

CITY OF HERMANTOWN  
PLANNING & ZONING COMMISSION

*Agenda*  
May 19, 2020  
7:00 PM

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
  - 3A. April 21, 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 Shaine Stokke for a Preliminary and Final Planned Unit Development for a 9-lot residential development on a 45-acre site located at 5753 Maple Grove Road. The property is located in a S-1, Suburban zoning district.
  - 5.B An application by Shaine Stokke for a Preliminary and Final Plat for a 9-lot residential development on a 45-acre site located at 5753 Maple Grove Road. The property is located in a S-1, Suburban zoning district.
6. **CONTINUING BUSINESS**
7. **NEW BUSINESS**
8. **COMMUNICATIONS**
9. **COMMISSION MEMBER REPORTS**
  - Greg Zimmerman –
  - Joe Peterson –
  - Chad Scott –
  - Corey Kolquist –
  - Tracy Lundeen –
  - Valerie Ouellette –
  - Samuel Clark –
  - Kristi Schmidt –

**ADJOURN**

Because attendance at the regular meeting location is not feasible due to the health pandemic, Hermantown's May 19, 2020, Planning and Zoning Commission meeting will be conducted remotely, utilizing the platform "Zoom" – which allows the public to view and/or hear the meeting from their phone or computer.

Beginning shortly before 7:00 p.m. on May 19, 2020, this meeting will be available at: <https://us02web.zoom.us/j/87853110486?pwd=V2RrQVpwdDdOeWZUdU1RK2crR0hodz09> and/or by calling the number (312) 626-6799 and utilizing the meeting ID 878-5311-0486 and the password 742211.

A few important tips regarding the Zoom platform:

- If you do not have audio on your computer, but wish to see the meeting and speak at the meeting – you can log in both on your computer (to see) and call in on your phone (to speak)
- It is a new situation for all of us, so grace and understanding are appreciated

CITY OF HERMANTOWN  
PLANNING & ZONING COMMISSION  
April 21, 2020 Meeting Summary  
7:00 PM

**1. ROLL CALL**

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

Members Absent: Greg Zimmerman.

Others Present: Eric Johnson, Community Development Director; Josh Bergstad, City Planner; Joe Wicklund, Communications & Community Engagement Manager; Andy Klatzky; Jim Petruga, 4054 Ugstad Rd., and Doug Olsen.

**2. APPROVAL OF AGENDA**

Motion made by Chad Scott to approve the April 21, 2020 agenda as presented. Seconded by Tracy Lundeen. Motion carried.

**3. APPROVAL OF MINUTES**

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

**4. PUBLIC DISCUSSION**

None.

**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.

Eric Johnson presented the Preliminary and Final Planned Unit Development application of Doug Olsen/Clear Vision Builders, LLC to the Commission.

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 developer is planning on marketing these units as rental properties at this time and thus will not be platting the property. The property is zoned R-3, Residential, and 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. The applicant will also 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. Staff recommends approval of the Preliminary and Final PUD.

Jim Petruga, 4054 Ugstad Rd., is concerned about the drainage being an issue and about old homes being taken out and replaced with duplexes that are very different from the current neighborhood.

PLANNING & ZONING COMMISSION  
April 21, 2020 Meeting Summary

Mr. Petruaga also asked questions about the marking and protection of the wetlands and the amount of yard for each unit.

Commission members discussed if the properties were going to be rentals or if they could be outright purchased and what the costs might be.

Doug Olsen stated that the concept originally started when his parents were looking for an affordable place to live in Hermantown. He thought that building a twin home on that lot for them would be ideal. It was his intention to market primarily to retired folks. He is planning on renting the units at this time but may chose to sell them at a later date.

Eric Johnson provided information on the density of this project, 1.25 acres/unit, which is greater than the R-3 minimum of ½ acre per unit. He also provided information on the City requiring that the applicant would be required to provide permanent staking/marketing of the wetlands with GIS information provided to the City. The City would be able to monitor any wetland encroachment by utilizing its GIS survey equipment.

Motion made by Corey Kolquist to approve the 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. Seconded by Tracy Lundeen. Chad Scott abstained. Samuel Clark voted no. Motion carried 5-1.

5B. An application by Doug Olsen/Clear Vision Builders LLC for a Special Use Permit (SUP) 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.

Eric presented the Special Use Permit application of Doug Olsen/Clear Vision Builders, LLC to the Commission.

