

All interested persons are encouraged to attend this meeting remotely and provide comments, concerns, or ask questions. Attendance at the regular meeting location is not feasible due to the COVID-19 health pandemic, so a remote meeting will be held at www.hello.freeconference.com/conf/call/3117807 or by calling (605) 562-0400 and utilizing the pin number 311-7807. Persons unable to attend may provide comment and direct questions to City Staff at (218) 729-3600.

CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION

Agenda
April 21, 2020
7:00 PM

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
 - 3A. March 17, 2020 regular meeting minutes
4. **PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.
5. **PUBLIC HEARINGS**
 - 5A. An application by Doug Olsen/Clear Vision Builders LLC for a Preliminary and Final Planned Unit Development for two townhome units of 4 total units on a 5-acre site located at 4063 Ugstad Road. The property is located in a R-3 zoning district.
 - 5B. An application by Doug Olsen/Clear Vision Builders LLC for a Special Use Permit (9SUP) for the purpose of grading and filling in a Natural Environment Shoreland Area and a Wetland Replacement Plan in order to construct two townhome units of 4 total units on a 5-acre site located at 4063 Ugstad Road. The property is located in a R-3 zoning district.
 - 5C. An application by Doug Olsen/Clear Vision Builders LLC for a 68' building setback Variance from a tributary of the Midway River for the purpose of constructing two townhome units of 4 total units on a 5-acre site located at 4063 Ugstad Road. The property is located in a R-3 zoning district.
 - 5D. An application by ATK Enterprises, Inc. for a Preliminary and Final Planned Unit Development for a mini storage warehouse facility on a 10-acre site located at 45xx Norway Pines Place. The property is located in a C-1 zoning district.
6. **CONTINUING BUSINESS**
7. **NEW BUSINESS**
8. **COMMUNICATIONS**
 - 8A. 20-44 Correspondence from Brian and Sheri Bergeron, 5164 Country Lane.
9. **COMMISSION MEMBER REPORTS**
 - Greg Zimmerman –
 - Tracy Lundeen –
 - Joe Peterson –
 - Chad Scott –
 - Corey Kolquist –
 - Valerie Ouellette –
 - Samuel Clark –
 - Kristi Schmidt –

ADJOURN

CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION
March 17, 2020 Meeting Summary
7:00 PM

1. ROLL CALL

Members Present: Joe Peterson; Tracy Lundeen; Corey Kolquist; Greg Zimmerman; Chad Scott; Samuel Clark; and Kristi Schmidt.

Members Absent: Valerie Ouellette.

Others Present: Jeff Kruse, 4466 Ugstad Rd.; Jason Warner, 3971 Stebner Rd.; Bruce Bergh, 3975 Stebner Rd.; N Lukovsky, 3995 Stebner Rd.; Pete Pavlovich, 3979 Sangstrom Rd.; John Geissler, 5141 Country Rd.; Ryan Nelson, no address provided; Jayme Malenius, 5252 Twin Pines St.; Martin & Teresa Theobald; Michael Koppy, 5124 Beaver Creek Rd.; Matt Butorac, 4089 Lavaque Rd.; Brian Bergeron, 5164 Country Ln.; Scott Hanson, 5114 Country Rd.; Eric Johnson, Community Development Director; and Josh Bergstad, City Planner.

2. APPROVAL OF AGENDA

Motion made by Chad Scott to approve the March 17, 2020 agenda as presented. Seconded by Corey Kolquist. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Tracy Lundeen to approve the February 11, 2020 minutes as presented. Seconded by Samuel Clark. Motion carried.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARINGS

- 5A. An application by Kevin Kuklis/Titan Premier LLC for a Subdivision to create a 100-foot-wide parcel of 0.60 acres and a 1.65-acre lot accessed by way of a flag lot of 30-foot width at 3755 Lavaque Road. The property is located in an R-3 zoning district.

Eric Johnson, Community Development Director, presented the members with background regarding this project. The property owner proposes to create a new flag lot along the northern border of the existing property. The property owner is proposing a 30 foot 'pole/driveway' connection to Lavaque Road for a distance of 258 feet with the 'flag' portion of the lot being approximately 130' x 492'. The proposed lot sizes for the two total parcels are: Parcel B-1: 100' x 258' / 28,500 sf. or 0.6 acres and Parcel B-2: 30' x 258' and 130' x 492' / 71,700 or 1.6 acres.

The property owner intends to demolish the existing structure on the property and create the second lot. Both the parent lot and newly created flag lot will be marketed as residential building lots. The property owner has discussed this proposal with the City Utility Clerk as well as St. Louis

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County in order to verify that utilities are available and that a new driveway cut would be permitted.

Mr. Kuklis is looking at putting up four single-family homes on this 10-acre property. This past winter, Mr. Kuklis also did a administrative subdivision, creating three lots on this property.

Joe Peterson asked about the discrepancy regarding the pole being 285' long and on the drawing it states 258' long.

Eric apologized and said it is 258 feet.

Kristi Schmidt asked if the plan for the project is that they would both be residential building lots.

Eric stated that was correct.

Teresa Theobald, 3747 Lavaque Rd., asked where on the lots the houses will be built.

Joe stated that the issue before the Commission this evening is the subdivision, not where the homes would be built.

Motion made by Corey Kolquist to approve the application by Kevin Kuklis/Titan Premier LLC for a Subdivision to create a 100-foot-wide parcel of 0.60 acres and a 1.65-acre lot accessed by way of a flag lot of 30-foot width at 3755 Lavaque Road. Seconded by Samuel Clark. Chad Scott abstained. Motion carried.

5B. An application by Oppidan Investment Company//KTJ 360, LLC for a Final Planned Unit Development for a multi-story 110-unit senior/memory care housing facility on a 10-acre site located at 5097 Maple Grove Road. The property is located in an R-3 zoning district.

Eric Johnson presented the commission members his report regarding this project. The applicant is requesting approval of a Final Planed Unit Development Plan to construct a 110-unit, three story senior living building on 10 acres at 5097 Maple Grove Rd.

Michelle Riedel from Oppidan, spoke via telephone from the Twin Cities regarding the project and she is very pleased to be part of this project and commented how Oppidan has enjoyed meeting with the City staff as well as neighbors of Hermantown to come up with what she believes to be a really positive feature for this community and how excited they are with the input received and the changes that have been made to the project.

Eric stated there would be 110 units. Of those 110, 20 units would be used for memory care with the remaining 90 units being a combination of assisted living and/or independent living units. Ebenezer Management Services would manage the community and would have the ability to tailor the needs of each resident.

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Teresa Theobald, 3747 Lavaque Rd., is concerned about the traffic flow from a safety standpoint.

N Lukovsky, 3995 Stebner Rd., asked what are the statistics on the on the community need for this?

