



**Regular Meeting of the Planning Commission**

Tuesday, June 14, 2016

7 pm Regular Meeting

1307 Cloquet Ave, Cloquet, MN 55720

**AGENDA**

1. Call to Order
  2. Roll Call
  3. Additions/Changes to the Agenda
  4. Minutes from the May 24, 2016 Planning Commission meeting
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5. Temporary Health Care Dwellings
  6. Airport Zoning District and Safety Zones
  7. Commissioner's Questions/Comments
  8. Adjourn

**NEXT MEETING:  
July 12<sup>th</sup> @ 7 pm**



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Tuesday May 24, 2016

7:00 p.m.

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**CALL TO ORDER**

Chairperson Wilkinson called the meeting to order at 7:00 p.m.

**ROLL CALL**

**Attending:** Planning Commission members: Michael Haubner, Bryan Bosto, Chuck Buscher, John Sanders and Uriah Wilkinson; City: Al Cottingham, Holly Butcher and Attorney Helwig.

**Absent:** Commission members: Jesse Berglund and Kelly Johnson.

**Others Present:** Gary Gatewood, David Johnson, Ross Peterson, Beth Kersting-Peterson, Ken Martin, Christ Medich, Patricia Johnson, Charlene Foss, Rick Brener, Ken Scarbrough, Dan and Katie Danielson, Russ Smith, Duane Buytaert, Lara Wilkinson, Thomas and Bonnie Kloskowski, Clarence Badger John Badger, Theodore Lammi, Diana Dyste, Paul Keenan and Kelly Zink.

**ADDITIONS/CHANGES TO THE AGENDA**

None.

**AGENDA ITEMS**

**May 10, 2016 Meeting Minutes**

Chairperson Wilkinson asked for any corrections or additions.

**Motion:** Commissioner Bosto made a motion to approve the Planning Commission meeting minutes from May 10, 2016, Commissioner Sanders seconded. (Motion was approved 5-0).

**Zoning Case 16-08: Preliminary Site Plan**

Chairperson Wilkinson reviewed the meeting procedures and format for Zoning Case 16-08 Preliminary Site Plan. He asked Mr. Cottingham to provide an overview of the application. Mr. Cottingham noted that Community Development Director Butcher would present an overview of the ISD 94 Request for Proposal (RFP) that was gone through that got us where we are today, Ms. Diana Dyste and Paul Keenan representing Sherman Associates would give a power point presentation about the company and the proposal before you, then City Attorney Helwig will discuss some of the legal land use aspects of the proposal.

Ms. Butcher gave a presentation on how the ISD 94 RFP process began looking at various options for the possible repurposing of the Cloquet Middle School. The RFP was sent out to numerous companies of which two showed interest in submitting a proposal for the site. When the submittal deadline was reached only one proposal was submitted by Sherman Associates.



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There were a number of meetings with the School Board and the public showing the proposal and receiving input on it.

Mr. Keenan provided a history of Sherman Associates, founded over 35 years ago by George Sherman and some of the projects they have done. He noted they develop, own and manage for the long term and have over \$2 Billion in development experience; have over 400 employees, 60 properties and over 6,000 apartment units.

Ms. Dyste provided an overview of the project noting they had reduced the number of units from 70 to 50 – one, two and three bedroom units; have 102 parking spaces; and, have added green space with a play area all based on the discussions and comments that were received at the last Planning Commission meeting.

Attorney Helwig noted the proposal before the Planning Commission was for a sketch plan and the Commission was being asked to provide feedback to the developer on the proposal. It really was not a formal approval or denial at this time. If this project moves forward then formal applications will have to be submitted that will require approvals or denials of the request. He noted the formal site plan would not be reviewed by the Planning Commission unless a variance to the regulations was sought.

Chairperson Wilkinson then opened to public comment reminding people to keep discussions to new matters.

Ross Peterson, 216 3<sup>rd</sup> Street stated the existing parking is misrepresented and there are only 35 existing spaces.

Ted Lammi, 370 Freeman Road stated this needs to be approved, they have reduced the number of units, provided parking and green space. The community needs this type of housing.

Gary Gatewood, 310 4<sup>th</sup> Street noted that fewer apartments doesn't mean less people. He was concerned with over parking in the neighborhood.

Ken Scarbrough, Cloquet Superintendent noted the short term benefit is saving a demo cost of \$1.5 million, they are committed to the city and the needs for this type of housing, the historical significant to the area. He appreciates other opinions that have been given.

Beth Peterson, 216 3<sup>rd</sup> Street stated housing like this needs to be spread out and not concentrated.

Rick Brener, Cloquet Memorial Hospital Administrator noted that the community needs this type of housing, the project needs to be able to move forward and there will be plenty of future opportunities for more comments.



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John Badger, 1341 Valley View Drive stated if it meets the requirements then it should move on, it makes good sense to reuse the building and he is a tax payer in the community and it makes sense.

Clarence Badger, 1518 Moorhead Road believes there are many opportunities for the building, he had been in Owatonna and saw how they had converted an older building into a business incubator. He felt that we needed both housing and businesses in the community.

