



Regular Meeting of the Planning Commission

Tuesday, May 11, 2021

7 pm Regular Meeting

101 14th Street, Cloquet, MN 55720

AGENDA

**Oath of Office
Mark Cline**

1. Call to Order
2. Roll Call
3. Additions/Changes to the Agenda
4. Minutes from the March 9, 2021 Planning Commission meeting
5. Zoning Case 21-03; Ken Maki, Variance
6. Commissioner's Questions/Comments
7. Adjourn

**NEXT MEETING:
June 8th @ 7 pm**



Regular Meeting of the Planning Commission

Tuesday, March 9, 2021

7:00 p.m.

101 14th Street, Cloquet, MN 55720

OATH OF OFFICE

Cottingham administered the Oath of Office to member Wilkinson.

CALL TO ORDER

City Planner Cottingham called the meeting to order at 7:12 p.m.

ROLL CALL

Attending: Planning Commission members: Uriah Wilkinson, Terri Lyytinen, Philip Demers and John Sanders; City: Al Cottingham and Holly Hansen.

Absent: Elizabeth Polling, Rob Zappia and Mark Cline.

Others Present: None.

AGENDA ITEMS

Election of Chairperson and Vice Chairperson

Motion: Commissioner Lyytinen made a motion to appoint Uriah Wilkinson as Chairperson, Commissioner Demers seconded. (Motion was approved 3-0 Wilkinson abstained).

Motion: Commissioner Lyytinen made a motion to appoint John Sanders as Vice Chairperson, Commissioner Demers seconded. (Motion was approved 3-0 Sanders abstained).

ADDITIONS/CHANGES TO THE AGENDA

None.

November 10, 2020 Meeting Minutes

Chairman Wilkinson asked for any corrections or additions.

Motion: Commissioner Sanders made a motion to approve the Planning Commission meeting minutes from November 10, 2020, Commissioner Lyytinen seconded. (Motion was approved 4-0).



Zoning Case 21-01: Comprehensive Plan (Map) Amendment and Rezoning for the City of Cloquet

Chairman Wilkinson introduced Zoning Case 21-01, Comprehensive Plan (Map) Amendment and Rezoning for the City of Cloquet located south of 1513 Highway 33 South and opened the public hearing. He asked Mr. Cottingham to provide an overview. Mr. Cottingham stated the City of Cloquet was proposing a Comprehensive Plan (Map) Amendment from Rural Residential to Highway Commercial and a Rezoning from Farm Residential to Regional Commercial. The City is purchasing an easement from the property owner and a condition of the purchase is the rezoning of the property. The easement is necessary for the accommodation of the Highway 33 reconstruction of installing J Turns. This is a public hearing, and a legal notice was published in the Pine Knot on February 26, 2021 and property owners within 350 feet were sent notices of the hearing. He had received a phone call from an adjoining property owner with some questions and once answered he had no concerns.

Chairman Wilkinson asked if there was anybody that called in that wanted to speak on this matter. Nobody requested to speak.

Commissioner Sanders inquired if there was room for development on the property with the creek and the topography.

Mr. Cottingham stated there is approximately 3 acres of property above the creek so that would be adequate for a nice size building.

Commissioner Sanders stated this property was adjacent to other Regional Commercial property and had no problem with the request. The other Commissioner's agreed with this.

There being no further discussion Chairman Wilkinson closed the public hearing and looked for a motion.

Motion: Commissioner Sanders made a motion to approve Resolution No. 21-01 Comp, A Resolution Recommending the City Council Approve the Comprehensive Plan Amendment (Land Use Plan) from "Rural Residential" to "Highway Commercial", Commissioner Lyytinen seconded. (Motion passed 4-0)

Motion: Commissioner Sanders made a motion to approve Resolution No. 21-01 Rezone, A Resolution Recommending the City Council Approve the Rezoning from "FR – Farm Residential" to "RC – Regional Commercial" Commissioner Lyytinen seconded. (Motion passed 4-0)



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Mr. Cottingham stated this would be forwarded to the City Council for their March 16, 2021 meeting.