Eric noted that market studies have been done on single family and senior living in this area and there is a shortage of senior housing. The project is 100% financed by the developer.

Michelle stated that a third-party consultant did conduct a market study and the study did show a demand for need in this area.

Michael Koppy, 5124 Beaver Creek Rd., asked of Michelle would provide again a recap of her earlier introduction as he could not hear her because of the telephone issue.

Michelle said that Oppidan has really enjoyed being a part of this process, as well as meeting with the City staff and neighbors. She believes that because of the collaboration, they have been able to come up with the right design for the site. Oppidan really took to heart the considerations and concerns of the community and thanked everyone for their cooperation.

Kristi Schmidt commented to Dr. Theobald's suggestion about the traffic flow. She believes it is something to look at.

Eric stated that issue would have to be addressed at the Agreement standpoint of this project, not from a design standpoint. Both Maple Grove Road and Lavaque Roads are county roadways, and as such, the City can make suggestions, but ultimately, St. Louis County is the permitting agent for both of those roadways/driveways/curb cuts that happen that way.

Corey Kolquist commented that he was excited to see the redesign of the project.

Motion made by Corey Kolquist to approve the application by Oppidan Investment Company//KTJ 360, LLC for a Final Planned Unit Development for a multi-story 110-unit senior/memory care housing facility on a 10-acre site located at 5097 Maple Grove Road. Seconded by Tracy Lundeen. Motion carried.

5C. An application by JLG Enterprises for a Preliminary Plat for a 19 lot and 2 outlot subdivision located at 3956 Stebner Road. The property is located in an R-3 zoning district.

Josh Bergstad, City Planner, presented the preliminary plat for Peyton Acres 1-A and 1-B, a 19-lot single family residential subdivision located at 3956 Stebner Road.

The applicant, JLG Enterprises, owns four parcels totaling 65 acres in the southwest quarter of Section 24 of the City. Applicant is proposing to plat the four parcels for residential development, starting with 19 single family residential lots. Phase 1-A and B would be on approximately 15 acres with the remaining 50 acres to be reserved for future subdivision. The applicant is seeking approval of a Preliminary Plat only at this time.

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N Lukovsky, 3995 Stebner Rd., is concerned about 65 single family homes within the City with an already overflowing school system, and asked what is the plan for that. She believes the increased traffic, increase noise, is not something she moved to Hermantown for.

Eric commented that anytime the City receives a Preliminary Plat for a proposed development, it is forwarded on to the school district so that they are aware of the proposed development.

Jason Warner, 3971 Stebner Rd., feels that existing access to the proposed project should be used. He has concerns about the sewer line that will tie into the existing sewer. He is also concerned about traffic on Stebner Road and wondered if a traffic study has been done.

Brady Korwin, from AMI Consulting & Engineering, 701 N 18th Ave. E in Duluth, spoke to the questions on stormwater. To meet the City requirements for stormwater, they have to control both suspended solids released and the rate at which they are released. Typically, the requirement is that you can't discharge more than you already are discharging. The way they do that is with ponds.

Motion made by Joe Peterson to approve the application by JLG Enterprises for a Preliminary Plat for a 19 lot and 2 outlot subdivision located at 3956 Stebner Road. Seconded by Greg Zimmerman. Chad Scott abstained. Motion carried.

5D. An application by P & R Properties Twin Ports LLC for a Commercial Industrial Development Permit (CIDP) for a multi-story 149-unit apartment building on a 5-acre site located at 5298 Miller Trunk Highway. The property is located in a C, Commercial zoning district.

Eric presented that Applicant P & R Properties Twin Ports LLC is proposing the construction of a 149-unit, five story apartment building located at 5298 Miller Trunk Highway consisting of 11 alcove/studio units, 85 one-bedroom units, 33 two-bedroom units and 20 three-bedroom units.

The ground level is comprised of the underground parking, lobby/leasing center, fitness center and storage. The second floor contains apartment units and an amenity area with outdoor deck. Floors 3-5 contain apartment units and amenity areas. The building is proposed to have 133 surface parking spaces and 105 underground spaces and 50 proof of parking spaces. For a total of 288 parking spaces.

Joe asked about the house to the south of the proposed project and how it was zoned.

Eric stated that it is also zone C-Commercial.

The developer, Pete Pavlovich, 3979 Sangstrom Rd., stated that he and his partner Ryan, currently have three completed buildings in Superior, WI and one currently underway at the old Central School site.

Tracy Lundeen commented that he has heard nothing but great things about P & R Properties Twin Ports LLC's work in Superior.

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Jeff Kruse, 4466 Ugstad Rd., stated that he has lived at this address for over 30 years and stated that his property is not zoned commercial. He was some concerns about the overall height and size of the proposed project.

Joe asked Eric if Ugstad Road was a City or County road.

According to Eric, it is a City road. Eric also noted that the City is undertaking an Ugstad Road reconstruction in 2021 from Highway 53 to Maple Grove Road. Eric also checked the zoning map and Mr. Kruse's property is zoned commercial.

John Geissler, 5141 Country Rd., and he is here tonight representing DSGW Architects who is assisting P & R Properties. John also looked at the zoning map to confirm Mr. Kruse's property is zoned commercial. Regarding the stormwater, the developer has hired a civil engineer to weigh in on the project. John reiterated that this project is zoned C-Commercial and that something a lot worse could be developed on this site.

Matt Grimes, 5260 Twin Pines St., is concerned about traffic on Ugstad Road and Highway 53. He believes the scope of the project is too large. Matt believes that more people would be apt to express their concerns of this project if it weren't for the current state of home isolations.

Jayne Malenius, 5252 Twin Pines St., is concerned about the size of the project. She is worried about the nannies that come to her house to care for her children as the intersection of Highway 53 and Ugstad Road is terrible. She doesn't believe it fits in with the trees, forest and wetland areas there.

Terry Klun, 5264 Twin Pines St., he is also concerned about the traffic. Terry is concerned about how this project would affect his taxes.

Jeff Kruse, 4466 Ugstad Rd., felt that the 350 feet notification of neighbors was not appropriate and that it should have gone out to a wider group.

Eric noted that City staff did go beyond the 350-foot notification area to include all property owners on Twin Pines Street.

Motion made by Corey Kolquist to approve the application by P & R Properties Twin Ports LLC for a Commercial Industrial Development Permit (CIDP) for a multi-story 149-unit apartment building on a 5-acre site located at 5298 Miller Trunk Highway. Seconded by Tracy Lundeen. Motion carried.

6. CONTINUING BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

Josh provided a handout for a training opportunity for Planning Commission members. The training is available online and the City would reimburse each member should they plan on attending.

Kristi Schmidt asked if there was a way for staff to summarize this information as well as provide additional information to commission members on their roles and responsibilities.

9. COMMISSION MEMBER REPORTS

Joe Peterson – None.