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

Jim Petruaga asked what the height of the slab elevation would be in relation to the creek.

Doug Olsen noted that they would be built so that it would not drain from the road into the house.

PLANNING & ZONING COMMISSION  
April 21, 2020 Meeting Summary

Eric stated that typically, there is a 2% minimum slope away for a positive drainage away from building structure.

Motion made by Tracy Lundeen to approve the application by Doug Olsen/Clear Vision Builders LLC for a Special Use Permit (SUP) 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. Seconded by Corey Kolquist. Motion carried. Chad Scott abstained. Samuel Clark voted no. Motion carried 5-1.

- 5C. An application by Doug Olsen/Clear Vision Builders LLC for a 82' 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.

Eric presented the application for an 82' building setback of Doug Olsen/Clear Vision Builders, LLC to the Commission. 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.

Eric stated that there are a number of lots with structures within this vicinity that are within the 150' setback area.

Motion made by Valerie Oullette to approve the application by Doug Olsen/Clear Vision Builders LLC for a 82' 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. Seconded by Corey Kolquist. Chad Scott abstained. Samuel Clark voted no. Motion carried 5-1.

- 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.

Josh Bergstad, City Planner, presented the Commission with the 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 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. City staff is discussing the requirement for a fence surrounding these structures/lot per the City Police Chief's recommendation.

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."

Eric mentioned a letter he had received from the facility manager of the Benedictine. They are comfortable with the development, but have some concerns for potential problems in the future regarding traffic control in the area.

Kristi Schmidt pointed out that Mr. Klatzky owns another storage facility unit in close proximity to the area.

Joe Peterson asked Mr. Klatzky about the condo building and if the plans on that had changed at all for a business use.

Andy Klatzky stated that is still the future plan but that it could be used as both individual or business use.

Motion made by Samuel Clark to approve the 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. Seconded by Chad Scott. Motion carried.

**6. CONTINUING BUSINESS**

None.

**7. NEW BUSINESS**

None.

**8. COMMUNICATIONS**

8A. 20-44 Correspondence from Brian and Sheri Bergeron, 5164 Country Lane.

**9. COMMISSION MEMBER REPORTS**

Joe Peterson – None.

Tracy Lundeen – None.

Greg Zimmerman – Absent.

Chad Scott – None.

Corey Kolquist – None.

Valerie Ouellette – None.

Samuel Clark – None.

Kristi Schmidt – None.

PLANNING & ZONING COMMISSION  
April 21, 2020 Meeting Summary

**ADJOURN**

Motion made by Corey Kolquist to adjourn the meeting. Seconded by Kristi Schmidt. Meeting adjourned at 8:17 pm.

Officiated by:

Transcribed by:

\_\_\_\_\_  
Joe Peterson, Chairman

  
\_\_\_\_\_  
Mary Melde, Administrative Assistant

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**5A. 5753 Maple Grove Road– Preliminary and Final Planned Unit Development**

<b><u>Applicant:</u></b>	Shaine Stokke
<b><u>Case No.:</u></b>	2020-14-PUD
<b><u>Staff Contact:</u></b>	Eric Johnson, Community Development Director
<b><u>Request:</u></b>	Approval of a Preliminary and Final Planned Unit Development (PUD)

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**DESCRIPTION OF REQUEST:**

Applicant is requesting approval of a Preliminary and Final Planned Unit Development (PUD) for construction of a nine lot residential development at 5753 Maple Grove Road. The property is located in an S-1, Suburban zoning district.

**SITE INFORMATION:**

<b>Parcel Size:</b>	45.0 acres
<b>Legal Access:</b>	5753 Maple Grove Road
<b>Wetlands:</b>	Yes, delineation approved in 2016; Impacts approved in 2020
<b>Existing Zoning:</b>	S-1, Suburban (5.0 acre minimum)
<b>Airport Overlay:</b>	None
<b>Shoreland Overlay:</b>	None
<b>Comprehensive Plan:</b>	Suburban

**Development Details**

The applicant is proposing to construct nine residential lots over two existing lots totaling 45.0 acres with the lots ranging in size from 2.5 acres to 11.45 acres.

The proposed PUD includes nine lots with an average of 4.72 acres per lot and 2.50 acres of Right-of-Way for the residential street to access the lots. The PUD development will utilize the varying lot sizes to protect the existing the majority of the wetlands on the site with the impacts primarily associated with the construction of the road.

