



Hermantown Planning & Zoning Meeting – June 18, 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.

PLANNING & ZONING COMMISSION

Agenda
June 18, 2024
7:00 PM

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
 - 3A. May 21, 2024 regular meeting.
4. **PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.
5. **PUBLIC HEARINGS**
 - 5A. An application by Soumis Construction, Inc. for a Special Use Permit for the construction of a two-family home located at 5154 W Arrowhead Road. The property is located in an R-3 zoning district.
6. **CONTINUING BUSINESS**
7. **NEW BUSINESS**
 - 7A. Discussion on the proposed rezoning of 532x Sunnyview Road from P, Public to R-3 Residential.
8. **COMMUNICATIONS**
9. **COMMISSION MEMBER REPORTS**
 - Joe Peterson
 - Corey Kolquist
 - Valerie Ouellette
 - Beth Wentzlaff
 - OPEN
 - Matthew Fournier
 - John Stauber
 - John Geissler

ADJOURN

PLANNING & ZONING COMMISSION

May 21, 2024 Meeting Summary

7:00 PM

1. ROLL CALL

Members Present: Joe Peterson; Corey Kolquist; Valerie Ouellette; John Stauber; Matthew Fournier; and Councilor John Geissler

Members Absent: Beth Wentzlaff

Others Present: Eric Johnson, Community Development Director; Jack Dougherty, 3205 Wellington St., Duluth; and Barbara Harris, 4017 Stebner Rd.

2. APPROVAL OF AGENDA

Motion made by Corey Kolquist to approve the May 21, 2024 agenda as presented. Seconded by Valerie Ouellette. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Valerie Ouellette to approve the April 16, 2024 minutes as presented. Seconded by Matthew Fournier. Motion carried.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARING

5A. An application by 3W Properties, Inc. for a Special Use Permit for the construction of a two-family home located at 405x Misty Morning Drive. The property is located in an R-3 zoning district.

Applicant, 3W Properties, Inc., is acting on the behalf of the property owner at 4058 Misty Morning Drive. This existing 2.1-acre parcel will be administratively split to form a 0.96-acre parcel with the existing home and a 1.14 -acre parcel for the two-family home.

Motion made by Matthew Fournier to approve the application by 3W Properties, Inc. for a Special Use Permit for the construction of a two-family home located at 405x Misty Morning Drive. The property is located in an R-3 zoning district Seconded by Corey Kolquist. Motion carried 5 to 0.

5B. An application by the ~~City of Hermantown~~ applicant, PPT LLC, for a Commercial Industrial Development Permit for the construction of a 10,130 square foot retail building with associated site and stormwater improvements. The property is located at 4716 Lindgren Road and is located in a HM, Hermantown Marketplace zoning district.

The applicant, PPT, LLC, is seeking a Commercial Industrial Development Permit (CIDP) in order to construct a 10,130 square foot retail building along with subsequent site improvements.

The proposed project has 43 parking spaces and has access from Richard Avenue and Lindgren Road. The project proposes underground stormwater treatment and detention. The building is comprised of 6,666 square feet of retail space, 2,800 square feet of storage/warehouse space and 665 square feet of office/support related space.

Motion made by Valerie Ouellette to approve the application by the City of Hermantown for a Commercial Industrial Development Permit for the construction of a 10,130 square foot retail building with associated site and stormwater improvements. The property is located at 4716 Lindgren Road and is located in a HM, Hermantown Marketplace zoning district. Seconded by John Stauber. Motion carried 4 to 0. Joe Peterson abstained.

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

Applicant (Jay Zierden/BMAX, Inc.) is requesting approval of a Final Planned Unit Development (PUD) for construction of a 10 twinhome (20 units total) on a 10-acre parcel located at 399x Stebner Road. The property is located in an R-3 zoning district.

The Preliminary PUD was approved by the City Council at the March 18, 2024 meeting. The developer has submitted updated plans which have shortened the road length and cul-de-sac location in order to minimize wetland impacts and relocated the pickleball courts. The Applicant has kept the 7' minimum side yard setback but has staggered the units in order to provide a visual variety along the road frontage.

In addition, there has been discussions with the applicant as well as the adjoining property owner of Peyton Acres to build a connecting road between the two projects which would eventually connect to Stebner Park. This road connection will provide vehicular and pedestrian access at multiple locations as well as provide access to Stebner Park. If this occurs, the pickleball courts will be relocated to either another location on this property or potentially to another location in a City park.