Homeless Shelter Discussion

Chairman Wilkinson introduced the item and asked Mr. Cottingham to provide an overview.

Mr. Cottingham stated this had been discussed at two previous meetings and the more he tried to put a definition together the more difficult it became in trying to reference 5 unrelated individuals. He noted that we were looking at this because of one situation and he was concerned that this would open up many more similar situations and felt that these facilities should adhere to the current ordinance definition of a family allowing up to 4 unrelated individuals living together in a dwelling unit.

The Commission discussed this and agreed that we should not change the ordinance.

Commissioner's Questions/Comment

None.

Next Meeting

April 13, 2021

Meeting adjourned 7:30 p.m.

Respectfully submitted,

Al Cottingham, City Planner/Zoning Administrator



Community Development Department

101 14th Street • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

To: Planning Commission
From: Al Cottingham, City Planner/Zoning Administrator
Date: May 5, 2021

ITEM DESCRIPTION: ZONING CASE 21-03: VARIANCE – MINIMUM LOT WIDTH ON A PUBLIC ROAD

Background

A public hearing will be held on Tuesday, May 11, 2021 to consider a possible variance from the minimum lot width on a public road. A legal notice was published in the Pine Knot on April 30, 2021 and property owners within 350 feet were sent notices of the public hearing.

Ken Maki is proposing a variance to the minimum lot width on a public road in order to create two parcels that would not have frontage on a public road. The property is located south of 116 North Road. The property involved is currently two separate parcels approximately 4 acres in size with a private easement on the east side that services the assisted living facility to the south of the property. Mr. Maki wishes to create two new parcels for a total of three lots with two of the lots accessing onto the private drive that services the assisted living facility and the existing home accessing onto North Road. The property is Zoned R1 – Single-Family Residence District and has a minimum lot width of 75 feet on a public road. The proposed lots would have a width of 150 feet but would have access via a private easement to North Road.

There is a 40 foot wide private road, utility and signage easement running south from North Road along the east side of the property providing access to the assisted living facility to the south. This easement was created in 2007 to provide access to the parcel to the south. The easement allows for access to the private road and utilities in the future if needed. A copy of that easement is attached.

Policy Objectives

The Zoning Ordinance states Variances may be granted when they are in harmony with the general purpose and intent of the ordinance, are consistent with the Comprehensive Plan, and when the applicant for the variances establishes that there are practical difficulties in complying with the official control. No variance may be granted unless all of the following conditions exist:

1. The property owner proposes to use the property in a reasonable manner not permitted by an official control;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.



Community Development Department

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Phone: 218-879-2507 • Fax: 218-879-6555

Financial Impacts

The Variance fee is \$350. The applicant has paid this fee to cover the cost associated with the application process.

Advisory Committee Action Requested

The Planning Commission should listen to the testimony that is presented at the public hearing for the variance. Following this testimony, the Planning Commission should review the variance criteria and either approve or deny the variance as submitted. The Planning Commission may impose conditions in the granting of variances; those conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.

Staff Recommendation

Staff has reviewed the variance requirements and would recommend denial of the variance with concerns of a precedence being established by allowing new lots to be created without the minimum frontage on a public road. There is currently an existing parcel with 40 feet of frontage on North Road that will use the easement for access however that property already exist and it does have some frontage on a public road.

Supporting Documents Attachments

- Resolution No. 21-03
- Location Map
- Aerial Photo
- Applicants Narrative
- Lot Survey
- Lot Drawing
- Private Road, Utility and Signage Easement

STATE OF MINNESOTA

COUNTY OF CARLTON

CITY OF CLOQUET

Commissioner _____ offered the following Resolution and moved its adoption.

