

**CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION**

Agenda
June 16, 2020
7:00 PM

- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES**
 - 3A. May 19, 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 Fresenius Kidney Care Duluth for a Commercial Industrial Development Permit (CIDP) for 12,000 square foot medical dialysis clinic located at 41xx Richard Avenue. The property is located in a HM, Hermantown Marketplace zoning district.
 - 5B. An application by Northwoods Sodding for a Special Use Permit (SUP) for the purpose of grading and filling in a Natural Environment Shoreland Area in order to increase the yard capacity of their facility located at 3688 Midway Road. The property is located in a BLM, Business Light Manufacturing zoning district.
 - 5C. An application by Northwoods Sodding for a Wetland Replacement Plan in order to increase the yard capacity of their facility located at 3688 Midway Road. The property is located in a BLM, Business Light Manufacturing zoning district.
 - 5D. An application by JLG Enterprises for a Final Plat for a 9 lot and 2 outlot subdivision located at 3956 Stebner Road. The property is located in an R-3 zoning district.
 - 5E. An application by Vireo Health for a Commercial Industrial Development Permit (CIDP) for 2,500 square medical cannabis dispensary located at 4960 Miller Trunk Hwy Suite 300. The property is located in a C, Commercial 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

Beginning shortly before 7:00 p.m. on June 16, 2020, this meeting will be available at:
<https://us02web.zoom.us/j/82923000197?pwd=NmNSSUhJVmk5QUNHNzZBbWViWE5HOT09>
and/or by calling the number 312 626 6799 and utilizing the meeting ID 829 2300 0197 and the password 355249.

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
May 19, 2020 Meeting Summary
7:00 PM

1. ROLL CALL

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

Members Absent: Tracy Lundeen; Greg Zimmerman; and Kristi Schmidt.

Others Present: Eric Johnson, Community Development Director; Josh Bergstad, City Planner; and Joe Wicklund, Communications & Community Engagement Manager.

2. APPROVAL OF AGENDA

Motion made by Valerie Ouellette to approve the May 19, 2020 agenda as presented. Seconded by Chad Scott. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Samuel Clark to approve the April 21, 2020 minutes as presented. Seconded by Corey Kolquist. Motion carried.

4. PUBLIC DISCUSSION

None.

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.

Eric Johnson, Community Development Director informed that the Commission that the applicant, Shaine Stokke, 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.

Corey Kolquist asked who will manage the stormwater and upkeep on the site.

PLANNING & ZONING COMMISSION
May 19, 2020 Meeting Summary

According to Eric, there will be an easement placed on the stormwater ponds, so the City would have the ability to access the ponds if they need to be cleaned out. Likewise, with the drainage ditches. The Development Agreement would finalize ownership.

Valerie Oulette asked if the City would be improving Maple Grove Road that would access into the projected new development.

Eric stated that the roadway is owned by St. Louis County, and that these plans have been shared with St. Louis County, and they did not have any questions or comments regarding that.

Shaine Stokke, 5664 St. Louis River Rd. is really excited to work with the City on this project.

Katherine Kallberg, 5756 Maple Grove Rd., is adamantly opposed to this project. She is concerned about safety, water tables and wells, and how the development will affect her taxes.

Eric stated that St. Louis County is the permitting agency for wells and septic. He noted that the City would maintain the roadway from a snowplow standpoint, and that money has been budgeted for that upkeep. He stated that if the City did obtain ownership of the ponds from the Development Agreement, it would be responsible for the stormwater pond. From a safety standpoint, the City has been in communication with Vic Lund, with St. Louis County, and St. Louis County does not have any safety concerns with this project.

John Rosasco, 4155 Midway Rd., wondered how the green space is going to be maintained.

Eric said there would be the initial clearing for the wells, the septic, and the house pad. After the lots are sold, it would be up to the individual property owner to choose what they want to do with their lot.

A resident at 5809 Maple Grove Rd. stated that although she appreciates Shaine's story about growing up in a development, she noted that her property is a farm that has been at this location going on 121 years and that being in a development is not the story of their neighborhood. She is also opposed to this development.

