

CITY OF HERMANTOWN  
PLANNING & ZONING COMMISSION  
April 19, 2016 Meeting Summary  
7:00 PM

**1. ROLL CALL**

Members Present: Chair Joe Peterson; Mike Lundstrom; Greg Zimmerman; Chad Scott; Councilor John Geissler; Dwayne Haapanen; Mark Reed; Eric Johnson, Community Development Director; Josh Bergstad, City Planner

Members Absent: Phil Zastrow

Others Present: Ron Franzen, St. Luke's; Ryan Turner, Damberg, Scott, Gerzina, Wagner, Architects; Ron DeGrio; David Salo; Dick & Patti Jenkins, 4165 Ugstad Rd.; Jim & Doreen Perrault, 4703 Hermantown Rd.; Nicole Dahlgren Budisalovich, 4709 Hermantown Rd.; Brad Johnston, 4180 Ugstad Rd.; Dick Rysman, 5339 Maple Grove Rd.; Mike Herrboldt, 5333 Maple Grove Rd.; Nate Buck, 4168 Ugstad Rd.; Kevin Sevick, 4151 Ugstad Rd.; Josh Peterson, 4314 Ugstad Rd.; Jim and Laurie Knapp, 4161 Ugstad Rd.; Cody Lindsey, M.D. & Ashley Lindsey, 4173 Ugstad Rd.; Reed & Garlynn Rosandich, 4211 Washington Dr.; Dave Holoppa, 332 W Superior St., #200; Mark Gunderson, 5362 McKinley Dr.; Terry Olmem, 4207 Ugstad Rd.; Mary Lou Anderson, 4241 Ugstad Rd.; Mike Perell, 5338 Roosevelt Dr.; Pat Earley, St. Luke's; David Bolf, Hermantown City Engineer.

**2. APPROVAL OF AGENDA**

Motion made by Chad Scott to approve the April 19, 2016 agenda as presented. Seconded by Mark Reed. Motion carried.

**3. APPROVAL OF MINUTES**

Motion made by Mike Lundstrom to approve the March 15, 2016 regular meeting minutes as presented. Seconded by Chad Scott. Motion carried.

**4. PUBLIC DISCUSSION**

**5. PUBLIC HEARINGS**

A Zoning Map Amendment Application from Jim Perrault, 4703 Hermantown Road, adjusting the C, Commercial zoning boundary 95 feet north, changing 16,400 sq. ft. of property from R3, Residential to C, Commercial.

Josh Bergstad presented the staff report to the Planning Commission. He indicated that the applicant owns two parcels on the Hermantown and Haines Road that are adjacent to each other. One parcel that is zoned C, Commercial and the other zoned R3, Residential. The parcels are currently used in a combined fashion with a single commercial building on it. The building is built over the property and zoning lines. The owner is currently looking to sell the property and when he inquired about what would be an allowed commercial use in that area, the City informed him that we needed to make an adjustment to the zoning line in order to issue any new zoning certificates or building permits since half of the building is within their residential zone. The applicant has applied to move that zoning line north by about 95 feet. By doing so will create a zoning split that will eventually allow the lot line to be moved so you have two conforming lots. One conforming commercial lot with a conforming setback for the existing building and then a residential lot that conforms to the minimum size standards of one-half acre. At this time, we are considering the re-zoning of that property. At a future date, there will be an application for a different commercial use on the property as well as at that time an adjustment of the lot line. Staff is recommending approval of this re-zoning based on the fact that it meets the

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requirements of the Comprehensive Plan and overall goals of policies of our zoning ordinance and it corrects a map error and brings into conformance a commercial use that's been long existing on the corner.

Jim Perrault, 4703 Hermantown Road - He stated that he built an addition to the existing building that was there and changed it with a permit by the City of Hermantown to do that. Now, 15 years later, he's told that it was done incorrectly. He believes that there should be no reason for him not to get the re-zoning approval.

Ron DeGrio, Duluth, MN - He's here on behalf of his niece, Nicole Dahlgren who lives just adjacent to the applicant's property. He asked that Ms. Dahlgren's lots be re-zoned the same as applicant's since part of her property is zoned for commercial use.

Joe Peterson - He inquired of staff if this was possible and Josh Bergstad replied that there would need to be an application submitted for Planning Commission and City Council review and approval.

Motion made by Mike Lundstrom to approve A Zoning Map Amendment Application from Jim Perrault, 4703 Hermantown Road, adjusting the C, Commercial zoning boundary 95 feet north, changing 16,400 sq. ft. of property from R3, Residential to C, Commercial.

Seconded by Dwayne Haapanen. Motion carried.