RESOLUTION NO. 21-03

**A RESOLUTION DENYING A LOT FRONTAGE VARIANCE IN THE R1 –
SINGLE-FAMILY RESIDENCE DISTRICT FOR KEN MAKI**

WHEREAS, Ken Maki is proposing a Variance from the minimum lot frontage on a public road requirement in the R1 – Single-Family Residence District; and

WHEREAS, As required by ordinance, notification was advertised in the Pine Knot and property owners within 350 feet have been notified. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on May 11, 2021 at which time Zoning Case / Development Review No. 21-03 was heard and discussed; and

WHEREAS, the property of the proposed Variance is located south of 116 North Road (PIN's 06-065-0680 and 06-065-0740) and is legally described as follows:

The West Half of Lot 25, County Auditor's Subdivision No. 4, Except the North 140 feet of the West 125 feet of said West Half of Lot 25, Carlton County, Minnesota. And. Lot 24, County Auditor's Subdivision No. 4, Carlton County, Minnesota. And,

WHEREAS, the Planning Commission reviewed the staff report and denies the minimum lot frontage variance to allow the creation of two lots without any frontage on a public road versus the Ordinance minimum of 75 feet.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA, that the Planning Commission denies Zoning Case 21-03 for a minimum lot frontage variance.

The foregoing motion was duly seconded by Commissioner _____ and being put to vote members voted: AYE: ____ NAY: ____ ABSENT: ____

MARK CLINE	_____	PHILIP DEMERS	_____
TERRI LYYTINEN	_____	ELIZABETH POLLING	_____
JOHN SANDERS	_____	URIAH WILKINSON	_____
ROBERT ZAPPIA	_____		

Passed and adopted this 11th day of May 2021.