Mike Miller, 5810 Maple Grove Rd., he is concerned with the traffic and the light pollution that will be generated in his rural experience living at his current property. Mike asked what the requirements are for development in an S-1 zone as it relates to lot size.

According to Eric, a Planned Unit Development is allowed in any zoning district within the City and it allows for different densities; setbacks; lot widths; etc., as part of that specific proposal.

Britt Mcadamis, 4215 Midway Rd., stated that she and her husband Mike are in favor of the development.

Joe Peterson asked Eric what other potential uses could potentially go on in the development and if you could put in an apartment building.

PLANNING & ZONING COMMISSION
May 19, 2020 Meeting Summary

Eric noted that another Planned Unit Development application would have to be put forth.

Kathryn Kallberg, 5756 Maple Grove Rd., commented that the area in which she lives is a very close neighborhood and the majority of the residents are adamantly opposed to this project and she believes none of the development will benefit the current residents.

Valerie Oullette asked for clarification that there will be nine lots created under the Planned Unit Development, and that each of those lots will have one single family home built, and that nine families will be added to the community.

Antonio Marinos, 5783 Maple Grove Rd., is also opposed to the project.

Tom Luczak, 4059 Sangstrom Rd., is in agreement with Antonio and the Kallbergs and opposes the project as it will greatly affect the taxes, and traffic in the community.

Shaine stated that he believes there is not any safe place in St. Louis County that is affected by rising taxes. He believes that by adding more houses to Hermantown, eventually the tax base will go down.

Kay Lackner, 4068 Sangstrom Rd., stated that she is opposed to the development.

Tom Luczak asked if someone could take the 11 acres and get a variance down the road to put two or three more houses on it?

Eric stated that no, that none of the lots in this development can be split any further.

Marie Luczak, 4074 Five Corners Rd., has lived in the Hermantown area for 55 years. She is wondering if there will be no restricted covenants for each of the lots and that in the future, there will be no rearrangement of this plat will be created. She is opposed to the development.

Joe Peterson stated that the answer to both of her concerns is no, nothing can be changed.

Kathryn Kallberg asked if the decision could be tabled because of this meeting being a Zoom meeting and not all interested parties might not have been able to attend?

Eric noted that even with the COVID-19 pandemic, the City needs to be responsive to parties making applications and have proceeded the best way that City can to get notifications out to affected residents as well as a required public hearing notice to the Hermantown Star. The applicant was also required to post a sign on the property, and letters were mailed to residents within 1,000 feet of the projected property. If the matter is approved this evening, the matter will have to go forward to the June 1, 2020 City Council meeting for the council's consideration. At that City Council meeting, residents will have the opportunity to have their concerns heard in accordance to the Governor's 10 people gathering while maintaining social distancing.

PLANNING & ZONING COMMISSION
May 19, 2020 Meeting Summary

Motion made by Samuel Clark to approve the 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. Seconded by Valerie Ouellette. Chad Scott abstained. Motion carried 4-0.

- 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.

Motion made by Valerie Ouellette to approve the 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. Seconded by Corey Kolquist. Chad Scott abstained. Motion carried 4-0.

6. CONTINUING BUSINESS

None.

7. NEW BUSINESS

Eric shared with the Commission a new public facing GIS platform that the public can use to obtain information in the City of Hermantown. The platform is located on the City of Hermantown's webpage – www.hermantownmn.com.

8. COMMUNICATIONS

None.

9. COMMISSION MEMBER REPORTS

Joe Peterson – None.

Tracy Lundeen – Absent

Greg Zimmerman – Absent.

Chad Scott – Gave the Commission notice that his home has sold and that he will be leaving the Planning & Zoning Commission within the next month or two.

Corey Kolquist – None.

Valerie Ouellette – None.

Samuel Clark – None.

Kristi Schmidt – Absent.

ADJOURN

Motion made by Chad Scott to adjourn the meeting. Seconded by Corey Kolquist. Meeting adjourned at 8:24 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant

5A. 4960 Miller Trunk Highway Suite 300 – Commercial Industrial Development Permit (CIDP)

Applicant: Fresenius
Case No.: 2020-33-CIDP
Staff Contact: Eric Johnson, Community Development Director
Request: Resquest for a CIDP for a 11,934 square foot medical clinic

RECOMMENDED ACTION:

Approve a Commercial Industrial Development Permit (CIDP) in order to locate a medical clinic at a one story, 11.934 square foot in the HM, Hermantown Marketplace district.