Tracy Lundeen – None.

Greg Zimmerman – None.

Chad Scott – None.

Corey Kolquist – None.

Valerie Ouellette – Absent.

Samuel Clark – None.

Kristi Schmidt – None.

ADJOURN

Motion made by Chad Scott to adjourn the meeting. Seconded by Samuel Clark. Meeting adjourned at 9:01pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant

5A. 4063 Ugstad Road– Preliminary and Final Planned Unit Development

<u>Applicant:</u>	Clear Vision Builders
<u>Case No.:</u>	2020-11-PUD
<u>Staff Contact:</u>	Eric Johnson, Community Development Director
<u>Request:</u>	Approval of a preliminary and Final Planned Unit Development (PUD)

DESCRIPTION OF REQUEST:

Applicant is requesting approval of a Preliminary and Final Planned Unit Development (PUD) for construction of a two townhome (4 total units) development at 4063 Ugstad Road. The property is located in an R-3 zoning district.

SITE INFORMATION:

Parcel Size:	5.0 acres
Legal Access:	4063 Ugstad Road
Wetlands:	Yes, delineation approved in 2016; Impacts approved in 2018
Existing Zoning:	R-3, Residential
Airport Overlay:	None
Shoreland Overlay:	Natural Environment
Comprehensive Plan:	Suburban

Development Details

The applicant is proposing to construct two townhomes (4 units total) on an existing 5.0 acre lot with the homes being centrally located on the property.

The proposed building location is situated as to utilize an existing upland portion of the property on which to build. The proposed homes are located in order to minimize wetland impacts and to avoid the unmapped tributary of the Midway River that crosses the property approximately 450' south from Sunnyview Road. There are wetland impacts associated with the construction of the homes in this location and the application for such has been reviewed and approved by the Hermantown Technical Evaluation Panel (TEP) in November 2018.

PUD Process:

The City's zoning regulations governing PUD's require that each PUD obtain preliminary and final approval. At the City's discretion, the preliminary and final PUD approvals may be processed concurrently. The City determined that preliminary and final review is appropriate in this case as the project scale and density is less than that which is allowed in an R-3 zoning district.

The PUD review and approval process include a public hearing by the Planning Commission and a recommendation to the City Council. A PUD order will be issued by the City setting project specific development standards. Following completion of the development contract the applicant will be granted final Zoning approval and can begin construction, pending approval of the associated building permits.

Per Section 1105 of the Planned Unit Development section of the Zoning Ordinance, it requires that a PUD must provide public benefits to the surrounding neighborhood and to the city above and beyond what can be reasonably achieved by application of the zoning provisions applicable to the underlying zoning district. The nature and scale of public benefit shall be determined by the City and include, but not be limited to:

- 1.1 Preservation and enhancement of natural systems and resources, topography, vegetation, and other natural features. – This project creates a conservation neighborhood. By clustering the two townhomes and utilizing the upland portion of the property, it allows for the preservation of 4+ acres of wetland and shoreland area.
- 1.2 Provision of a variety of housing and community types. – The project proposes to add needed affordably priced housing to the community.

Zoning Analysis:

The property is zoned R-3, Residential. The applicant has applied for a Planned Unit Development (PUD) for the property. A PUD is a permitted use in an R-3 zone district. Section 11 of the zoning ordinance explains that: ‘A PUD is intended to encourage a more efficient and creative use of land and development, more efficient and effective use of streets, utilities and public services; protection of natural resources; and more efficient and effective provision of recreational, public and open space than can be achieved through conventional development procedures.

Setbacks

City Code allows a PUD to have standards that meet the City’s goals for each proposed development. These standards include building height, density, roadway widths and setbacks. The proposed project is for two townhome units (4 units total) and the design meets the underlying setback requirements of the R-3 zoning district.

Plat

The developer is planning on marketing these units as rental properties at this time and thus will not be platting the property. Should the developer endeavor to sell individual units in the future, then the property will need to be platted as individual lots or as a Common Interest Community (CIC) in order to market and sell individual lots/units.

Utilities

The applicant will connect each residential unit to City sewer and water systems. By providing individual utility services to each unit this allows for the potential sale of the unit should the land be subdivided at a future date. The applicant will provide engineered plans for utility connections prior to beginning such work on the site. Detailed plans for the utility connections will be reviewed and approved by the City Engineer prior to issuance of the building permits.

Park Dedication Fees

The developer will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per lot/unit will be paid at the time of PUD approval.

Summary

Staff recommends approval of the Preliminary and Final PUD based on the findings of this report and the following conditions

1. The proposed subdivision plan meets the intent of the R-3, Residential Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The proposed subdivision meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through clustering of development to protect shorelands and wetlands.
3. Prior to issuance of a building permit:
 - a. All necessary permits shall be obtained
 - b. Developer shall obtain a Stormwater Certificate and submit the required cash escrow or letter of credit.
4. 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. The Applicant shall agree to comply with the stricter requirements of either the Hermantown Shoreland Overlay Ordinance or a Hermantown Land Alteration Permit, if one is required. The Shoreland Overlay requirements are:
 - a. The smallest amount of bare ground is exposed for as short a time as feasible;
 - b. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
 - c. Adequate methods to prevent erosion and trap sediment are employed;
 - d. Fill is stabilized to accepted engineering standards;
 - e. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;
 - f. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;
 - g. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
 - h. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.
5. Prior to issuance of a building permit, all necessary permits shall be obtained, including, without limitation, any stormwater permits required by the Minnesota Pollution Control Agency.
6. Finalization of all construction documents (water, storm sanitary sewer, etc.) according to City standards and coordinated with the City Engineer.
7. The developer shall comply with the following conditions during construction:
 - a. Development activity shall comply with all City noise ordinances. There shall be no construction activity between the hours of 10 p.m. and 7 a.m.
 - b. Loud equipment shall be kept as far as possible from adjacent residences.