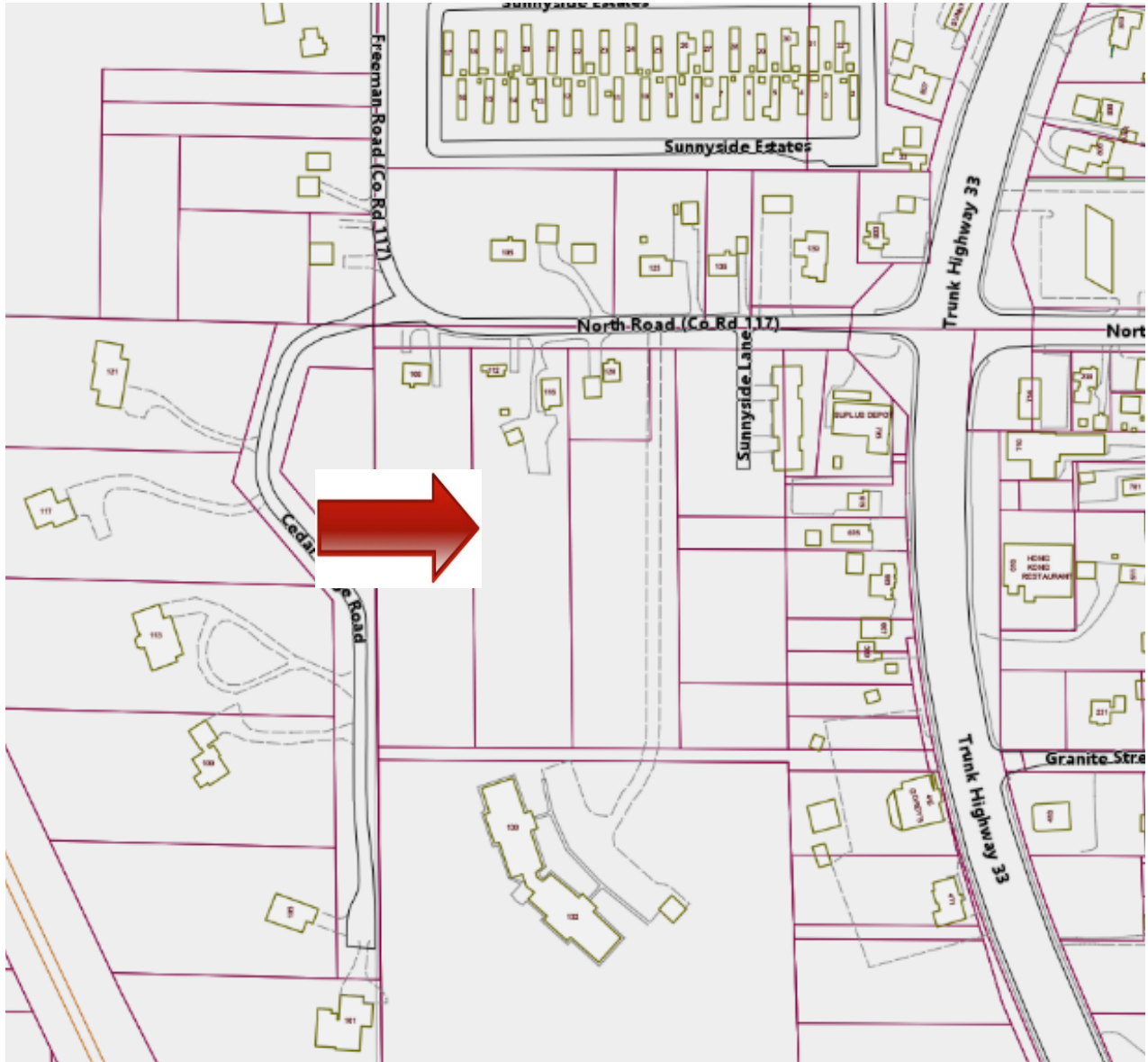
CITY OF CLOQUET

URIAH WILKINSON
CHAIR

ATTEST: _____
Alan Cottingham
City Planner/Zoning Administrator

LOCATION MAP

Ken Maki



NO SCALE



This data is provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose. Not for survey purposes.

Community Development Department

April 9, 2021

101 14th Street Cloquet, MN 55720

Attn: Al Cottingham

City Planner/Zoning administrator

Dear Mr. Cottingham

Enclosed please find my wife Lisa and I request and supporting documents for variance on our property located at 116 North Rd and south of 120 North road. Currently our property is split in (2)- Parcels running north and south each at 165' width X 610.5' length. With the exception of Eric and Tara Yamry's property running north and south at 125' width X 140' length located in the NW corner of lot 25

Diamond Willow, located at 130 W North Rd. entrance driveway was placed on my property after an easement agreement was created between myself and Diamond Willow 5-Star living. It is my wish to utilize Diamond Willow's Driveway to access 2 new 150' X 313' upon approval of my requested variance.

The request, if approved, will be adding only (1) additional parcel after the property lines are re-platted as shown on SEH certificate of survey.

Parcel A on the SEH certificate of survey is my current residence @ 116 North Rd. It is my wish after re-platting to build a new home for my mother and step-father on parcel B.

Enclosed please find:

1. Proposed site plan for Parcel B.
2. Parcel C for future home site. Currently to remain vacant.
3. Certificate of survey provided by SEH, dated 9/10/2007
4. Copy of the easement and signage agreement between Diamond Willow and myself dated:
April 23, 2007

Thank you for your time and consideration of this matter.

Sincerely,

Ken Maki



116 N. Rd

Cloquet, MN 55720

Phone- 218.348.0612



COMMUNITY DEVELOPMENT DEPARTMENT

101 14th Street • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555
www.cloquetmn.gov

APPLICATION FORM

PROPERTY OWNER: Kenneth L. + Lisa L. Maki
ADDRESS: 116 North Rd
CITY, STATE ZIP CODE: Cloquet MN 55720
PHONE NUMBER: 218-348-0612

APPLICANT NAME: Kenneth L. + Lisa L. Maki
ADDRESS: Same as above
CITY, STATE ZIP CODE:
PHONE NUMBER:

SITE LOCATION/ADDRESS: South of 1020 North Rd.
South end of 116 North Rd
Lot 24 County Awd Subdivision No. 4
LEGAL DESCRIPTION:

Table with 2 columns: APPLICATION TYPE and VARIANCE. Rows include Conditional Use, Comp Plan Amend, Preliminary Plat, Planned Unit Dev, Zoning Amend, Variance, Rezone, Final Plat, Site Plan, Wetland Cert/MIT.