DESCRIPTION OF REQUEST:

Applicant requests a Commercial Industrial Development Permit to locate a medical clinic at a one-story, 11,934 square foot building at the northwest corner of Richard Avenue and Eeve Drive. Fresenius will be a tenant of the proposed building with Patriot Properties being the overall property developer.

SITE INFORMATION:

Parcel Size: 1.56 acres
Legal Access: 41xx Richard Avenue
Wetlands: N/A
Existing Zoning: HM, Hermantown Marketplace
Airport Overlay: none
Shoreland Overlay: N/A
Comprehensive Plan: Commercial

Site History

The 12 acre land area around the Richard Avenue/Eeve Drive intersection has been undergoing development by Patriot Properties since 2017. To date, a 6,000 square foot building has been constructed at the NE intersection of Maple Grove Road and Richard Avenue and a 3 story, multi-tenant building is being finalized at the SE intersection of Richard Avenue and Eeve Drive. These buildings share a common design theme of building materials and landscaping in order to create a master planned development. This proposed building will be the third project within this development area. These same design elements will be part of this proposed building site and conducted by Patriot Properties.

CIDP Analysis

Medical and Dental Clinics are permitted with a CIDP in the HM, Hermantown Marketplace Zoning District. Zoning dimensional requirements are detailed in the following table.

Table 1. Dimensional Requirements

Type	Requirement	Provided
Minimum Lot Area	None	1.56 acres
Minimum Lot Width	None	325 feet
Minimum Front Yard Setback from ROW	5 feet	52 feet
Minimum Side Yard Setback	5 feet	98 feet
Maximum Lot Coverage	50% (128,084 sq. ft.)	17% (11,934 sq. ft.)
Maximum Building Height	45 feet	1 story

The HM, Hermantown Marketplace requires and encourages design standards and amenities that exceed other zoning districts in the City, including the C, Commercial zone which the property was zoned until 2015.

Building Design

Buildings are encouraged to incorporate the concepts of authenticity, Simplicity, Durability, Functionality, Integrity of Design, and Integrated Site Planning. The clinic will be a one story, 11,934 square foot building. It will follow the design theme of the two previously constructed buildings located to the east and southeast of this parcel.

Representative photographs of the clinic design, building materials, and colors are attached to this report.

Parking

Parking will be provided on the north, east, and south sides of the site. Car Parking in the HM zoning district is the same as the C zoning district. The HM zoning district requires bicycle parking. Parking requirements and proposed provisions are as follows:

Car parking	Code requirement	Employees	Zoning requirement
Medical Clinic	5 per doctor; plus 1 per additional employee	25 total employees, maximum 18/shift	25 spaces
Total Provided			79 spaces
Bike Parking	4 spaces		4 spaces

Site Planning, Landscaping and Screening

The Hermantown Marketplace requires a landscaping plan or the overall site and landscaping of the parking areas and lot boundaries. Patriot Properties as part of their site planning process will be preparing plans for these requirements. The following guidelines must be considered:

1. A landscaping plan prepared by a registered landscape architect or civil engineer is required for all areas not covered by structures, service yards, walkways, and parking spaces.
2. 10 % of parking lots with ten or more spaces must be landscaped.
3. Landscaping that is a functional part of the stormwater management system is encouraged.
4. Landscaping around buildings is required to soften the edge between the parking lot and structure.
5. Landscaping and parking lot screening shall emphasize the boundary or perimeter of the site with neighboring properties.
6. Utilities, electrical boxes, mechanical equipment and trash storage areas shall generally be screened from view of public streets and neighboring properties, and located away from primary site and building entrances.

Traffic

Proposed traffic volumes at the clinic will not have a major impact on the roadway system around the area. Access to the site will be via Richard Avenue and Eevee Street. This area of the City is commercial in nature and the roads have been constructed in such a way as to have substantial excess capacity. The patriot Properties, the overall developer, has entered into an agreement with the City on a roadway assessment which addresses the future extension of Richard Avenue and subsequent utilities, north to Lindgren Road.