- c. The site shall be kept free of dust and debris that could blow onto neighboring properties.
 - d. Public streets shall be maintained free of dirt and shall be cleaned as necessary.
 - a. The City shall be contacted a minimum of 72 hours prior to any work in a public street or right-of-way. Work in a public street shall take place only upon the determination by the Public Works Director that appropriate safety measures have been taken to ensure motorist and pedestrian safety.
 - f. The Zoning Administrator may impose additional conditions if it becomes necessary in order to mitigate the impact of construction on surrounding properties.
8. Prior to the issuance of any temporary or permanent occupancy permit the following shall be completed:
 - i. All exterior building improvements shall be completed.
 - j. All disturbed areas on the site shall be seeded or sodded.
 9. The developer shall pay a park dedication fee of \$1,100 per lot/unit in lieu of dedicated park land. This fee will be paid at the time of PUD approval.
 10. The applicant shall sign a consent form assenting to all conditions of this approval.
 11. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:

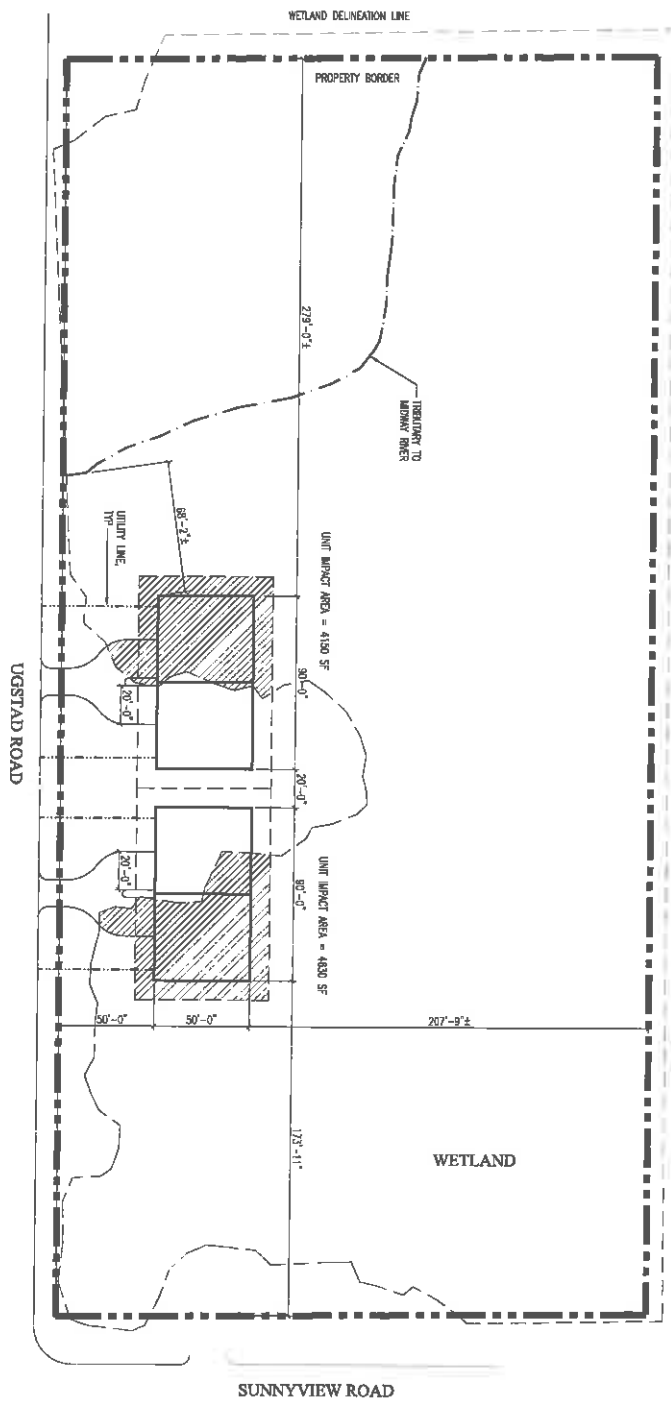
- Location Map
- Preliminary Site Plan
- Building Elevations

Location Map



1 SITE PLAN
 DATE: 7/24/24

TOTAL LOT WETLAND AREA = 177,250 SF
 TOTAL IMPACT AREA = 8,780 SF
 TYPICAL UNIT 45' WIDE X 50' DEEP



10
 C1.0

JOB No: 181094
 DATE: 3/14/18
 DRAWN BY: PJB
 CHECKED BY:

CLEAR VISION BUILDERS LLC
 TWIN HOME DEVELOPMENT
 4063 UGSTAD ROAD
 HERMANTOWN, MINNESOTA

DATE	REV.	DESCRIPTION	REV. BY:

AMI
 Consulting Engineers P.A.
 91 Main Street SUPERIOR, WI
 715.718.2193 - amlengineers.com
 TWIN CITIES - IRON RANGE



3176



5B. 4063 Ugstad Road– Special Use Permit - Filling and Grading in a Shoreland Overlay Zone and Wetland Replacement Plan

Applicant: Clear Vision Builders
Case No.: 2020-11-SUP/WRP
Staff Contact: Eric Johnson, Community Development Director
Request: Special Use Permit for filling and grading in a Shoreland Overlay area and a Wetland Replacement Plan to impact 8,780 square feet of wetlands for a 4 unit Planned Unit Development (PUD)

RECOMMENDED ACTION:

Approve a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone and Wetland Replacement Plan for two townhomes (4 units total).

DESCRIPTION OF REQUEST:

The applicant desires to build two townhomes (4 units total) in a Natural Environment Shoreland Area which will require filling and grading within an approximately 8,520 square feet area of disturbance with 8,780 square feet of permanent wetland impacts.

SITE INFORMATION:

Parcel Size: 5.0 acres
Legal Access: 4063 Ugstad Road
Wetlands: Yes, delineation approved in 2016; Impacts approved in 2018
Existing Zoning: R-3, Residential
Airport Overlay: None
Shoreland Overlay: Natural Environment
Comprehensive Plan: Suburban

Development Details

The applicant is proposing to construct two townhomes (4 units total) on an existing 5.0 acre lot with the homes being centrally located on the property.

The proposed building location is situated as to utilize an existing upland portion of the property on which to build. The proposed homes are located in order to minimize wetland impacts and to avoid the unmapped tributary of the Midway River that crosses the property approximately 450' south from Sunnyview Road.

Wetlands

The property was originally delineated in 2016, which the Hermantown TEP reviewed and approved at that time. The applicant is seeking approval of a Wetland Replacement Plan to impact 8,780 square feet of wetlands on the property. The Hermantown TEP reviewed and approved these impacts in November 2018. Approval was subject to the applicant purchasing wetland credits for the impacts, which he did in March 2020.

The proposed wetland impacts are 8,780 square feet. The proposed structures have been located to create the minimum amount of wetland impacts and meet the setback standards and the proposed variance for setback from the unnamed tributary.

Special Use Permit

The Special Use Permit is for filling and grading within a Shoreland zone. There are general conditions for all SUPs. 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 development of two townhomes (4 units total) as a Planned Unit Development is an allowed use within a R-3 zoning district. The overall density of the development is 1.25 units/acre which is less than the density of all surrounding R-3 developed land. Conditions placed on the SUP restricting future wetland impacts and

- 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;**

Conditions placed on the SUP restricting future wetland impacts and clearing and grading within 50 feet of the unnamed tributary meet the intent of the zoning ordinance to protect natural resources. The development of two townhomes (4 units total) as a Planned Unit Development is an allowed use within a R-3 zoning district. The overall density of the development is 1.25 units/acre which is less than the density of all surrounding R-3 developed land.