### **AT THIS POINT THERE WAS A TECHNICAL DIFFICULTY WITH THE RECORDING OF THE MINUTES. THE FOLLOWING IS INFORMATION IS COMPILED FROM STAFF NOTES.**

A Commercial Industrial Development Permit Application from St. Luke's for construction of a 21,000 sq. ft. medical clinic at the northeast corner of Market Street and Loberg Avenue.

Prior to the staff report, John Geissler excused himself as his firm DSGW is the architect currently working on the submission.

Josh Bergstad presented the staff report to the Planning Commission. He stated that the proposed building and site met the intent of the design standards of the Hermantown Marketplace Zoning District. Bergstad stated that the proposed clinic shall be constructed in accordance with the Official Exhibits of the CIDP application which are representative buildings. Building elevations including descriptions of materials and colors of the actual to be constructed clinic must be submitted prior to issuance of the CIDP. Minor changes shall be approved administratively. Major site changes, including any that increase the density or level of activity on the site, shall require an amendment to the CIDP. The applicant will need to add 4 bike parking spaces on site to meet zoning requirements.

Due to the design build/developer driven project, a final landscaping plan has not been prepared. A final landscaping plan will be prepared in accordance with the landscaping and site planning requirements of the HM zoning district in coordination with final building design and stormwater management plan.

Proposed signage includes a monument sign along Market Street and a monument sign along Loberg Avenue wall signage on the front of the proposed clinic building. Signs shall be of compatible colors and materials.

The applicant proposes to use asphalt shingles. Asphaltic siding and roof materials are listed as a prohibited primary material, though they may be in trim or ornamental features. It is in Staff's opinion that the full gabled roof, as specifically encouraged roof design, should be encouraged and

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those alternative roofing materials such as metal, terracotta, or other common materials are not as compatible with the proposed building design. Staff is recommending waiving this provision for this application.

Pat Earley, St. Luke's - He recapped St. Luke's involvement in Hermantown and their plans for this new facility which St. Luke's.

Motion made by Chad Scott to approve a Commercial Industrial Development Permit Application from St. Luke's for construction of a 21,000 sq. ft. medical clinic at the northeast corner of Market Street and Loberg Avenue subject to the conditions as written. Seconded by Mark Reed. Motion carried.

A Subdivision Application from JLG Enterprises for a 31 acre, 31 unit single family residential subdivision plat in the Southeast Quarter of Section 16 in Hermantown with road access from Ugstad Road.

Prior to the staff report, Mike Lundstrom excused himself as he is an adjoining neighbor to the project.

Eric Johnson presented the staff report to the Planning Commission. He outlined the following: The applicant owns two R-3 zoned parcels at the 4100 block of Ugstad. The applicant is proposing to subdivide the two parcels into 31 single family residential lots comprising 18.82 acres; two outlots generally comprised of wetland area of 8.48 acres; and dedicated roadway right of way of 3.72 acres. The subdivision will be accessed by a proposed roadway intersecting Ugstad Road and an existing right of way continuation of Jefferson Drive.

The proposed single family residential lots meet the requirements of the R-3, Residential Zoning District. Minimum lot sizes are ½ acre in size and there is a minimum of 100' in lot width at the building setback line.

The developer submitted their application to the Hermantown TEP and a hearing was held on April 14. The TEP conditionally recommended to the Hermantown Planning and Zoning Commission a Wetland Replacement Plan for the wetland impacts as opposed to a de minimus exemption as they viewed this submission as a connected project to the existing Jackson Estates. The conditions included the following:

1. Proof of a purchase agreement for wetland credits in Bank Service Area 1 – which the applicant has submitted;
2. Displaying the building pad location of each lot of a plan sheet;
3. Describing best management methods that will be used to demarcate and protect wetlands that are located on private lots, including physically signing boundaries; and
4. Inclusion of wetland conservation covenants in property deeds.

As part of the development, the applicant will need to submit a Professional Erosion and Sediment Control plan (PESC) for construction and post-construction control of run-off once the construction drawings are complete. In addition, the developer will need to prepare a SWPPP per the MPCA stormwater permit.

The developer will be able to connect to existing public sanitary sewer and public water lines by way of the existing sanitary sewer line in the Jackson Estates 2<sup>nd</sup> addition as well as the existing line at Ugstad Road.. The new sewer and water lines will be a City main and will be constructed based on the City standards.

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The developer will provide engineered plans for utility connections prior to beginning such work on the site. The preliminary plans have been submitted to the City and no major problems with connecting to city utilities are apparent. Detailed plans for new public utilities will be reviewed and approved by the City Engineer prior to issuance of the building permits for development.

Lastly, the developer is proposing three stormwater basins within the outlot A and B areas to collect and treat stormwater. The site is divided into three drainage basins that will collect water from each basin into its corresponding pond.