Stormwater

Patriot Properties is proposing to utilize the existing stormwater pond which is shared with Sam's Club, on the west side of the property. In addition, an extension to this existing pond is proposed along the north portion of this property. The stormwater plans will be reviewed and approved by the City Engineer.

Signage

To date, Patriot Properties has been utilizing building signage for their projects. All signage on the site must be within the requirements of the Zoning Ordinance, and sign permits will be required. Signs shall be of compatible colors and materials.

Summary

Staff recommends approval of the Commercial Industrial Development Plan with the following conditions:

1. The proposal meets the requirements of Section 570, "HM, Hermantown Marketplace" of the Hermantown Zoning Ordinance.
2. The proposal meets the requirements of Chapter 8, "Commercial-Industrial Development Permits" of the Hermantown Zoning Ordinance.
3. Enter into a lease agreement with Patriot Properties.

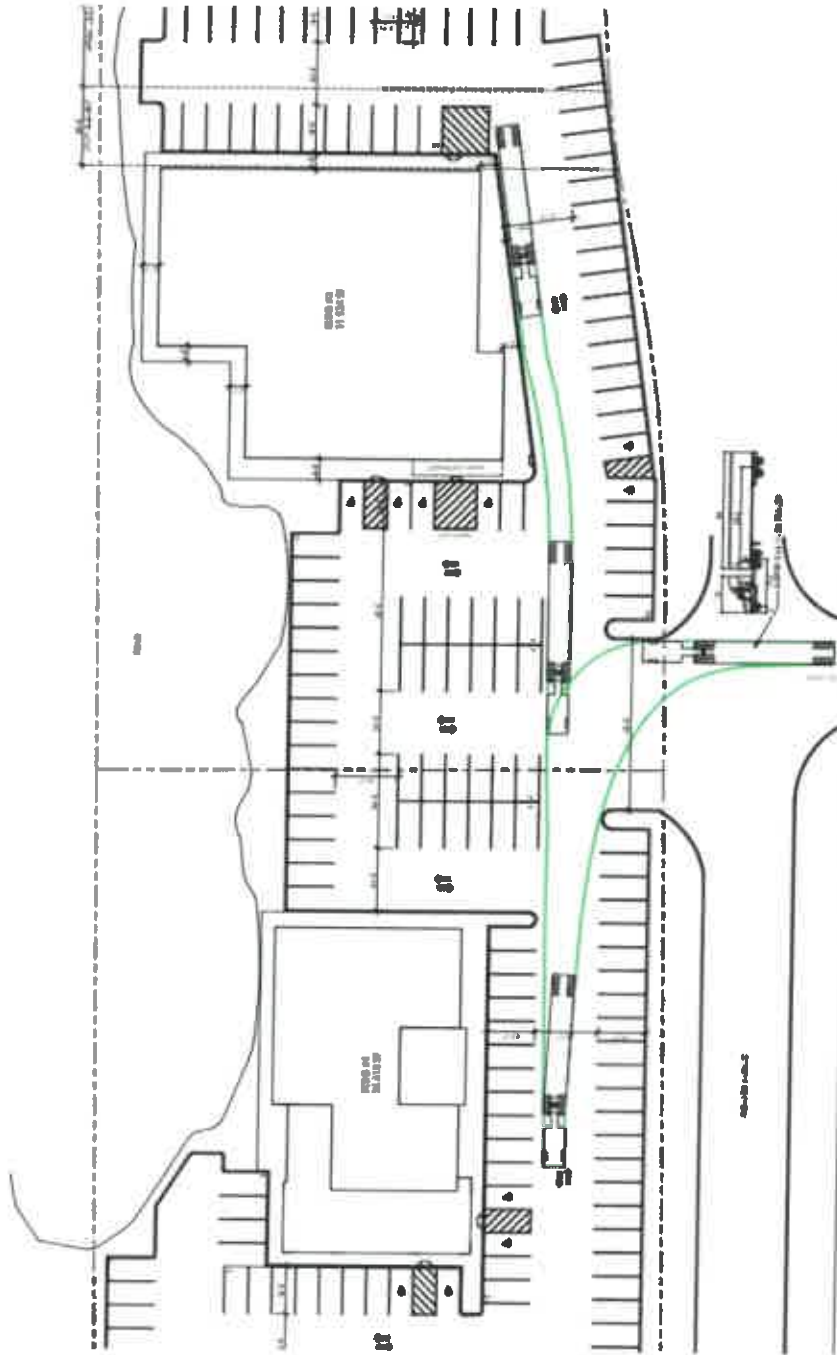
4. Patriot Properties finalize and submit site development and stormwater plans for the subject property.
5. The applicant shall sign a consent form assenting to all conditions of this approval.
6. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:

- Location Map
- Site Plan
- Representative Building Elevations

Location Map





1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
 2. THE CLIENT IS RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL UTILITIES.
 3. THE UTILITIES SHOWN ARE NOT TO BE CONSIDERED AS A GUARANTEE.
 4. THE UTILITIES SHOWN ARE NOT TO BE CONSIDERED AS A GUARANTEE.
 5. THE UTILITIES SHOWN ARE NOT TO BE CONSIDERED AS A GUARANTEE.





5B. 3688 Midway Road– Special Use Permit - Filling and Grading in a Shoreland Overlay Zone

Applicant: Duluth Sod
Case No.: 2020-34-SUP/WRP
Staff Contact: Eric Johnson, Community Development Director
Request: Special Use Permit for filling and grading in a Shoreland Overlay area

RECOMMENDED ACTION:

Approve a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone in order to create a parking and turn around area for tractor trailers that support the applicant's landscaping business.

DESCRIPTION OF REQUEST:

The applicant purchased the property and existing building in 2018 for the purposes of operating his commercial landscape business and have a small retail component. As he began operating he discovered that there are traffic conflicts between the retail customers and the commercial vehicles using the property. The applicant is proposing to enlarge the parking and turnaround area in the yard to reduce traffic conflicts as well as for his commercial vehicles to operate in a more safe, efficient manner.

SITE INFORMATION:

Parcel Size: 5.0 acres
Legal Access: 3688 Midway Road
Wetlands: Yes, delineation approved in 2019; Impacts approved in 2019
Existing Zoning: BLM, Business Light Manufacturing
Airport Overlay: None
Shoreland Overlay: Natural Environment
Comprehensive Plan: Commercial

Development Details

The property consists of a 4,500 square foot building, 5,000 square foot customer parking area and a 50,000 square foot commercial landscape area utilized for deliveries, storage and commercial vehicle parking. There is an unmapped tributary of the Midway River in the rear half of the property which bisects the area at an angle.

The applicant is proposing to grade and fill a 20,100 square foot area which would square off the commercial vehicle parking area and create an area for these vehicles to maneuver. This area is entirely within the 300' natural area shoreland associated with the unmapped tributary.

Wetlands

The Hermantown TEP reviewed the delineation at its October 28, 2019 meeting. The TEP found that the delineation was presented accurately and should be approved. In addition, the TEP reviewed the request for 14,890 square feet of wetland impacts in order to create a parking and turn around area for tractor trailers that support his landscaping business.

There were questions at the October 28, 2019 meeting that the water course present on the site may be a tributary to the Midway River and it was recommended that the DNR become involved. Staff met with representatives of the DNR on site on October 31, 2019 and it was determined that the water course was a tributary to the Midway River and should be treated as shoreland area subject to City of Hermantown requirements.

The applicant is only allowed for 400 square feet of de minimus exemption within the shoreland area. Any grading or filling will require a Special Use Permit with the City of Hermantown and wetland credits will need to be purchased in order to impact any wetlands on this property.

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;**

A landscape business falls under the contractor's shop and storage yard as well as retail sales as an allowed use within the BLM, Business and Light Manufacturing zoning district.

- 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. A landscape business falls under the contractor's shop and storage yard as well as retail sales as an allowed use within the BLM, Business and Light Manufacturing zoning district.

- 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 commercial development on 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 of a similar character and includes a convenience store/gas station and warehousing. A landscape business falls under the contractor's shop and storage yard as well as retail sales as an allowed use within the BLM, Business and Light Manufacturing zoning district.