The lots will be accessed by a 1550-foot-long cul-de-sac road. The road design follows the City's typical rural residential street section, with a 66 foot width Right-of-Way, a 24 foot paved driving surface with 2 foot shoulders on both sides and a cul-de-sac at the end of the road.

**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 similar to that which is allowed in an S-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. 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 creating varying sizes of lots, the applicant proposes nine lots over 42.5 acres (does not include road ROW) for an average lot size of 4.72 acres. This allows for the preservation of 14.6+/- acres of wetland area.

#### **Zoning Analysis:**

The property is zoned S-1, Suburban. The applicant has applied for a Planned Unit Development (PUD) for the property. A PUD is a permitted use in an S-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.

#### **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 nine single family residential lots and the design meets the underlying setback requirements of the S-1 zoning district in regards to front, side and rear yard setbacks. Lots 1-3 and 7-9 meet the required 300 foot lot width at the building setback line. The three cul-de-sac lots range in lot width from 135 to 273 feet as measured at the building setback line. The average lot width for the nine lots is 377 feet.

#### **Plat**

The developer has submitted a preliminary plat for the proposed Jenny Farms development. The plat identifies the lots, delineated wetlands and the proposed road right of way.

#### **Utilities**

The lots will have on site private water and septic sewer. Per St. Louis County requirements, each lot identifies a primary and secondary septic field. A well location is also identified on the proposed plans.

#### **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.

### Wetlands

There are 14.75 acres of wetlands on the property which were delineated in 2016. This preliminary plat proposes 3,785 square feet of permanent wetland impacts. The Hermantown Technical Evaluation Panel (TEP) approved a de minimis exemption for these impacts as they are less than the allowed 10,000 square feet of wetland impacts. These wetland impacts are primarily associated with the construction of the road.

### Stormwater

The applicant is proposing to treat stormwater in two separate retention treatment ponds. The site has an approximate mid-point drainage divide with 40% of the site flowing to the southern pond and the remaining 60% flowing to the north. The applicant has engaged an engineer to prepare drainage and grading plans with the final location, sizing, and design of permanent stormwater control subject to approval of final stormwater plans and MS4 Letter of Compliance by the City Engineer.

### **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 S-1, Suburban 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 a conservation development to protect 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 (road, stormwater 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.
  - 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.
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 Grading/Stormwater Plan
- Narrative

**Location Map**



DATE: 12/15/2011  
DRAWN BY: J. J. JENSEN  
CHECKED BY: J. J. JENSEN  
PROJECT: JENNY FARMS  
SUBJECT: OVERALL SITE PLAN

DATE	REVISION	DESCRIPTION

JENNY FARMS  
5755 MAPLE GROVE ROAD  
HEBARTON, WI  
OVERALL SITE PLAN

C1.0  
DATE PLOTTED: 12/15/2011  
DATE REVISION: 12/15/2011  
DRAWN BY: J. J. JENSEN  
CHECKED BY: J. J. JENSEN

**NOTES**

- 1. HATCH PATTERNS AS SHOWN
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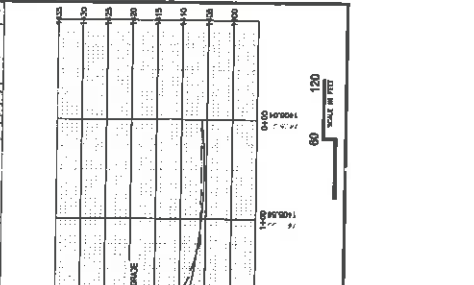
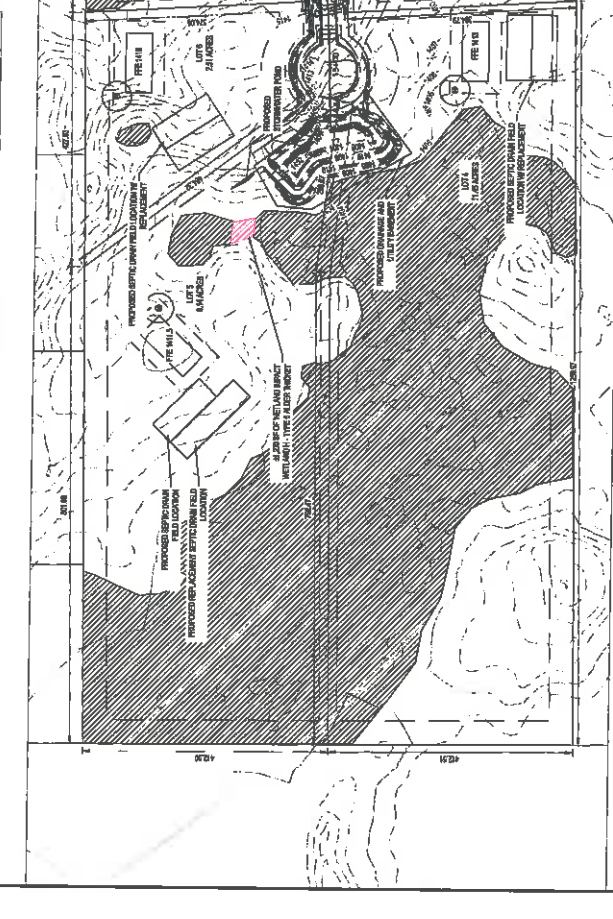
**WETLAND IMPACTS**

