{\prime} \times 600^{\prime}(72,000 \mathrm{SF})$.

Eric explained that the maximum building coverage in the BLM zoning district is $35 \%$, however it can be increased up to $65 \%$ with the submission of a landscape plan and a Special Use Permit. The applicant has provided a landscape plan that includes a mixture of deciduous and evergreen plant material with the landscape being installed around the periphery of the building as well as along both frontages.

Motion made by Matthew Fournier to approve the application by Hage and Co. for a Commercial Industrial Development Permit for the construction of a 72,000 square foot warehouse building with associated site and stormwater improvements. Seconded by Beth Wentzlaff. Motion carried 4 to 0 .

## 6. CONTINUING BUSINESS

None.

## 7. NEW BUSINESS

7A. A discussion on development opportunities within Stebner Park.

John Mulder, City Administrator, spoke to the commission and advised them on how the concept of the Hermantown Marketplace began.

Hermantown Marketplace Summary - As of December 31, 2022, 351,339 sq. ft of space has been added. Over $\$ 26.7$ million in private investment in buildings, does not include the increase in value of land. Over $\$ 1$ million increase in new tax revenue.

Over the last two years, the City of Hermantown has been working with the land owner of "Stebner Farms" to consider how to enhance the Marketplace as a destination and center for economic activity.

Joe Wicklund, Assistant City Administrator, discussed with the commission the history of this particular idea. He stated that there have been discussions in this particular area around where in Marketplace area can a feasibly 100,000 sq. ft. facility that serves a little bit of health care but also creates opportunity for a 365-day indoor recreation site.

Eric followed up with fact that sanitary sewer has been extended from Maple Grove Rd. and that during the mid-part of next year, the driveway would be turned into a roadway. The next step would then be to change the zoning from P (Public) to Hermantown Marketplace. A Preliminary and Final Plat identifying parcels and public right of way would need to be completed, as well as a Commercial Industrial Development Permit application and review/action would need to be presented to the Planning Commission.

## 8. COMMUNICATIONS

None.

## 9. COMMISSION MEMBER REPORTS

Joe Peterson - None
Corey Kolquist - Absent
Valerie Ouellette - None
Beth Wentzlaff - None
Buckley Simmons - Absent
Dante Tomassoni - Absent
John Geissler - updates to Comprehensive Plan and new building official
Matthew Fournier - None

## ADJOURN

Motion made by Valerie Ouellette to adjourn the meeting. Seconded by Matthew Fournier Meeting adjourned at 9:00 pm.

Officiated by:

Joe Peterson, Chairman
Mary Melde, Administrative Assistant

## 5B. 559x Miller Trunk Highway - Commercial Industrial Development Permit (CIDP)

Applicant: Abdo Marketplace, LLC<br>Case No.:<br>Staff Contact: Eric Johnson, Community Development Director<br>Request:<br>Approve a Commercial Industrial Development Permit with conditions for a 10,640 square foot retail/commercial building

## RECOMMENDED ACTION:

Approve a Commercial Industrial Development Permit (CIDP) in order to develop an existing 2.75 acre site located at 559x Miller Trunk Highway. The applicant is proposing to develop the property for a 10,640 square feet retail/commercial building.

## DESCRIPTION OF REQUEST:

The applicant (Abdo Marketplace, LLC) is working to develop the property in order to construct a 10,640 square foot retail/commercial building with 35 parking spaces. The project involves the construction of the building along with a driveway onto Vaux Road; a paved bituminous parking lot with 35 spaces and stormwater facilities. The City ordinance requires 44 parking spaces per the floor area calculation however in conversation with the applicant, this would exceed what they typically need for their stores. Given this, the City is able to accept a proof of parking area shown on the site plan, which shows how the parking lot can expand should additional spaces be needed in the future.

## SITE INFORMATION:

| Parcel Size: | 2.75 acres |
| :--- | :--- |
| Legal Access: | 559x Miller Trunk Highway |
| Wetlands: | Yes, delineated in 2023 |
| Existing Zoning: | C-1, Office/Light Industrial |
| Airport Overlay: | Zone 3, height restrictions only |
| Shoreland Overlay: | N/A |
| Comprehensive Plan: | Commercial |

## ZONING ANALYSIS:

| Zoning District: C-1, Office/Light Industrial |  |  |
| :--- | :--- | :--- |
| Type | Required | Proposed |
| Min Lot Area | 2.5 acres | 2.75 acres |
| Lot Width | 200 | 350 feet along Miller Trunk Highway |
| Front Yard | 35 feet ROW | 145 feet from Miller Trunk Highway <br> right of way |
| Rear Yard | 40 feet | 50 feet minimum |
| Side Yard | 10 feet | 90 feet minimum |
| Lot coverage | $50 \%$ | $8.9 \%$ |
| Maximum <br> Building Height | 45 feet | 20 feet |
| Parking | 44 spaces (1space/200 SF of floor <br> area) | 35 with 9 proof of parking spaces |
| Airport Safety Zone: 3 | 1428.5 |  |
| Maximum <br> Building <br> Elevation | 1580 |  |

## Stormwater Management

The property is 2.75 acres in size. The proposed impervious surface consists of the 10,640 square foot building, 24,951 square feet of bituminous parking lot,and 2,347 square feet of concrete sidewalk for a total of 37,938 square feet of impervious area (31.7\%).

