

CITY OF HERMANTOWN  
PLANNING & ZONING COMMISSION  
July 20, 2010 Meeting Summary  
7:30 PM

**I. ROLL CALL**

Members Present: Greg Zimmerman; Phil Zastrow; Joe Peterson; Mark Reed; Cary Schmies; Steve Archambeau, Chairman; John Geissler, Councilor; John Klaers, City Planner / Zoning Director

Members Absent: Sally Rollins; Dwayne Haapanen; Chad Scott

Others Present: Joseph Bullyan, 4945 Miller Trunk Hwy; Carolyn Klosowsky, 3721 Lavaque Rd; Jill Slocum, 4055 Haines Rd; Jacob Towers, United Rental, 4189 Haines Rd;

**II. MINUTES**

Motion made by Joe Peterson to approve the June 15, 2010 regular meeting minutes as presented. Seconded by Phil Zastrow. Motion carried.

Motion made by Mark Reed to approve the July 13, 2010 site inspection meeting minutes as presented. Seconded by Cary Schmies. Motion carried.

**III. PUBLIC DISCUSSION**

There was no one present for public discussion.

**IV. COMMISSION MEMBER REPORTS**

Greg Zimmerman – No report

Sally Rollins – Absent

Dwayne Haapanen – Absent

Phil Zastrow – No report

Joe Peterson – No report

Mark Reed – No report

Cary Schmies – No report

Chad Scott – Absent

Steve Archambeau – Glad to be back.

John Geissler – No report

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### **V. CITY PLANNER/ZONING DIRECTOR REPORT**

John Klaers – No report

### **VI. COMMUNICATIONS**

Communication 10-255 from John Klaers, City Planner / Zoning Director to Tom Fait, SWEC, regarding Mark Billman Wetland Delineation

Communication 10-256 from Mn Dept. of Employment & Economic Development to John Mulder, City Administrator regarding Former Cich Autobody

Communication 10-257 from Mn Pollution Control Agency to Jack Curtis, Curtis Oil regarding Petroleum Storage Tank Release & Investigation & Corrective Action

Communication 10-259 from Oliver Companies to Mayor Boucher & City Council regarding Econolodge Hotel & Tejas Restaurant

Communication 10-260 from John Mulder, City Administrator to Chris Skorseth, 4120 McColloch St Duluth, MN regarding Dana Road Extension

Communication 10-266 from WLSSD to John Klaers, City Planner / Zoning Director regarding revised WLSSD's Comprehensive Wastewater Services Plan

Communication 10-270 from Environmental Troubleshooters to John Mulder, City Administrator regarding Phase I Environmental Site Assessment – WalMart

Communication 10-278 from John Klaers, City Planner / Zoning Director to Chairman Archambeau & Planning Commissioners regarding Rezoning of Parcel E – Klosowsky

Communication 10-279 from John Klaers, City Planner / Zoning Director to Chairman Archambeau & Planning Commissioners regarding Exception dog license for Jill & Jerry Slocum

Communication 10-280 from John Klaers, City Planner / Zoning Director to Chairman Archambeau & Planning Commissioners regarding amendment to SUP – Here Comes the Sun Daycare Center

Communication 10-283 from John Klaers, City Planner / Zoning Director to Chairman Archambeau & Planning Commissioners regarding CIDP Application for United Rentals

### **VII. OLD BUSINESS**

There was no old business to discuss.

### **VIII. NEW BUSINESS**

Exception Dog License application for Jill & Jerry Slocum, property located at 4055 Haines Rd for the approval of six dogs at one residence.

Jill Slocum, 4055 Haines Rd, would like the approval to have six dogs. The backyard is fenced in, kept clean, and the dogs are friendly.

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Chairman Archambeau insisted on adding a condition that would require the exception license to be reviewed if and when three complaints are received against the applicant. Cary Schmies questioned if the City Code or Zoning Code regulated animal complaints, and if so the condition regarding complaints should be consistent with existing code. John Klaers stated the exception license is not a part of the regular Zoning Code, but is part of the general City Code. The Planning & Zoning Commission reviews the application and writes a report to the Police Department who would then issue the license.

Motion made by Joe Peterson to recommend the Hermantown Police Department approve the Exception Dog License for Jill & Jerry Slocum to have six dogs subject to the following conditions:

1. The exception license is for six dogs (4 large, 2 small) total.
2. The owner is required to keep the property in a clean and sanitary condition and dispose of pet waste in a manner consistent with local waste disposal regulations.
3. There can be no violations of Nuisance standards because of noise or odors.
4. All dogs will be contained on the property and not allowed to run loose in the neighborhood.
5. If the City receives three complaints about any or all of the applicant's dogs under this exception license, this matter must be reviewed further by the Planning & Zoning Commission.

Seconded by Phil Zastrow. Motion carried. Commissioner Cary Schmies voted in opposition to this matter.

Rezoning application for Carolyn & Anthony Klosowsky, property located at 3721 Lavaque Rd is currently zone C-Commercial, proposing to change to R-3 residential.

Carolyn Klosowsky, 3721 Lavaque Rd, was present to discuss the rezoning application. Last month, the Planning & Zoning Commission approved the rezoning for Parcel F, which is the 15.83 acres of the Klosowsky property sold for single-family residential use. The Klosowsky's would now like the remaining portion of the property rezoned from Commercial to R-3 Residential.