Kelly Zink, Cloquet Area Chamber noted the project meets the requirements and should move on, there is a need for workforce housing, the historical building should be maintained, will be able to keep the theatre in the building, businesses are looking for housing and good school districts and we do need additional housing.

Chairperson Wilkinson ended the public comment portion of the meeting.

Community Development Director Butcher noted that the developer has outreached to the YMCA Regional Office but there is no interest at this time related to this building. She stated the building in its entirety is too large to be only a business incubator and there are two active already in Duluth. Perhaps a private market office incubator but there is significant space in this building close to 180,000 square feet.

Chairperson Wilkinson inquired if they would be using Tax Increment Financing (TIF).

Community Development Director Butcher stated at this time they did not know for sure it would depend on all other financing options.

Commissioner Haubner stated this was just advisory at this time according to the attorney. They provided advise to the developer at the last meeting and they listened to this and revised their plan to meet the requirements.

Commissioner Sanders stated as mentioned certain things are advisory and they really don't have criteria to deny. They will need to rezone the property in the future and it is hard at this time to deny a sketch plan at this time.

Chairperson Wilkinson noted they did a fine job in listening to the Commission and public by reducing the units and changing other things that were identified by different people.

Commissioner Bosto thanked the developer for listening to everyone at the last meeting and revising things based on those comments and coming back so quickly.



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**Motion:** Commissioner Sanders made a motion to adopt Resolution No. 16-08 A, A Resolution Recommending Approval of the Preliminary Site Plan in the PI – Public/Institutional District for Sherman Associates Development LLC, subject to the property being rezoned, Commissioner Bosto seconded. (Roll Call, Motion was approved 5-0).

Mr. Cottingham noted that this recommendation would be forwarded to the City Council for their meeting on June 7<sup>th</sup>.

**Commissioner's Questions/Comment**

Chairperson Wilkinson asked Mr. Cottingham for an update on upcoming meetings. Mr. Cottingham noted at this time he did not have anything specific for the June 14<sup>th</sup> meeting. He was working on the concerns raised by Commissioner Sanders at the last meeting and uses in the HI – Heavy Industry District.

**Next Meeting**

June 14, 2016

Meeting adjourned 8:10 p.m.

Respectfully submitted,

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Al Cottingham, City Planner/Zoning Administrator



**Community Development Department**

1307 Cloquet Avenue • Cloquet MN 55720  
Phone: 218-879-2507 • Fax: 218-879-6555

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To: Planning Commission  
From: Al Cottingham, City Planner/Zoning Administrator  
Date: June 8, 2016

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**ITEM DESCRIPTION: TEMPORARY HEALTH CARE DWELLINGS**

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**Background**

During the 2016 Legislative Session a bill was introduced to allow for a temporary dwelling to be placed on a parcel for health care purposes. This bill then became a new law allowing landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling. Governor Dayton signed this legislation into law on May 12<sup>th</sup>. Community desire for transitional housing for those with mental and physical disabilities, and the increased need for short-term care for aging family members served as the catalyst behind this initiative. The resulting law allows for a family to more easily care for these individuals by using a temporary dwelling on the property.

Given the September 1, 2016, effective date of the new permit system, cities will need to start planning quickly on how to approach dealing with the temporary health care dwelling issue. The new law allows cities to avoid being subject to the new permit system and its requirements if they either pass an opt-out ordinance or if these structures are already permitted in the city.

A “Temporary family health care dwelling” means a mobile residential dwelling providing an environment facilitating a caregiver’s provision of care for a mentally or physically impaired person. The dwelling must meet certain specifications spelled out in the law. The dwelling is limited to one occupant who is a mentally or physically impaired person. The caregiver must be a relative, legal guardian or health care agent of the mentally or physically impaired person for whom the individual is caring.

I am attaching a copy of the appropriate pages from the State Statute pertaining to the law. I would like to get the Commission’s opinion on the law and whether or not we should consider amending the Ordinance or to pass an Ordinance to opt-out of the requirements.

sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the county does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The county has 15 days to issue a permit requested under this section or to deny it, except that if the county board holds regular meetings only once per calendar month the county has 30 days to issue a permit requested under this section or to deny it. If the county receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the county sends written notice within five business days of receipt of the request telling the requester what information is missing. The county cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A county may by resolution opt-out of the requirements of this section.

**Sec. 3. [462.3593] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

Subd. 2. **Temporary family health care dwelling.** A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

**Subd. 3. Temporary dwelling permit; application.** (a) Unless the municipality has designated temporary family health care dwellings as permitted uses, a temporary family health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the municipality. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law, local ordinances, and charter provisions.

**Subd. 4. Initial permit term; renewal.** The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

**Subd. 5. Inspection.** The municipality may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The municipality may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.



Subd. 6. **Revocation of permit.** The municipality may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the municipality revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise provided by ordinance, the municipality may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the municipality does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The municipality has 15 days to issue a permit requested under this section or to deny it, except that if the statutory or home rule charter city holds regular meetings only once per calendar month the statutory or home rule charter city has 30 days to issue a permit requested under this section or to deny it. If the municipality receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the municipality sends written notice within five business days of receipt of the request telling the requester what information is missing. The municipality cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A municipality may by ordinance opt-out of the requirements of this section.