TOTAL PROPOSED WETLAND IMPACT AREA	± 5,095 SF
TOTAL TYPE 2 - FRESH WET MEADOW IMPACT	± 2,170 SF
TOTAL TYPE 3 - ALDER THicket MAP	± 1,625 SF

**SITE TABLE**

ZONING CLASSIFICATION	RURAL / SUBURBAN S1
EXISTING SITE CONDITIONS	± 45.00 ACRES
TOTAL SITE AREA	± 45.00 ACRES
EXISTING IMPERVIOUS	± 0.00 ACRES
EXISTING PERVIOUS	± 45.00 ACRES
PROPOSED SITE CONDITIONS	± 45.00 ACRES
PROPOSED RESIDENTIAL LOTS	9
PROPOSED IMPERVIOUS FROM LOTS	± 47,888 SF
PROPOSED IMPERVIOUS ROADWAY	± 129,838 SF
TOTAL NEW IMPERVIOUS AREA	± 177,726 SF

**NOTES:**  
1. THE PUD WOULD ALLOW FOR THE MINIMAL LOT SIZES TO BE LESS THAN THE REQUIRED 5.0 ACRES IN A S1 ZONING CLASSIFICATION







91 Main St. Superior, WI 54880 715.718.2193

# Memo

**To:** City of Hermantown  
**From:** Noah P. Tapper  
**cc:** Karen Keenan, Gary Gilbert, Shaine Stokke  
**Date:** 04/03/2020  
**Re:** Jenny Farms PUD Development – 5753 Maple Grove Road

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The Jenny Farms development located at 5753 Maple Grove Road will be started as a PUD development. The development is in zoning district Rural/Suburban S-1. The Jenny Farms development will require a variance from the City of Hermantown on the minimum lot size of 5 acres. The total development area is a combined 45 acres between the two parcels owned by Shaine Stokke to be used for this development. The two parcels include PID numbers 395-0010-04990 (25.00 Acres) and 395-0010-05020 (20.00 Acres). The 2 parcels are to be replatted into nine separate lots. The nine lots will have an average of 4.72 acres per a lot and 2.50 acres of Right-of-Way for the residential street to access the lots. The largest lot in the development will be 11.45 acres and the smallest being 2.50 acres. The PUD development will utilize the variance to protect the existing wetlands on the site and minimize the impact of the wetlands while also providing nine new rural residential lots for the expansion of the City of Hermantown housing.

The entirety of the 45 acres will be used to support residential housing, there will be an approximately 1550-foot-long cul-de-sac road that will provide access to the nine residential lots. Following the City of Hermantown's typical rural residential street section, the Right-of-Way will be 66 feet wide through the entirety of the street, with a cul-de-sac at the end of the street.

We request this information be reviewed by the City of Hermantown along with the supporting documents in the application for the PUD and Subdivision Application, and approval to start the design of the 9 lot development of Jenny Farms in the City of Hermantown.

Feel free to reach out to me at [noah.tapper@amiengineers.com](mailto:noah.tapper@amiengineers.com) or 715-718-5719 if you have any questions or concerns about the PUD and the development.

Thank you,

Noah Tapper

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**5B. 5753 Maple Grove Road– Preliminary and Final Plat**

**Applicant:** Shaine Stokke  
**Case No.:** 2020-14-PUD  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Approval of a Preliminary and Final Plat

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**DESCRIPTION OF REQUEST:**

Applicant is requesting approval of a Preliminary and Final Plat for construction of a nine lot residential development at 5753 Maple Grove Road. The property is located in an S-1, Suburban zoning district.