Motion made by Phil Zastrow to recommend the City Council approve the rezoning application for Carolyn & Anthony Klosowsky (Parcel E) based on the same findings of fact as for Parcel F. Seconded by Cary Schmies. Motion carried.

Special Use Permit application for Here Comes the Sun childcare center property located at 4715 Hermantown Road (Salem Lutheran Church), for the expansion of existing licensed childcare facility.

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Applicants were not present at the Public Hearing to discuss the expansion of the existing childcare facility, however they did attend the site inspection meeting on July 13, 2010. At the site inspection meeting, applicant/owner Dana Bushey did explain that the number is increasing from forty to fifty children, but will not increase any more in the future, due to space restrictions.

Commissioners inquired about directional signage for the parking lot. For the majority of the week, the daycare is the primary use of the facility, but on occasion, there are funerals or other meetings that take place during the same time. Navigating the parking lot at peak times can be confusing with lots of traffic. The increase in traffic is a concern for the Commission members.

Motion made by Joe Peterson to recommend the City Council approve the Amended Special Use Permit application for Dana and Travis Bushey to operate Here Comes the Sun child care facility based on the following findings of fact:

1. The proposed development is compatible with development permitted under the general provisions of the Hermantown Zoning Ordinance as amended.
2. The proposed development is compatible with substantially all surrounding land uses.
3. The proposed development will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other surrounding land uses.
4. The proposed development is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this Ordinance.
5. The proposed development will not result in a random pattern of development with little contiguity to existing programmed development.
6. The proposed development will not cause negative fiscal and environmental effects upon the community.

And subject to the following conditions:

1. The Special Use Permit is for up to 50 children at Salem Lutheran Church.
2. The facility will operate Monday through Friday from 6:00 AM to 6:00 PM.
3. The child daycare center will have, at all times, a current license from the state of Minnesota issued for that use in the Salem Lutheran Church.

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4. The applicant is required to install signage to improve the ingress and egress for the daycare location within 30 days.

Seconded by Mark Reed. Motion carried.

Commercial-Industrial Development Permit application by Joseph Bullyan, property located at 4945 Miller Trunk Hwy for the relocation of United Rentals business.

Joseph Bullyan was present to discuss the proposed use of the property by United Rentals. The proposed use would be similar to the RV business as far as displaying vehicles on the lot. There would also be minor changes made to the existing building for the new tenants. John Klaers had provided Mr. Bullyan with a list of likely conditions to be placed on the permit if it is approved. Mr. Bullyan had discussed the list of conditions with the local owner of United Rental, Jacob Towers, who in turn reviewed them with United Rentals headquarters. Both parties were in agreement with them.

Jacob Towers discussed the needs for relocating the business. Chairman Archambeau asked about a proposed layout for the equipment being stored on the property. Mr. Towers did not have anything drawn up at this time, but explained the smaller equipment, such as skid steers and mini excavators will be located near the fence on the front of the property. Booms and forklifts will be located on the rear of the property.

Washing and repairs on equipment will take place inside the building; however, the function testing will be done outside.

Commissioner Schmies asked if the property would be fully fenced in, if the building had an alarm, and if the Hermantown Police Department would receive a key to the gate. Mr. Towers had no problem with giving the Police and Fire Departments a key to the gate, the building did not have an alarm, and the property is already completely fenced in.

Chairman Archambeau asked about the loading and unloading of equipment. Mr. Towers answered one side of the building would have a loading area, and depending on the size of equipment being rented and the customer loading would be near the building or the equipment display area. The equipment display area will have a better workflow.

General business hours are 7:00 AM – 5:00 PM Monday – Friday. United Rentals is not open Saturdays or Sundays for normal business. However, when there is an emergency situation, such as a natural disaster, and equipments needs to get out to a site, or there is equipment repair that needs to be done.

The actual building on the new site is comparative in size the existing building, but the display area is about three times larger than the current location.

Commissioner Peterson inquired about the original Commercial-Industrial Development Permit application and the imposed conditions. In a report from John Klaers to the Planning & Zoning Commission, it was stated the applicant forfeited the performance surety due to non-compliance with conditions. Mr. Peterson questioned the absence of the performance surety on the current Commercial-Industrial Development Permit application and if there should be one, due to past history with the applicant.

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Motion made by Joseph Peterson to approve the Commercial-Industrial Development Permit for Joseph Bullyan and United Rental subject to the following conditions:

1. Equipment for rent or sale shall be displayed in rows parallel to TH 53 and all rows will have a 20' lane between each row to allow for access by emergency vehicles.
2. No equipment will be extended to reach over the existing chain link fence along TH 53.
3. Customer parking will be striped and marked, including handicap accessible spaces.
4. No outside work areas are allowed within 50' of the rear property line.
5. Outside storage of small equipment for sale or rent shall be in a secure area.
6. Temporary and Permanent signs per the code.
7. One designated off street loading space for semi trucks.
8. No Sunday operation and no operations after 9:00 PM weekdays.
9. No equipment washing or repair within 50' of the rear property line.
10. No equipment can be displayed, stored, loaded or unloaded outside of the fence parallel to TH 53.

Seconded by Cary Schmies. Motion carried.

**IX. ADJOURN**

Motion made by Phil Zastrow to adjourn the meeting. Seconded by Mark Reed. Meeting adjourned at 8:06 PM.

Officiated by:

Transcribed by:

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Steve Archambeau, Chairman

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Erika Johnson, Planning & Zoning Coordinator