DESCRIPTION OF PROPOSAL: Re Plat my Current 2 Parcels at 116 N. Rd + 120 N Rd to Create 1 more parcel
* Please see Certificate of Survey by SEH Dated 9/10/07 *
To Enter Re-Platted Parcels from diamond willow drive

OWNER SIGNATURE: Ken Maki DATE: 4/9/21

APPLICANT SIGNATURE: Ken Maki DATE: 4/9/21

OFFICE USE:

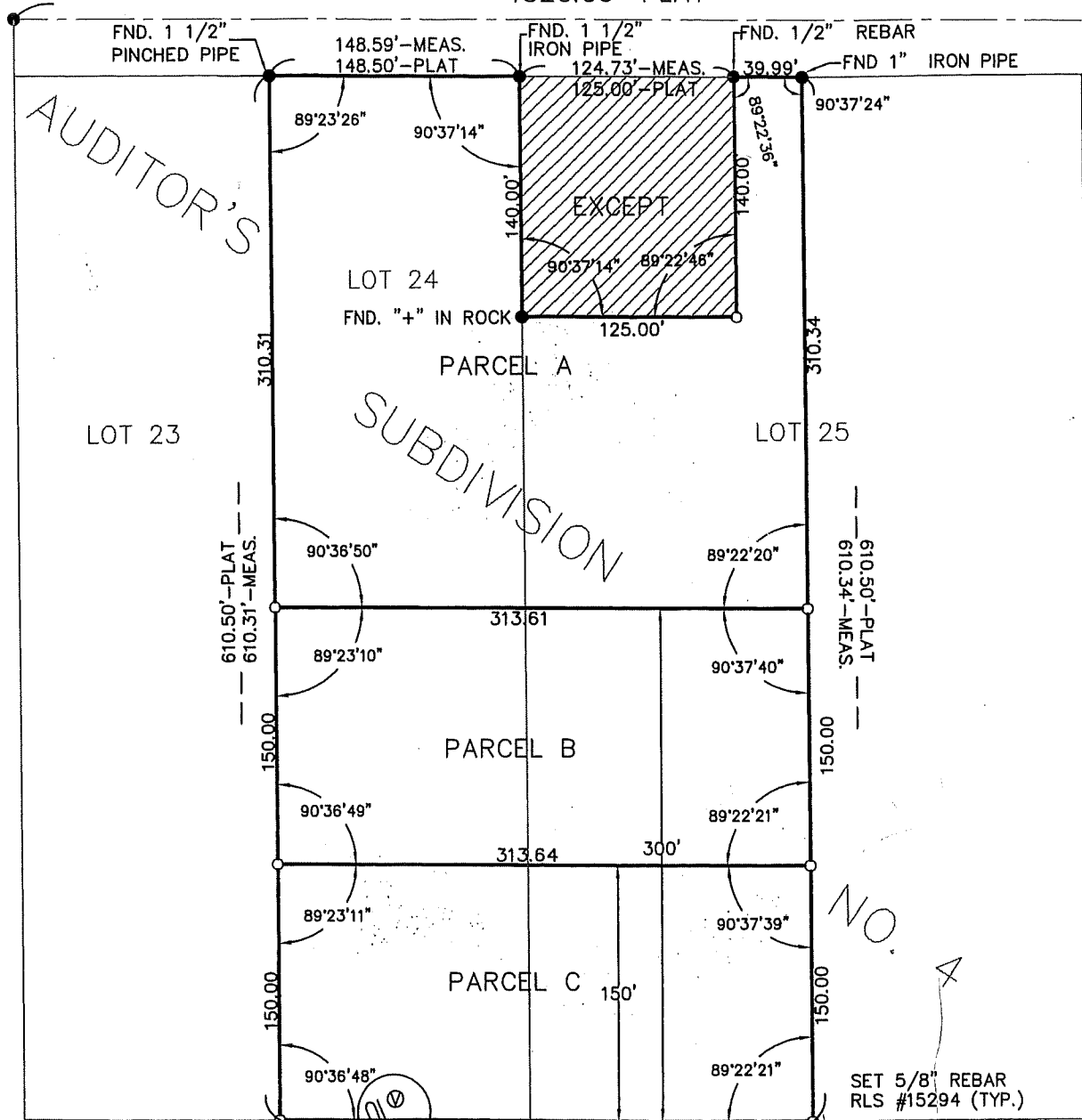
FILING FEE:
DATE:
CASE NUMBER:

CERTIFICATE OF SURVEY

NW CORNER SEC 14
FND. IRON MONUMENT

N 1/4 CORNER SEC 14
FND. CAST IRON MONUMENT

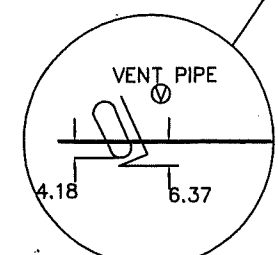
--- 1320.16'-MEAS. ---
1320.00'-PLAT



AUDITOR'S

SUBDIVISION

NO.



LEGAL DESCRIPTION

Parcel A:

All that part of Auditor's Subdivision #4 located in Section 14, Township 49 North, Range 17 West in the City of Cloquet, County of Carlton, Minnesota, described as follows:

The west half of Lot 25 except the northerly 140.00 feet of the westerly 125.00 feet thereof, and except the southerly 300.00 feet thereof;

and

Lot 24 except the southerly 300.00 feet thereof.
Containing 79,828 s.f. or 1.83 acres more or less.

Parcel B:

All that part of Auditor's Subdivision #4 located in Section 14, Township 49 North, Range 17 West in the City of Cloquet, County of Carlton, Minnesota, described as follows:

The southerly 300.00 feet of the west half of Lot 25 except the southerly 150.00 feet thereof;

and

The southerly 300.00 feet of Lot 24 except the southerly 150.00 feet thereof.
Containing 47,041 s.f. or 1.08 acres more or less.

Parcel C:

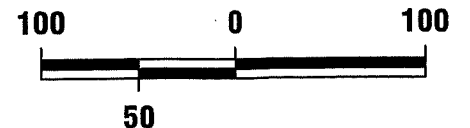
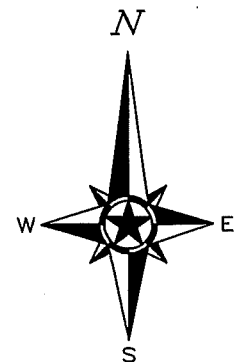
All that part of Auditor's Subdivision #4 located in Section 14, Township 49 North, Range 17 West in the City of Cloquet, County of Carlton, Minnesota, described as follows:

The southerly 150.00 feet of the west half of Lot 25;

and

The southerly 150.00 feet of Lot 24.

Containing 47,047 s.f. or 1.08 acres more or less.



PHONE: (218) 279-3000
418 W Superior St., Suite 200
Duluth, Minnesota 55802-1512

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

John J. Hinzmann, Jr.
SIGNATURE

John J. Hinzmann, Jr.
PRINTED NAME

9-10-07
DATE
15294
REG. NO.