- 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 within an area marked for residential development in the Hermantown Comprehensive Plan. The purpose of the Shoreland Overlay Zone is to protect public waterways. Impervious surface caps are included to prevent excessive runoff from constructed surfaces. The proposed impervious surface is below maximum limits and the required 50 foot buffer zone will protect the unnamed tributary.

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 existing development surrounding this site is single family residential; the proposed use continues this character. The proposed impervious surface is below maximum limits and the required 50 feet buffer zone will protect the unnamed tributary.

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

The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2. Additional details of note include:

- A. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
- B. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.

RECOMMENDATIONS:

Staff recommends approval of the Special Use Permit and Wetland Replacement Plan based on the findings set forth in the Staff report, subject to the following conditions:

1. The approval is for a Special Use Permit for filling and grading in a Natural Environment Shoreland of an unnamed tributary to the Midway River for construction of two townhomes (4 units total) and Wetland Replacement Plan allowing filling of 8,780 square feet of wetlands. The Community Development Director may approve minor variations to structures and filling and grading indicated on the attached preliminary site plan as long as the variations do not result in greater wetland impacts.
2. The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
 - a. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
 - b. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.
 - c. The smallest amount of bare ground is exposed for as short a time as feasible;
 - d. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
 - e. Adequate methods to prevent erosion and trap sediment are employed;
 - f. Fill is stabilized to accepted engineering standards;
 - g. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;

- h. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;
 - i. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
 - j. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.
3. Applicant shall provide a proof of a purchase agreement for wetland credits in Bank Service Area One.
4. Obtain Army Corps of Engineers approval for the wetland impacts prior to beginning site work.
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:

- Site Location Map
- Proposed site plan
- Transaction to Withdraw Credits

Location Map





Transaction Form to Withdraw Credits

Minnesota Wetland Bank Program

If the layout of this form looks incorrect, click on *View, Edit Document*, then save it to your computer.

1. Credit User		<i>This space for BWSR use only.</i>
Name: Doug Olsen	Organization: Clear Vision Builders	
Address: 5326 Splitrail Drive Hermantown, MN 55811	Email: Do.duluth@gmail.com	
Phone: 218-391-1438	LGU File #: 18-58-WL-E	
Consultant: Boreal Wetland Services		

2. Wetland Impact Information	
To be completed for the project impacting wetlands and with which this withdrawal is intended to replace.	
Project Name: Parcel 395-0140-00090	Impact Size (acres): 0.20
Impact County: Saint Louis	Impact Wetland type: Hardwood Swamp
Impact Major Watershed/BSA: 3 / 1	Replacement Ratio: 1:1
Sec/Twp/Range: 21/50/15	
*Projects with multiple locations should use the most central location in relation to the project as a whole.	
Are Federally authorized credits required for this impact: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Corps Regulatory File Number:	MVP-2016-03923-KAL
Comments:	

3. Credits to be Withdrawn To be completed by the seller of the credits (account holder)				
Account Information				
Account: 1505	County: Koochiching	Bank Service Area: 2		
Credit Subgroup	Wetland Type/Plant Community Type	Federally Approved?	Cost per Credit	Credit Amounts
A	Fresh (Wet)Meadow	Yes	34,848.00	0.20
Per Credit Withdrawal Fee by BSA			Total Credits:	6,989.60
BSA 1 \$520	BSA 6 \$1,083	Enter the Withdrawal Fee for the BSA of the account:	<i>(Withdrawal Fee x total credits)</i>	
BSA 2 \$371	BSA 7 \$1,992		Withdrawal Fee:	74.20
BSA 3 \$725	BSA 8 \$2,577	Easement Stewardship Fee:	<i>(Easement Stewardship fee x total credits)</i>	
BSA 4 \$1,412	BSA 9 \$2,628		Stewardship Fee:	60.40
BSA 5 \$685	BSA 10 \$3,099		Total Fees:	134.60

Please make checks payable to the Minnesota Board of Water and Soil Resources. BWSR does not accept cash.
 BWSR fee policy: http://www.bwsr.state.mn.us/wetlands/wetlandbanking/fee_and_sales_data/Wetland_Banking_Fee_Policy_Effective_June1_2017.pdf

Project Name: Parcel 395-0140-00090

Confirmation email will be emailed to the user, seller, and regulatory representative when the transaction is complete. If anyone else should be notified please indicated their emails below:

borealgeo@gmail.com

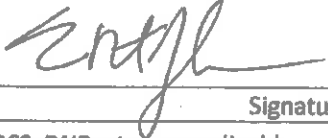
4. Regulatory Authorization

By signing below, the identified agency and authorized representative hereby certifies that they have: a) verified that the subject wetland credits are deposited in the account of the owner/seller, b) approved a wetland replacement plan or similar agreement under their jurisdiction, and c) approve the proposed use of the wetland bank credit described above.

WCA LGU/Agency: City of Hermantown

LGU Representative: Eric Johnson

Email Address: eric.johnson@hermantownr



Signature

3-2-2020

Date

For NRCS, DNR, etc. as applicable

Agency Name and Location:

Representative:

Email Address:

Signature

Date

5. Credit User Signature

By signing below the proposed credit user attests that he/she owns or has purchased the credits identified in this form and has received approval from the regulatory authority(ies).

Signature

Date

6. Account Holder Signature

By signing below I, the seller and holder of the aforementioned account in the State of Minnesota Wetland Mitigation Bank, certify that:

- 1) The credits described in this transaction form have been sold to the credit user or will be used for my own project;
- 2) I have received payment in full from the buyer (if applicable);
- 3) The credits described in this transaction form have not been sold or used in any way to mitigate wetland losses other than for the project and location identified in the wetland impact information block on the previous page;
- 4) The credits described in this application should be withdrawn from my account; and
- 5) I will not have a negative balance of credits after the subject credits are debited from my account.

Name/Representative:

Email Address:

Signature

Date

Send complete forms and fee payments to:

Wetland Bank Administration
Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155

5C. 4063 Ugstad Road–Variance from Building Setback in a Shoreland Overlay Area

Applicant: Clear Vision Builders
Case No.: 2020-11-VAR
Staff Contact: Eric Johnson, Community Development Director
Request: Variance from the building setback within a Shoreland Overlay area.

DESCRIPTION OF REQUEST:

Requested is approval of an 82' Variance from the overall 150' building setback in a Shoreland Overlay Zone.

SITE INFORMATION:

Parcel Size: 5.0 acres
Legal Access: 4063 Ugstad Road
Wetlands: Yes, delineation approved in 2016; Impacts approved in 2018
Existing Zoning: R-3, Residential
Airport Overlay: None
Shoreland Overlay: Natural Environment
Comprehensive Plan: Suburban

Development Details

The applicant is proposing to construct two townhomes (4 units total) on an existing 5.0 acre lot with the homes being centrally located on the property.