Barbara Harris, 4017 Stebner Rd., stated that she didn't understand why the Commission had the need to decrease the variance/space and the need of this density of housing in this small area.

Eric explained that there is no variance, and that the Planned Unit Development (PUD) which allows for the setting of setbacks and lot sizes, which is available in any zoning district within the City.

Motion made by Valerie Ouellette to approve the application for a Final Planned Unit Development (PUD) by Jay Zierden/BMAX for a 10 building/20 total unit townhome development on 10 acres. The property is located at 399x Stebner Road and is located in a R-3, Residential zoning district. Seconded by Corey Kolquist. Motion carried 4 to 0. John Stauber abstained.

5D. An application by the City of Hermantown for a Commercial Industrial Development Permit for the construction of a new indoor sheet of ice/arena expansion with associated site and stormwater improvements. The property is located at 4307 Ugstad Road and is located in a P, Public zoning district.

The Applicant, City of Hermantown, seeks approval of a Commercial Industrial Development Permit (CIDP) in order to construct a 45,000 square foot arena expansion along with subsequent site improvements.

As part of the Hermantown Community Recreation Initiative, an addition to the Hermantown Arena was approved by the City residents. The preferred location of this addition is on the west side of the existing building where there are currently two outdoor skating rinks.

The City, Hermantown School District and Hermantown Area Hockey Association (HAHA) have been working for the past year plus on plans for the second sheet of ice, parking lot expansion and the relocation of outdoor rinks. This process looked at available funds, potential wetland impacts and needs of the facility users.

The proposed project consists of a 45,000 square foot arena space to house the new sheet of ice along with supporting locker rooms, and public gathering space. The proposed expansion will connect to the existing rink via a pedestrian gathering space/lobby on the south side of the building.

The proposed work includes a 42 space expansion to the existing parking lot, a pedestrian trail to the parking lots associated with the school, a connection to the school property to the west which currently is used for the school bus barn and an underground stormwater treatment and storage system

Motion made by Corey Kolquist to approve the application by the City of Hermantown for a Commercial Industrial Development Permit for the construction of a new indoor sheet of ice/arena expansion with associated site and stormwater improvements. The property is located at 4307 Ugstad Road and is located in a P, Public zoning district. Seconded by Matthew Fournier. Motion carried 5 to 0.

5E. An application for a Special Use Permit by the City of Hermantown for grading and filling in a Recreational Shoreland Area for the purpose of constructing a new indoor sheet of ice/arena expansion with associated site and stormwater improvements. The property is located at 4307 Ugstad Road and is located in a P, Public zoning district.

The Applicant, City of Hermantown, desires to build a second sheet of ice and a parking lot expansion at 4307 Ugstad Road. The project site is within a Recreational Environment Shoreland Area and although no direct work is planned within the shoreland area, there is the possibility of storage of materials and equipment within this area.

The City, Hermantown School District and Hermantown Area Hockey Association (HAHA) have been working for the past year plus on plans for the second sheet of ice, parking lot expansion and the relocation of outdoor rinks. This process looked at available funds, potential wetland impacts and needs of the facility users. The proposed work falls partially within a Recreational Shoreland Area associated with an unmapped tributary of the Rocky Run Creek, located on the east side of Ugstad Road.

A Special Use Permit (SUP) was approved for the relocation of the outdoor skating rinks with the current proposed SUP being for the arena and parking lot expansion.

Motion made by Valerie Ouellette to approve the application for a Special Use Permit by the City of Hermantown for grading and filling in a Recreational Shoreland Area for the purpose of constructing a new indoor sheet of ice/arena expansion with associated site and stormwater

improvements. The property is located at 4307 Ugstad Road and is located in a P, Public zoning district. Seconded by James Stauber. 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 – None

Valerie Ouellette – None

OPEN –

Beth Wentzlaff – Absent

Matthew Fournier – None

John Stauber – None

John Geissler – Welcomed John Stauber to Planning and Zoning and spoke about openings on City Council.