PROPERTY SURVEY
FOR KEN MAKI

TEM	1		
DRAWN BY	2		
DRE/JK	3		
CHECKED BY	4		
	NO	DATE	REVISION

SHEET 1 OF 1

FILE NO AMAK10801.00 DATE 8/13/07

North Road

130 N.Rd

120 N.Rd

116 N.Rd

East Property Line

Diamond Willow Drive

24' Britom Road

House 158' x 120'

Garage

House 116' N.Rd

shed

garage

Parcel-A - Proposed

Parcel-B - Proposed

New Home garage 54' x 70'

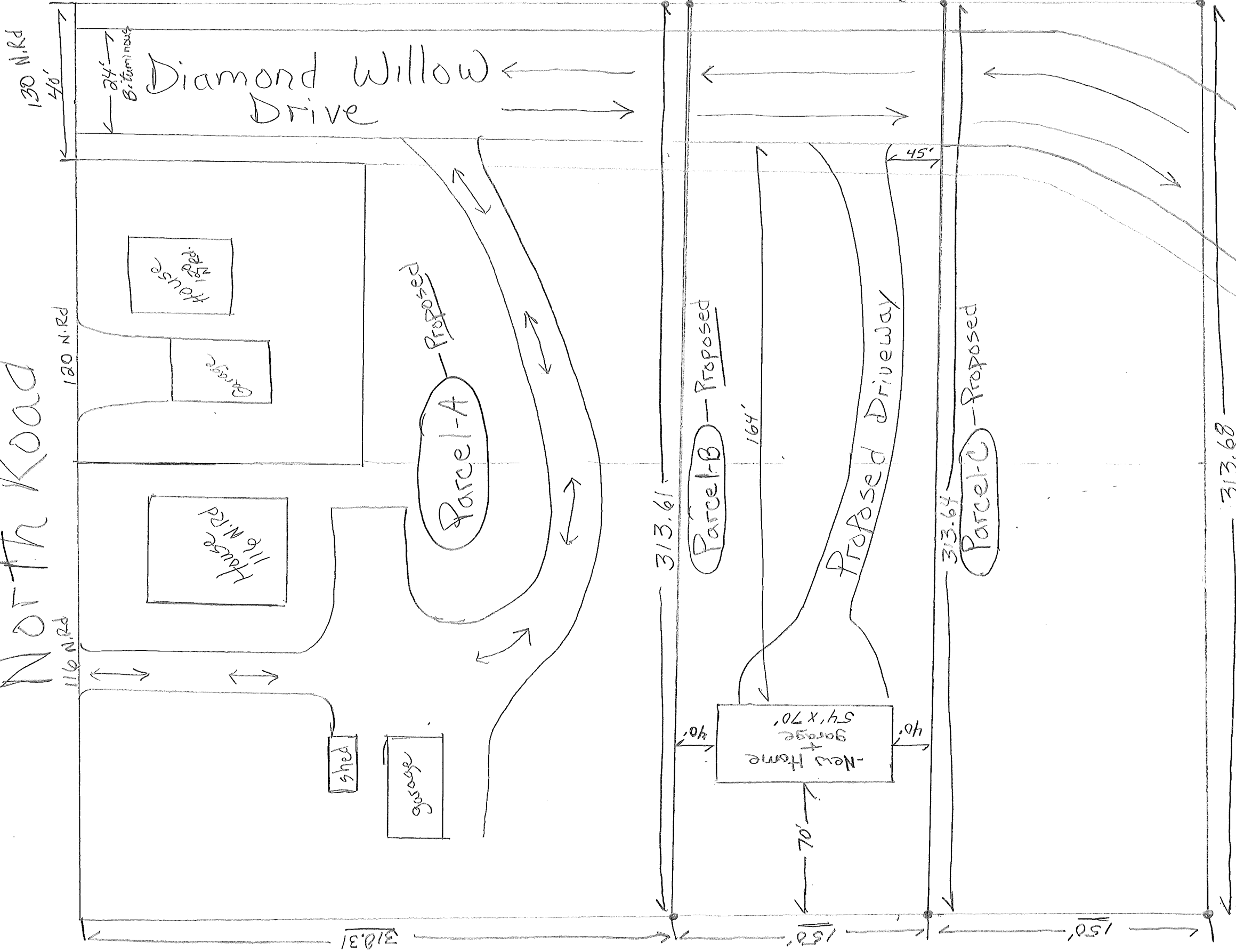
Proposed Driveway

Parcel-C - Proposed

Diamond Willow



- No Scale -



310.31

150'