The proposed building location is situated as to utilize an existing upland portion of the property on which to build. The proposed homes are located in order to minimize wetland impacts and to avoid the unmapped tributary of the Midway River that crosses the property approximately 450' south from Sunnyview Road. There are wetland impacts associated with the construction of the homes in this location and the application for such has been reviewed and approved by the Hermantown Technical Evaluation Panel (TEP) in November 2018.

R-3, District Requirements

The project is proposed as a Planned Unit Development, which is an allowed use in a R-3 zoning district. In addition, upon discussion with the Hermantown TEP, there is an unmapped tributary of the Midway River on the property which requires a 150' building setback from the Ordinary High Water Level (OHWL). The project requires a variance to the building setback from the OHWL.

Dimensional Requirements	Natural Environment Shoreland	Proposed Project
Area	40,000 SF	5.0 acres
Lot width	125'	625'
Front yard	50'	50'
Rear Yard	40'	40' minimum
Side yard	25' aggregate	25' aggregate minimum
Building setback from OHWL	150'	68'

General Variance Requirements

A variance is requested from Section 555 – SH, Shoreland Overlay Zone of the Hermantown Zoning Regulations. Subsection 555.06.2 Shoreland Standards states that the building setback is 150' from the OHWL.

Per Section 605.02 of the City Zoning Regulations, any variance application submitted as part of a development proposal that includes an application for a Commercial Industrial Development Permit or a Special Use Permit, the Planning & Zoning Commission shall act as the Board of Appeals and Adjustments.

Existing Conditions

The 5.0 acre property is a vacant piece of land abutting Sunnyview Road and Ugstad Road. There is an existing unmapped tributary of the Midway River approximately 450' south of Sunnyview Road. In addition, the majority of the property contains wetland area with the exception of a small upland area centrally located on the property, which at one time contained a mobile home structure.

Justification and Mitigation

1. (Justification) The applicant is proposing the future homes to be located to the north of the existing tributary in order to avoid disruption to the creek by installing a culvert, driveway and utility crossings. The home placement is 68' from the OHWL and requires an 82' variance from the requirements, however there will not be any impervious surfaces with 50' of the OHWL per Section 555.08.1.
2. (Mitigation) By constructing the home closer to the required building setback, the applicant will disturb less wetland than he would by locating the home on another portion of the property. There would be approximately 8,780 square feet of wetland impact associated with the two townhomes. This impact has been approved by the Hermantown TEP.

Per Section 615 – Governing Criteria, Variances of the Hermantown Zoning Regulations variances may only be permitted when all of the following criteria are satisfied:

1. The variance is in harmony with the general purposes and intent of the Hermantown zoning code. The purpose of the Shoreland Overlay Zone is to protect public waterways. The proposed project keeps the structures north of the existing tributary, not crossing the creek bed, and keeping all impervious surfaces a minimum of 50' from the ordinary high water level.

2. The variance is consistent with the Comprehensive Plan.
The variance is consistent with the Goals of the Comprehensive Plan by creating residential home development within the City.

3. There are practical difficulties in complying with the Hermantown zoning code.
 - a. Property owner proposes to use the property in a reasonable manner permitted by the Hermantown Zoning Code.
The proposed use is similar in use and intensity to other existing uses in the zoning district. There are 4 total units proposed on a 5.0 acre site which is a density of 1.25 units/acre and is less than the R-3 zoning of 2 units/acre.

The variance will protect a larger amount of existing wetland as well as avoid potential disturbance to the unmapped creek by not installing a culvert, paved driveway surface or utility crossings over and through the creek bed.

 - b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
The City allows for the development of property in order to maximize the existing utility system and create development in logical locations. Due to the location of the unmapped creek and wetlands, building on another portion of the lot would require additional impervious surface, fill, grading and overall impacts to the existing wetland than the proposed location.

 - c. The variance, if granted will not alter the essential character of the locality.
The proposed use is similar in use and intensity to other existing uses in the zoning district. The variance will reduce potential wetland impacts and avoid a creek crossing with a culvert, bituminous driveway and utility connections.

Findings of Fact and Recommendations

Staff finds the application meets the requirements for a Variance and recommends approval of the Variance, subject to the findings of the Staff Report and the following conditions:

1. The 82' Variance from the 150' building setback is approved.

2. The proposal meets the requirements of Section 11, "Planned Unit Developments" of the Hermantown Zoning Ordinance.

3. The proposal meets the requirements of Chapter 6, "Variances" of the Hermantown Zoning Ordinance.

4. A Special Use Permit (SUP) for the purpose of grading and filling in a Shoreland Overlay Area is part of the overall development application.

5. The applicant shall maintain a 50' undisturbed buffer from the Ordinary High Water Level (OHWL) from the northern bank of the existing unmapped creek. No disturbances of the southern bank of the unmapped creek are permitted.

6. The applicant shall sign a consent form assenting to all conditions of this approval.

7. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:

- Location Map
- Proposed Site plan

Location Map

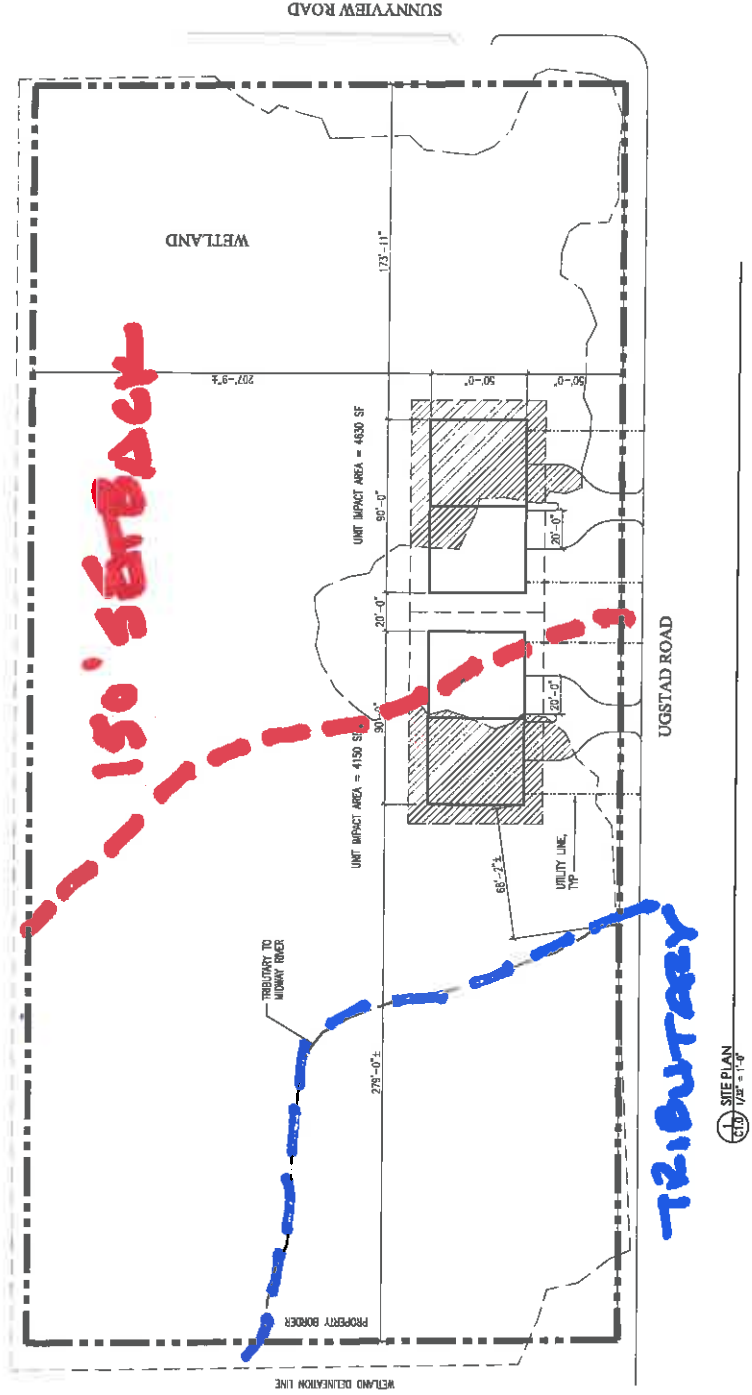


DATE	REV.	DESCRIPTION	BY	CHK.

CLEAR VISION BUILDERS LLC
 TWIN HOME DEVELOPMENT
 4063 UGSTAD ROAD
 HERMANTOWN, MINNESOTA

JOB NO: 1810094
 DATE: 3/14/18
 DRAWN BY: PJB
 DESIGNED BY:

SHEET: **C1.0**



TOTAL LOT WETLAND AREA = 177,250 SF
 TOTAL IMPACT AREA = 8,780 SF
 TYPICAL UNIT 45' WIDE X 50' DEEP

SITE PLAN
 1/2" = 1'-0"

5D. 45xx Norway Pines Place – Preliminary and Final Planned Unit Development

Applicant: ATK Enterprises, Andler Klatzky
Case No.: 2020-10-PUD
Staff Contact: Josh Bergstad, City Planner
Request: Approval of a Preliminary and Final Planned Unit Development (PUD)

DESCRIPTION OF REQUEST:

Applicant is requesting approval of a preliminary and final Planned Unit Development (PUD) for construction of a two 160' by 60' cold ministorage buildings with 24 units.

SITE INFORMATION:

Parcel Size: 6.5 acres
Legal Access: 45xx Norway Pines
Wetlands: Yes, delineation approved 2018.
Existing Zoning: C-1, Office and Light Industrial
Airport Overlay: C
Shoreland Overlay: None
Comprehensive Plan: Commercial Development

Development Details:

The applicant is proposing to construct two 160' by 60' cold ministorage buildings on a 6.5-acre lot in the Maple Hill subdivision with access off of Norway Pines Place. The property is an existing lot of record that does not have road frontage so the applicant has secured easements from two neighboring property owners that will allow him to construct an access drive. The site will include a paved access drive and parking areas, a stormwater pond that is sized to accommodate additional development. A power gate at the site entrance that requires a gate code that will remain closed will provide site security. The buildings will be post frame construction with steel siding and roofing built on a concrete slab. There will be various sized units offered for rent on a monthly or annual basis.

This application is the start of a multi-phase development. Future phases that include climate-controlled garage condos for personal or small business use and an office space for ATK are likely to come forward in the next year. The site's stormwater and access drive have been designed for this additional development. The installation of private water and sanitary sewer will be involved in the future phases. Some form of plat, a traditional plat or CIC plat, may also be required. Staff has reviewed the potential phasing and is comfortable that the site can accommodate additional development, however, this PUD application does not convey future development approval.

PUD Process:

The City’s zoning regulations governing PUD’s require that each PUD obtain preliminary and final approval. At the City’s discretion, the preliminary and final PUD approvals may be processed concurrently. The City determined that preliminary and final review is appropriate in this case as the project scale and scope is consistent with allowed development in the C-1 Zoning District.

The PUD review and approval process include a public hearing by the Planning Commission and a recommendation to the City Council. A PUD order will be issued by the City setting project specific development standards.

Per Section 1105 of the Planned Unit Development section of the Zoning Ordinance, it requires that a PUD must provide public benefits to the surrounding neighborhood and to the city above and beyond what can be reasonably achieved by application of the zoning provisions applicable to the underlying zoning district. The nature and scale of public benefit shall be determined by the City and include, but not be limited to:

1. Improved business and commercial development to enhance the local economy and strengthen the tax base.
2. Provision of mixed-use development.

Zoning Analysis:

The property is zoned C-1, Office and Light Industrial. The applicant has applied for a Planned Unit Development (PUD) for the property. A PUD is a permitted use in a C-1 zone district. Section 11 of the zoning ordinance explains that: ‘A PUD is intended to encourage a more efficient and creative use of land and development, more efficient and effective use of streets, utilities and public services; protection of natural resources; and more efficient and effective provision of recreational, public and open space than can be achieved through conventional development procedures.

Dimensional and Performance Requirements

City Code allows a PUD to have standards that meet the City’s goals for each proposed development. These standards include building height, density, roadway widths and setbacks. The City is applying the standard dimensional and performance requirements to the PUD.

Dimensional Requirements	C-1, Office and Light Industrial	Proposed Project
Area	2.5 Acres (3 Acres Airport C)	6.5 acres
Lot width	200’	670’
Front yard	35’	50’
Rear yard	40’	40’
Side yard	15’	15’
Building height	45’	18.5’
Elevation	1580’ (Airport C Zone)	1509’

The development will adhere to the General Performance Standards set forth in Section 525.04 of the Zoning Ordinance including that parking areas and drive aisles must be paved.

Utilities

The applicant is not proposing to connect the cold ministorage buildings to utilities. Future development on the site will require water and sanitary sewer. Private utilities connecting into the City's main lines in Norway Pines Place are currently being considered.

Wetlands

A wetland delineation was completed on the site in 2018. The project does not impact onsite wetlands. Future development is expected to impact wetlands. Wetland impacts will be addressed at the time of a future application.

Park Dedication Fees

The developer will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per acre at the time of PUD approval.