The developer has indicated that the development will utilize a rural roadway section (no curb and gutter with ditches) similar to the rest of the existing development.

The roadway will connect the existing easement from McKinley Drive and connect to Ugstad Road. This connection has been required by the City as part of any new development/additions to Jackson Estate, as it will provide emergency vehicles access from two different points on Ugstad Road thus eliminating the single access point as it exists today.

The roadway location on Ugstad Road is a result of the WCA rules prioritizing avoidance and minimization of wetland disturbance on the site. This location/crossing is the narrowest part of the wetland and minimizes the wetland impact in this area as much as possible.

David Salo, TKDA (Applicant's Engineer) – He spoke to the design process to date and expressed his and the applicant's ability to answer questions.

Ashley Lindsey, 4173 Ugstad Road – She presented her concerns questions and concerns regarding sidewalks, removal of trees, screening of the project from neighbors, potential construction bonds, flood and traffic impacts, effect on existing wildlife and the construction schedule for the roadway and houses.

Mark Gunderson, 5362 McKinley Drive - He asked about the proposed lot sizes and why they didn't conform with the existing development.

Jim Knapp, 4161 Ugstad Road - He was concerned about water flow and potential flooding issues. He also did not want to have the road located where it is proposed.

Mike Lundstrom, 4193 Ugstad Road – He expressed his concern over the public process and neighborhood involvement/notification. Mike also circulated a request to plant 4 – 6' minimum height evergreen trees adjacent to the Ashley Lindsey property at 4173 Ugstad Road to provide screening from the proposed road.

Terry Olmem, 4207 Ugstad Road – He was concerned about the number of cars on Ugstad Road and why the proposed lots were not larger.

Brad Johnston, 4180 Ugstad Road – He was concerned about potential water issues and flooding as well as the lack of communication during this project.

Nate Buck, 4168 Ugstad Road - He was concerned about the level of the water table and how his property has fluctuated water wise through the years. He was also concerned about overall drainage patterns in the area.

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David Salo - He responded to public questions regarding the engineering aspects of the design and how there were many more steps to work through with the City in regards to construction plans and developer agreements which would address drainage and roadway construction.

John Geissler - He spoke to his past work and experience with Jackson Estates and the requirement of an additional roadway for this entire development.

Chad Scott - He spoke to the fact that a secondary roadway for Jackson Estates had always been part of the overall discussion and had been a requirement by the City and was also asked for by the residents of Jackson Estates in the past.

Ashley Lindsey - She spoke to her concerns about screening and the project effect on wildlife.

Eric Johnson – He responded that the northern long eared bats had been considered by how the developer cut trees during the recommended timeframe established by the DNR for this activity. Also, that with the conservation easement associated with the wetland areas that there was still habitat for other wildlife in this area. Johnson also responded to the screening issue in that the City did not have requirements for tree plantings/screening on R-3 zoned properties.

David Bolf, City Engineer - He spoke about the flooding and drainage concerns. He addressed the stormwater control requirements that post construction stormwater drainage had to equal to or less than preconstruction levels.

Brad Johnston, 4180 Ugstad Road - He expressed his appreciation for the information and stated that he had a better comfort level at this point.

Jim Knapp, 4161 Ugstad Road - He expressed his concern about the lack of sidewalks in the development and the need for them given the amount of group homes and children in the development.

Dwayne Haapanen - He responded that this is his second time living in Jackson Estates. He stated that his previous development of Maple Village had sidewalks and that he believed that vehicles drove faster when there were sidewalks then when there wasn't.

Seeing no further comments Joe Peterson closed the public hearing at 8:55 pm and asked for a motion.

Motion made by Chad Scott to approve a Subdivision Application from JLG Enterprises for a 31 acre, 31 unit single family residential subdivision plat in the Southeast Quarter of Section 16 in Hermantown with road access from Ugstad Road subject to the conditions as written. Seconded by Mark Reed. Motion carried.

#### **6. CONTINUING BUSINESS**

There was no continuing business to report.

#### **7. NEW BUSINESS**

There was no new business to report.

#### **8. COMMUNICATIONS**

There were no communications to report.

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**9. COMMISSION MEMBER REPORTS**

Dwayne Haapanen - No report  
Greg Zimmerman – No report  
Phil Zastrow – Absent  
Joe Peterson – No report  
Mark Reed – No report  
Chad Scott – No report  
Mike Lundstrom – No report  
John Geissler – No report

**ADJOURN**

Motion made by Mark Reed to adjourn the meeting. Seconded by Mike Lundstrom. Meeting adjourned at 9:02 p.m.

Officiated by:

Transcribed by:

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Joe Peterson, Chair

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Mary Melde, Administrative Assistant