313.61

164'

313.64

313.68

40'

70'

40'

45'

PRIVATE ROAD, UTILITY AND SIGNAGE EASEMENT

WHEREAS, Kenneth L. Maki and Jennifer A. Maki ("Maki") are the record fee owners of the following described real property located in Carlton County, Minnesota:

West Half of Lot 25, COUNTY AUDITOR'S SUBDIVISION NO. 4, EXCEPT the North 140 feet of the West 125 feet of said West Half of Lot 25 (Parcel A); and,

WHEREAS, Five Star Living of Cloquet, LLC ("Five Star") is the record fee owner of Lot 22, COUNTY AUDITOR'S SUBDIVISION No. 4 (Parcel B); and,

WHEREAS, the parties hereto desire to create a private road, utility and signage easement over and across Parcel A to provide a means of ingress and egress and signage for the benefit of Parcel B.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged by Maki, Maki hereby conveys a 40-foot wide private road, utility and signage easement over and across the easterly 40 feet of the West Half of Lot 25, COUNTY AUDITOR'S SUBDIVISION NO. 4 in favor of and for the benefit of Parcel B.

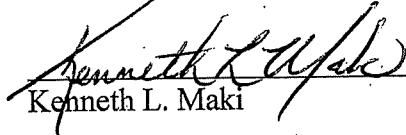
This Private Road, Utility and Signage Easement will run with the land and be binding on the heirs, successors and assigns of the parties hereto.

This Private Road, Utility and Signage Easement shall be private and for the benefit of Five Star and Maki, their heirs, successors and assigns. Maki, their heirs, successors and assigns have the right to hook up to the water and sewer utility lines (utilities) underneath the Private Road, Utility and Signage Easement provided the City of Cloquet allows a hook-up and provided further that Maki pay in advance a hook-up charge of Two Thousand Five Hundred and no/100 Dollars (\$2,500.00) for each hook-up. Upon such hook up, Maki, their heirs, successors and assigns agree to share equally with Five Star, its successors and assigns, the maintenance and repair of said utilities located

in said Easement.

Maintenance of said Private Road, Utility and Signage Easement shall be shared equally by the parties hereto, their heirs, successors and assigns, in proportion to their use and enjoyment of the Driveway Easement.

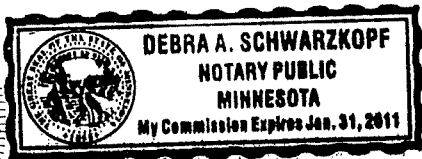
IN WITNESS WHEREOF, the parties hereto have executed this Easement this 23RD day of APRIL, 2007.

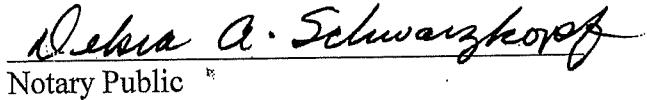

Kenneth L. Maki


Jennifer A. Maki

STATE OF MINNESOTA)
) ss.
COUNTY OF ST. LOUIS)

This instrument was acknowledged before me this 23RD day of APRIL, 2007 by
Kenneth L. Maki and Jennifer A. Maki.




Notary Public

THIS INSTRUMENT WAS DRAFTED BY:
Kenneth D. Butler, Ltd.
11 East Superior Street, Suite 555
Duluth, Minnesota 55802
Telephone: (218) 625-2264