Summary

Staff recommends approval of the Preliminary and Final PUD based on the findings of this report and the following conditions

1. The proposed project meets the intent of the C-1, Office and Light Industrial Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The proposed project meets the Comprehensive Plan for commercial and light industrial development and standards of a Planned Unit Development by providing public benefit through improved business and commercial development enhancing the local economy and strengthening the tax base and supporting mixed-use development.
3. Prior to issuance of a building permit:
 - a. All necessary permits shall be obtained,
 - b. Developer shall obtain a Stormwater Certificate and submit the required cash escrow or letter of credit.
4. Finalization of all construction documents according to City standards and coordinated with the City Engineer.
5. The developer shall comply with the following conditions during construction:
 - a. Development activity shall comply with all City noise ordinances. There shall be no construction activity between the hours of 10 p.m. and 7 a.m.
 - b. Loud equipment shall be kept as far as possible from adjacent residences.
 - c. The site shall be kept free of dust and debris that could blow onto neighboring properties.
 - d. Public streets shall be maintained free of dirt and shall be cleaned as necessary.
 - e. The City shall be contacted a minimum of 72 hours prior to any work in a public street or right-of-way. Work in a public street shall take place only upon the determination by the Public Works Director that appropriate safety measures have been taken to ensure motorist and pedestrian safety.
 - f. The Zoning Administrator may impose additional conditions if it becomes necessary in order to mitigate the impact of construction on surrounding properties.

6. Prior to the issuance of any temporary or permanent occupancy permit the following shall be completed or have an escrow in place to complete the work:
 - c. All exterior building improvements shall be completed.
 - d. All disturbed areas on the site shall be seeded or sodded.
 - e. All parking and drive aisles will be paved.
7. The developer shall pay a park dedication fee of \$1,100 per acre in lieu of dedicated park land. This fee will be paid at the time of PUD approval.
8. The applicant shall sign a consent form assenting to all conditions of this approval.
9. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

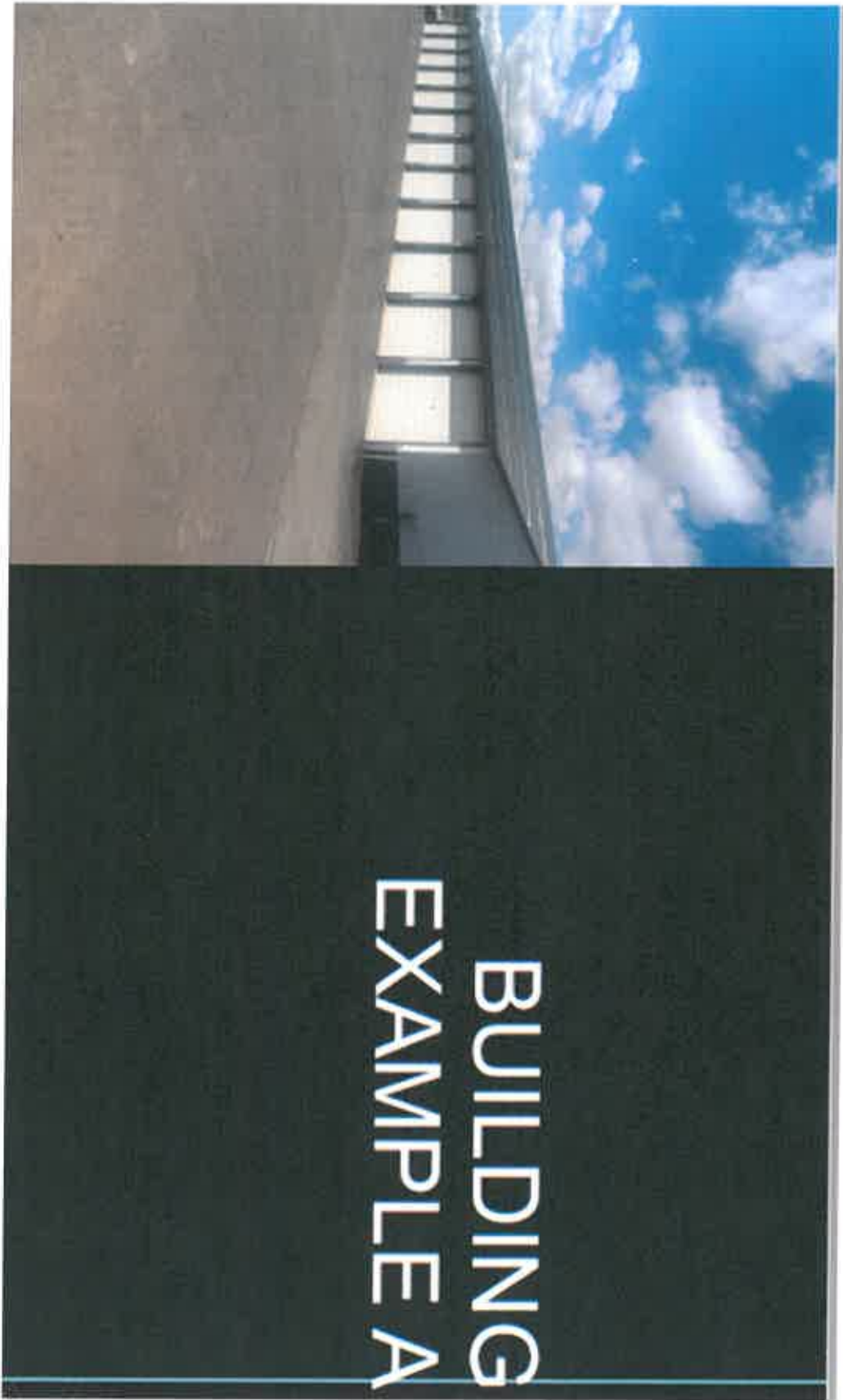
ATTACHMENTS:

- Location Map
- Preliminary Site Plan
- Building Elevations

Location Map



Building Elevation



March 23rd, 2020

Planning and Zoning Commission Members
C/O City of Hermantown
5105 Maple Grove Road
Hermantown, MN 55811

Re:

An application by Kevin Kuklis/Titan Premier LLC for a Subdivision to create a 100-foot-wide parcel of 0.60 acres and a 1.65-acre lot accessed by way of a flag lot of 30-foot width at 3755 Lavaque Road. The property is located in an R-3 zoning district.

Dear Members,

We are writing to give input regarding Mr Kuklis' plans for the above mentioned parcel. Ideally, we would love to see that piece of land go undeveloped. We live in Country Acres, one of the earlier developments in Hermantown. As such, it was laid out with much larger lots than is common in more recent developments. I encourage you to drive through our neighborhood and get a feel for the spacing. It is somewhat unique in Hermantown, and we would appreciate the city making efforts to preserve our current environment. If developed, we would request that Mr. Kuklis avoid high density housing that has become the norm in Hermantown. We are asking that the housing density that characterizes Country Acres be maintained in the areas that surround our properties.

Best Regards,


Brian and Sheri Bergeron
5164 Country Lane