**SITE INFORMATION:**

**Parcel Size:** 45.0 acres  
**Legal Access:** 5753 Maple Grove Road  
**Wetlands:** Yes, delineation approved in 2016; Impacts approved in 2020  
**Existing Zoning:** S-1, Suburban (5.0 acre minimum)  
**Airport Overlay:** None  
**Shoreland Overlay:** None  
**Comprehensive Plan:** Suburban

**Development Details**

The applicant is proposing to construct nine residential lots over two existing lots totaling 45.0 acres with the lots ranging in size from 2.5 acres to 11.45 acres. The proposed plat is named Jenny Farms.

The proposed plat includes nine lots with an average of 4.72 acres per lot and 2.50 acres of Right-of-Way for the residential street to access the lots. The development will utilize the varying lot sizes to protect the existing the majority of the wetlands on the site with the impacts primarily associated with the construction of the road.

The lots will be accessed by a 1550-foot-long cul-de-sac road. The road design follows the City's typical rural residential street section, with a 66 foot width Right-of-Way, a 24 foot paved driving surface with 2 foot shoulders on both sides and a cul-de-sac at the end of the road.

**PUD Process:**

The developer has submitted a preliminary PUD for the proposed Jenny Acres development. 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 similar to that which is allowed in an S-1 zoning district.

### **Zoning Analysis:**

The property is zoned S-1, Suburban. The dimensional requirements for a lot in the S-1, Suburban district is 5.0 acre minimum lots with 300 feet of lot width.

### **Lot Size**

The proposed plat includes nine lots with an average of 4.72 acres per lot and 2.50 acres of Right-of-Way for the residential street to access the lots.

### **Setbacks**

The proposed project is for nine single family residential lots and the design meets the underlying setback requirements of the S-1 zoning district in regards to front, side and rear yard setbacks. Lots 1-3 and 7-9 meet the required 300 foot lot width at the building setback line. The three cul-de-sac lots range in lot width from 135 to 273 feet as measured at the building setback line. The average lot width for the nine lots is 377 feet.

### **Wetlands**

There are 14.75 acres of wetlands on the property which were delineated in 2016. This preliminary plat proposes 3,785 square feet of permanent wetland impacts. The Hermantown Technical Evaluation Panel (TEP) approved a de minimis exemption for these impacts as they are less than the allowed 10,000 square feet of wetland impacts. These wetland impacts are primarily associated with the construction of the road.

### **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 Plat based on the following findings:

1. The proposed subdivision plan meets the criteria of the S-1, Suburban Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The proposed subdivision meets the Comprehensive Plan for residential development.
3. The lots will have on site private water and septic sewer. Per St. Louis County requirements, each lot identifies a primary and secondary septic field. A well location is also identified on the proposed plans.
4. The development agreement shall prescribe either a:
  - a. Letter of Credit or other financial surety acceptable to the City Attorney for 125% of the construction value of the road and stormwater facilities to be made at the time of approval of the Final Plat, or
  - b. Installation of road and stormwater facilities prior to obtaining the Final Plat for the development.