ADJOURN

Motion made by Valerie Ouellette to adjourn the meeting. Seconded by Matthew Fournier. Meeting adjourned at 7:53 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant

5A. 5154 W. Arrowhead Road– Special Use Permit - Construction of a two-family residential structure in a R-3, Residential Zoning District

Applicant: Soumis Construction, Inc
Case No.: 2023-62 SUP
Staff Contact: Eric Johnson, Community Development Director
Request: Issue a special use permit for construction of a two-family residential structure in a R-3, Residential District

RECOMMENDED ACTION:

Approve a Special Use Permit for construction of a two-family residential structure in a R-3, Residential zoning district.

DESCRIPTION OF REQUEST:

The applicant requests a special use permit to construct a two-family dwelling unit in an R-3 Residential zone.

SITE INFORMATION:

Parcel Size: 2.33 acres total
Legal Access: 5154 W. Arrowhead Road
Wetlands: Yes, in the SW corner of the property per the NWI
Existing Zoning: R-3, Residential
Airport Overlay: N/A
Shoreland Overlay: N/A
Comprehensive Plan: Residential

BACKGROUND

The applicant (Soumis Construction, Inc.) purchased the property in the spring of 2024. The property is zoned R-3, Residential and is approximately 2.33 acres in size. This property was subdivided into a flag lot in 2023 with the purpose of the previous owner of marketing each parcel for a single family home with the subdivided property allowing for the construction of 2 homes.

ZONING ANALYSIS

Two-family dwellings are allowed by Special Use Permit (SUP) in the R-3 – Residential Zoning District. There are specific conditions which apply to two-family dwellings in addition to the standard regulations in the zoning district. The existing property meets the minimum lot dimensions associated with the construction of a two-family dwelling.

Table 1. Twin Home Requirements	Requirement	Provided
Minimum lot area	1.0 acre	2.33 acre
Minimum lot width	150 feet	166 feet
Minimum depth of front yard	50 feet	50 feet minimum
Minimum side yard	40 feet	40 feet minimum
Minimum distance from nearest condominiums, town homes, two-family dwellings	200 feet	Greater than 200 feet.
Minimum living area per unit	792 sq. ft.	1,640 sq. ft.

Utilities

There are existing water and sanitary sewer service in W. Arrowhead Road. The applicant is required to provide new lateral services to the proposed two-family structure as well as being responsible for any connection or availability fees.

Lot Line Adjustment

Prior to being subdivided, this property’s dimensions were 166’ x 624’ for approximately a 2.33 acre lot. The overall property received approval for a flag lot subdivision in November 2023 and was marketed as two separate building lots. The applicant purchased both properties in spring 2024 and looked at a number of scenarios to develop the property. The applicant has made an application for a special use permit which allows for the construction of a two-family home subject to the lot size and setback requirements of the R-3 zoning district.

Assuming approval of the special use permit, the applicant would request a property line adjustment which would move the existing property line to the centerline of the proposed structure, with there continuing being two separate lots with 1 unit on each lot for a total of two units.

Wetlands

Per the National Wetland Inventory, there is a potential wetland located in the southwest corner of the property. The proposed two-family structure is not located within any wetland area and no wetland impacts are proposed.

Special Use Permit

The Special Use Permit is for construction of a two-family residential structure in a R-3, Residential zoning district. 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;**

The proposed use is compatible with development within the vicinity which is characterized by low and medium density residential and residential compatible uses.

- 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;**

The proposed use will not interfere with the use and enjoyment of surrounding properties which consists of low density residential. The property and setbacks are of sufficient size to not interfere with neighboring properties.

- 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 in an area marked for residential development in the Comprehensive Plan. A two-family home is consistent with the density and purpose of the R-3 – Residential zoning district.

- 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 proposed use is similar to uses of nearby properties in density and style.

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

The project will meet requirements for minimum distance from other two-family dwellings and minimum living area per unit. Refer to Table 1 for specifics of the zoning analysis.

Findings of Fact and Recommendations

Staff recommends approval of the special use application to construct a two-family dwelling subject to the following:

1. The applicant shall connect to public sewer and water services at their own cost and be responsible for any connection or availability fees.
2. Prior to issuance of a building permit, the applicant will submit a site plan showing the lot dimensions and location of the two-family residence relative to the side lot lines.
3. Erosion control measures shall be utilized and remain in place throughout the construction period, and shall not be removed until vegetation is established on the site.
4. Prior to issuance of a building permit, all necessary permits shall be obtained.

5. The applicant shall sign a consent form assenting to all conditions of this approval.
6. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS

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

Location Map



W. ARROWHEAD
ROAD