The plan proposes a series of three detention basin on site for the treatment of stormwater. The applicant has submitted preliminary engineering plans locating the basins and their proposed size. The applicant will need to submit final engineering plans and stormwater calculations in order to receive a MS4 Statement of Compliance Erosion Control Permit from the City Engineer before issuance of the Commercial Industrial Development Permit.

## Access

The property is accessed from Vaux Road by way of a new driveway entrance approximately 130 feet from Miller Trunk Highway. This location was discussed with the City Engineer and Public Works Director with the determination that the 130 feet of Vaux Road is required to be upgraded to a 10 ton road and is the responsibility of the applicant to construct. The applicant and their contractor will need to coordinate with MN DOT for this work.

## Utilities

The project will access the existing sewermains in the Vaux Road right of way. The applicant will need to coordinate with the City in order to connect into the line and will have to pay the sewer connection and any availability fees. The project proposes to utilize a private well for the development as there is no City water service in this portion of the City. The applicant will need to submit final engineering plans to the City Engineer before issuance of the Commercial Industrial Development Permit as well as receive review and approval for the proposed well from St. Louis County.

## Building Architecture

The proposed building is 10,640 square feet in size and approximately 20 feet in height. The building is to be constructed of wood framed building with smooth face concrete masonry units along the front with architectural steel panels along the sides and rear.

Sign permit will need to be applied for under a separate application with the City Building Official.
There will be a dumpster enclosure located within the parking lot area. The enclosure will be constructed of wood material and will screen the trash area.

## SUMMARY AND RECOMMENDATION:

Staff recommends approval of the Commercial Industrial Development Permit based on the findings set forth in the Staff report, subject to the following conditions:

1. The applicant is seeking to construct a 10,640 square foot retail/commercial building. The applicant will need to supply final site engineering and architectural plans prior to the issuance of the Commercial Industrial Development Permit (CIDP).
2. The proposal meets the requirements of Section 525, "C-1, Office/Light Industrial" of the Hermantown Zoning Ordinance.
3. The proposal meets the requirements of Chapter 8, "Commercial-Industrial Development Permits" of the Hermantown Zoning Ordinance.
4. There are existing wetlands located on the site. Wetland impacts are required to be reviewed and approved by the Hermantown Technical Evaluation prior to issuance of CIDP.
5. Prior to issuance of the CIDP, the applicant shall submit final Stormwater and Erosion and Sediment Control Plans and computations as well as receive a MS4 Statement of Compliance from the City Engineer.
6. Applicant shall pay any City sewer availability and connection fees.
7. The applicant shall sign a consent form assenting to all conditions of this approval.
8. The applicant shall pay an administrative fine of $\$ 750$ per violation of any condition of this approval.

## ATTACHMENTS:

- Site Location Map
- Proposed Site Plan
- Proposed Grading
- Proposed Floor Plan
- Proposed Building Elevation
- Building Examples


## Location Map




## LEGEND

-     - construetion umms





## SHEET NOTES








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| WARNING <br> LOCATION OF ALL UNDERGROUND UTLLTES SHALL BE VERFFED BY THE CONTRACTOR. CALL BEFORE DIGGING MINNESOTA ONE-CALL SYSTEM 1-800-252-1166 REQUIRED BY MN STATUTE 216D |
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601 MARQUETTE AVENUE NORTH MINNEAPOLIS, MN 55402




DOLLAR GENERAL

HERMANTOWN, MN
dormng Tile PLAN







From: Dante Tomassoni [dtomassoni@cirrusaircraft.com](mailto:dtomassoni@cirrusaircraft.com)
Sent: Monday, February 26, 2024 4:09 PM
Subject: Resigning from P\&Z
Gents,

My apologies for not being able to attend. It's a bummer for me. I'm just on the road too much. I am going to have to resign as I'm simply unable to provide the service the City deserves. I'll look to you on how we proceed and help transition any way I can.

DANTE TOMASSONI
Dir-Corporate Affairs
$\mathbf{P}+1$ 218.788.3298 M $\mathbf{M}+1$ 701.516.6957
Edtomassoni@cirrusaircraft.com | cirrusaircraft.com
4515 Taylor Circle | Duluth, Minnesota 55811

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