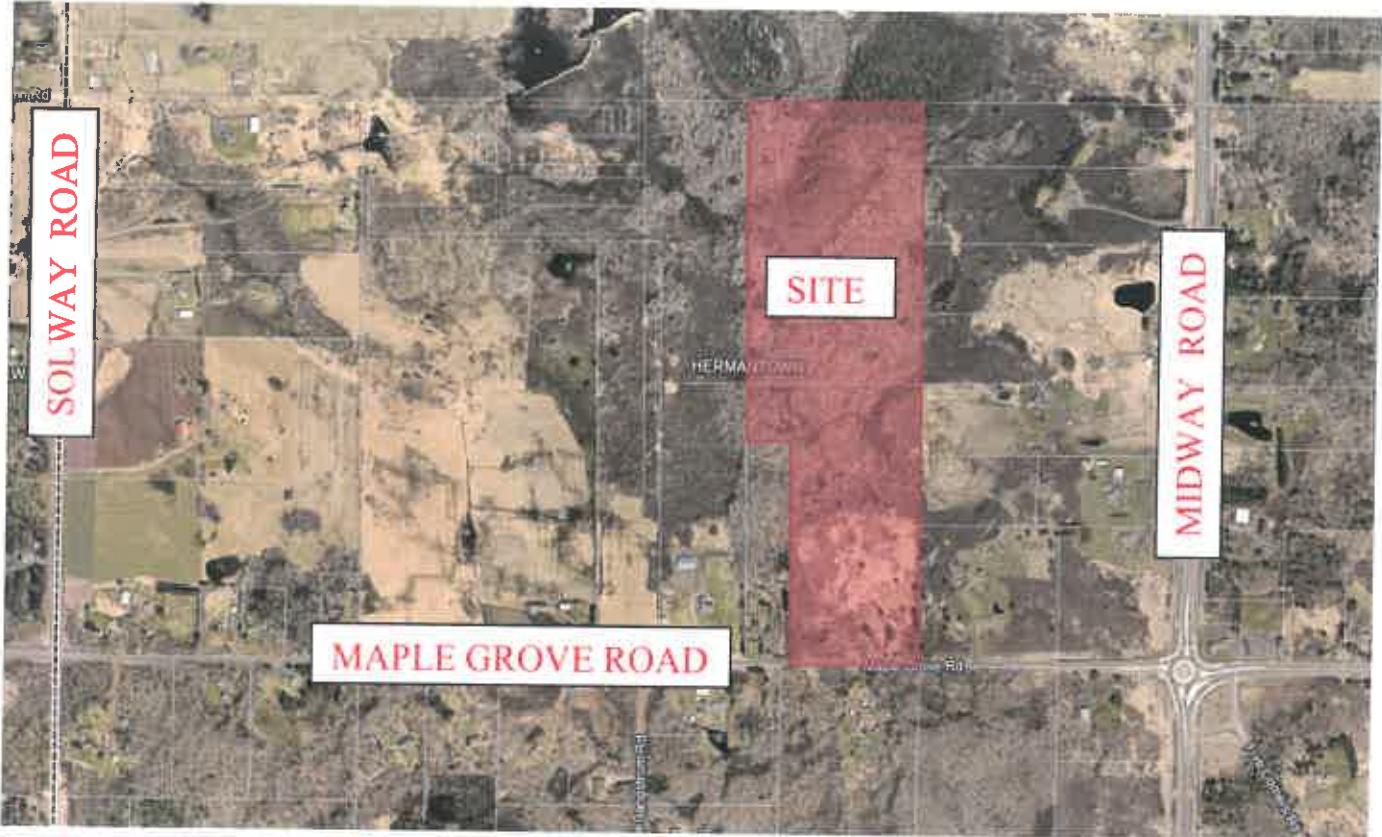


5. Prior to starting any site work, the Applicant shall hold a preconstruction meeting with the appropriate development, construction, and City representatives.
6. Prior to issuance of a building permit:
  - a. All necessary permits shall be obtained.
7. Erosion control measures shall be utilized and remain in place throughout the construction period, and shall not be removed until vegetation is established on the site.
8. 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.
9. The Applicant 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.
10. Prior to the issuance of any temporary or permanent occupancy permit the following shall be completed:
  - a. All exterior building improvements shall be completed.
  - b. All disturbed areas on the site shall be seeded or sodded.
11. The Applicant shall pay a park dedication fee of \$9,900 (\$1,100/lot for 9 lots) in lieu of dedicated park land. This fee will be paid at the time of plat approval.
12. The Applicant shall sign a consent form assenting to all conditions of this approval.
13. The Applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

**ATTACHMENTS:**

Location Map  
Preliminary Plat

**Location Map**



# PRELIMINARY PLAT OF JENNY FARMS

**OWNER**

Shalne Stokke  
3708 Midway Road  
Hermantown, MN. 55810

**Legal Description**

Parcel 395-0010-05020

The east 50 rods of the SW 1/4 of the SE 1/4 of Section 18, Township 50, Range 15, Except that part described as follows:  
Beginning at a point on the South line of the East 50 rods of the SW 1/4 of the SE 1/4 of Section 18, Township 50, Range 15, a distance of 616.25 feet West of the Southeast corner thereof; thence North parallel with the west line of said East 50 rods, a distance of 1043.75 feet; thence West parallel with the South line of said East 50 rods a distance of 208.75 feet to the West line of said East 50 rods; thence South along said West line a distance of 1043.75 feet to the south line of said East 50 rods; thence East along said South line a distance of 208.75 feet to the point of beginning.