Sec. 4. **EFFECTIVE DATE.** This act is effective September 1, 2016, and applies to temporary dwelling permit applications made under this act on or after that date.

Presented to the governor May 12, 2016

Signed by the governor May 12, 2016, 1:27 p.m.

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To: Planning Commission  
From: Al Cottingham, City Planner/Zoning Administrator  
Date: June 8, 2016

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**ITEM DESCRIPTION: AIRPORT ZONING DISTRICT AND SAFETY ZONES**

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**Background**

For a number of years the Zoning Map has shown the area around the airport to be Zoned AIR – Airport District for both property owned by Carlton County and private property owners. Based on the uses associated with the district the private property should probably be Zoned FR – Farm Residential or FM – Forest Management and Research District. I have attached a copy of the Zoning Map and pages from the Zoning Ordinance pertaining to the AIR – Airport District.

The second issue is the Airport Safety Zones. Two of the safety zones cover areas off the end of all the runways and uses within those areas while the third covers the airspace around the airport. The Zoning Ordinance refers you to the Zoning Ordinance for Carlton County Airports for more information regarding the airport. I believe there should be more specifics included in our Ordinance pertaining to this rather than having to refer to another document. This could be done as an overlay in the FM and FR Districts. I would need to work with the Airport Manager to be sure he is Ok with the wording and graphics for this. The concern I have is without something on our zoning map these safety zones are often overlooked and should not be.





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### 17.6.19 AIR - Airport District.

**Subd. 1 Intent.** The intent of the AIR Airport District is to accommodate the Cloquet Carlton County Airport. The district is also intended to accommodate commercial and industrial uses that have a synergistic and incidental relationship with the airport, such as a flight school, an air cargo facility, an aviation repair and service shop, and retail uses that serve air travelers and others at the airport. Also refer to the Zoning Ordinance for Carlton County Airports on file with the City Planner/Zoning Administrator for more information regarding the Airport District.

**Subd. 2 Permitted Uses.** The following uses are permitted as regulated herein, without special application requirements or conditions attached:

- A. Agriculture, excluding structures, provided that the agriculture use does not attract wildlife that could constitute a hazard to air navigation or the safe operations of the airport.
- B. Airport terminal.
- C. Airport hangar.
- D. Other airport uses customarily provided in conjunction with an airport use.
- E. Open space, provided that the open space does not attract wildlife that could constitute a hazard to air navigation or the safe operations of the airport.

**Subd. 3 Conditional Uses.** The following uses are permitted only subject to the issuance of a Conditional Use Permit as stipulated in *Section 17.2.06*.

- A. Accessory buildings, if the buildings exceed the pertinent standards specified in *Section 17.5.01*.
- B. Commercial and industrial uses that have a synergistic and incidental relationship with the airport, such as a flight school, an air cargo facility, an aviation repair / service shop, a car rental facility, or a retail store that serves the travelers and others at the airport.
- C. Communication equipment.
- D. Parking lot as a principal use, pursuant to *Section 17.5.11*.
- E. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for conditional uses in this district.

**Subd. 4 Accessory Uses.** The following are allowed as an accessory use to a permitted or conditional use in the AIR Airport District, pursuant to all applicable specific use standards and the requirement.

- A. Accessory buildings, pursuant to *Section 17.5.01*.
- B. Off-street parking, loading, and access drives, pursuant to *Section 17.5.11*.



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- C. Signs, pursuant to *Section 17.5.13*.
- D. Other uses not specifically listed in this Chapter, but for which the City Planner/Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

**Subd. 5 Dimensional Regulations.**

- A. Parcel Requirements. There shall be no parcel requirements in the AIR Airport District.
- B. Setback Requirements for Principal Building. Setback requirements for principal buildings shall be as follows, except as may be modified pursuant to *Section 17.2.07: Variance*.
  - (1) Minimum principal building setback from front parcel line. Thirty (30) feet.
  - (2) Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
  - (3) Minimum principal building setback from interior side parcel line. Eight (8) feet.
  - (4) Minimum principal building setback from rear parcel line. Thirty-five (35) feet.
- C. Setback from “R” District Boundary. Fifteen (15) feet.
- D. Setback Requirements for Accessory Buildings.
  - (1) Minimum principal building setback from interior side parcel line. Five (5) feet.
  - (2) Minimum principal building setback from rear parcel line. Five (5) feet.
  - (3) Maximum height of accessory building. Fifteen (15) feet.
- E. Maximum Building Height. No principal building shall exceed two (2) stories or thirty-five (35) feet in height, as measured pursuant to *Section 17.1.06: Definitions: Height of Building*.
- F. Maximum Building Coverage of the Parcel. There shall be no maximum building coverage in the AIR Airport District.
- G. Maximum Impervious Surface coverage. There shall be no maximum impervious coverage in the AIR Airport District.