Parcel 395-0010-04990

The East 50 rods of the NW 1/4 of the SE 1/4 of Section 18, Township 50, Range 15.

Total Land Area = 45 Acres

Wetlands as shown were located by Rob Peterson of Leggette, Brashears & Graham, Inc.

Soil testing by Spectrum Research, Inc.

Property address is 5753 Maple Grove Rd.

I hereby certify that this plan, specification, or report 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.

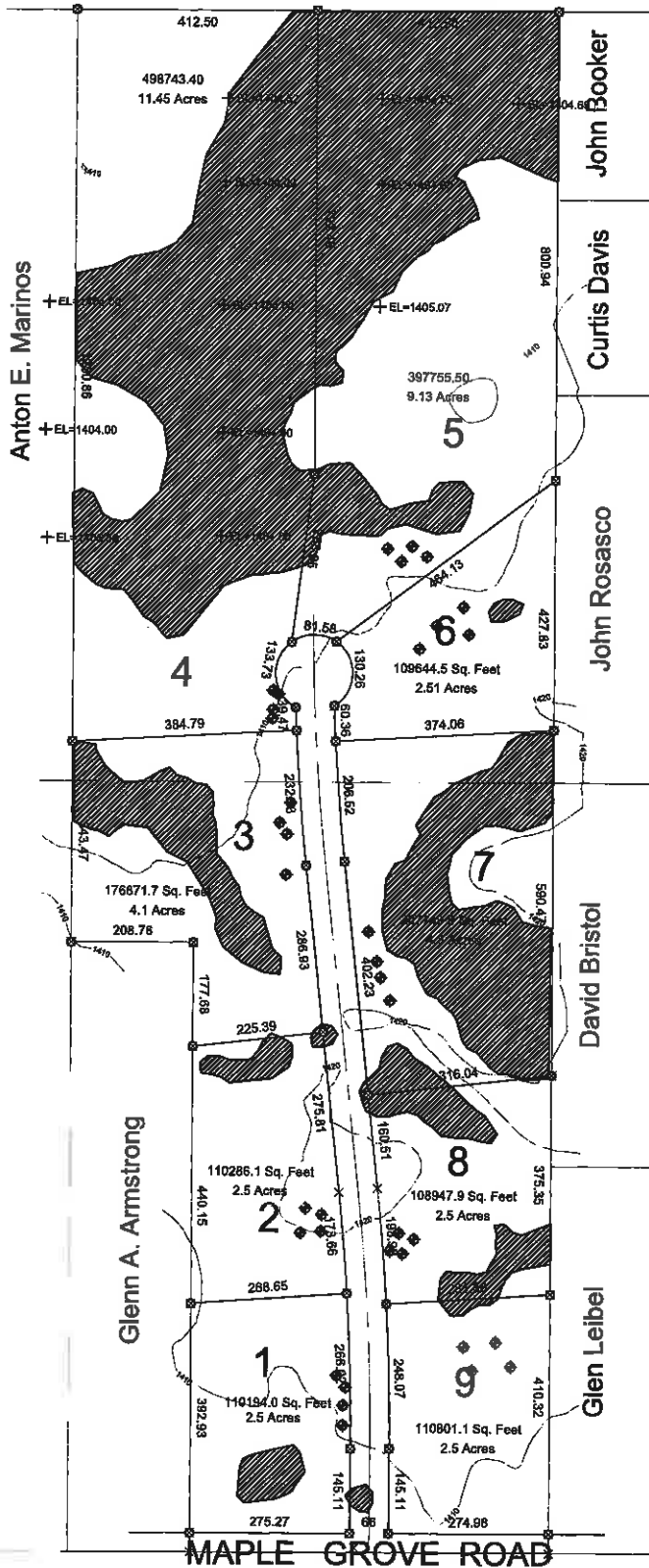
Date: 3/27/20

*Ronald L. Krueger*  
Ronald L. Krueger MN License No. 14374



DATE: 3/27/20  
SCALE: 1 IN = 200 FEET  
PROP ADD: XXX  
PROJECT NO: 16-001

Britt E. Buerskin



**MAPLE GROVE ROAD**

Britt E. Buerskin

**RON KRUEGER**  
Registered Land Surveyor, LLC  
7066 HIGHWAY 8  
SAGINAW, MN 55779  
Phone: 218-390-4030