- 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 to enlarge the parking and turnaround area in the yard to reduce traffic conflicts as well as for his commercial vehicles to operate in a more safe, efficient manner. 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. The applicant shall sign a consent form assenting to all conditions of this approval.
 4. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:

- Site Location Map
- Proposed site plan

Location Map





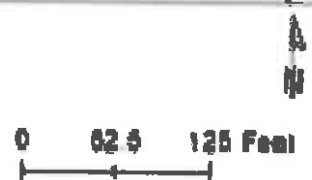
Duluth 30d Property
 PID # 395-0910-08502
 T60N, R16W, Sec 32

Figure 3: Proposed Wetland Impacts

- Delineation Area
- Delineated Wetland
- Proposed Fill Area
- Unnamed Tributary



0001-MM 19
 Map Created By: GP
 April 2019



5C. 3688 Midway Road– Wetland Replacement Plan

Applicant: Duluth Sod
Case No.: 2020-34-SUP/WRP
Staff Contact: Eric Johnson, Community Development Director
Request: Wetland Replacement Plan to impact 20,100 square feet of wetland

RECOMMENDED ACTION:

Approve a Wetland Replacement Plan in order to create a parking and turn around area for tractor trailers that support the applicant's landscaping business.

DESCRIPTION OF REQUEST:

The applicant purchased the property and existing building in 2018 for the purposes of operating his commercial landscape business and have a small retail component. As he began operating he discovered that there are traffic conflicts between the retail customers and the commercial vehicles using the property. The applicant is proposing to enlarge the parking and turnaround area in the yard to reduce traffic conflicts as well as for his commercial vehicles to operate in a more safe, efficient manner.

SITE INFORMATION:

Parcel Size: 5.0 acres
Legal Access: 3688 Midway Road
Wetlands: Yes, delineation approved in 2019; Impacts approved in 2019
Existing Zoning: BLM, Business Light Manufacturing
Airport Overlay: None
Shoreland Overlay: Natural Environment
Comprehensive Plan: Commercial

Development Details

The property consists of a 4,500 square foot building, 5,000 square foot customer parking area and a 50,000 square foot commercial landscape area utilized for deliveries, storage and commercial vehicle parking. There is an unmapped tributary of the Midway River in the rear half of the property which bisects the area at an angle.

The applicant is proposing to grade and fill a 20,100 square foot area which would square off the commercial vehicle parking area and create an area for these vehicles to maneuver. This area is entirely within the 300' natural area shoreland associated with the unmapped tributary.

Wetlands

The Hermantown TEP reviewed the delineation at its October 28, 2019 meeting. The TEP found that the delineation was presented accurately and should be approved. In addition, the TEP reviewed the request for 14,890 square feet of wetland impacts in order to create a parking and turn around area for tractor trailers that support his landscaping business.

There were questions at the October 28, 2019 meeting that the water course present on the site may be a tributary to the Midway River and it was recommended that the DNR become involved. Staff met with representatives of the DNR on site on October 31, 2019 and it was determined that the water course was a tributary to the Midway River and should be treated as shoreland area subject to City of Hermantown requirements.

The applicant is only allowed for 400 square feet of de minimus exemption within the shoreland area. Any grading or filling will require a Special Use Permit with the City of Hermantown and wetland credits will need to be purchased in order to impact any wetlands on this property.

Summary

Staff recommends approval of the Wetland Replacement Plan with the following conditions:

1. Proof of a purchase agreement for wetland credits in Bank Service Area 2 – included.
2. Conduct best management methods that will be used to protect wetlands that are located on site.
3. The applicant shall sign a consent form assenting to all conditions of this approval.
4. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:

- Location Map
- Wetland Delineation
- Proposed Site Plan
- Credit Purchase

Location Map



The following is a sample of a possible Purchase Agreement for the sale of Wetland Banking Credits. This Purchase Agreement does not necessarily cover all of the issues that would be important to Sellers and Buyers, nor does it address the terms that would be appropriate for any particular transaction. Sellers and Buyers should obtain the services of qualified legal counsel to adapt this Purchase Agreement to meet their specific needs.

**PURCHASE AGREEMENT
FOR
WETLAND BANKING CREDITS**

THIS AGREEMENT is made this 23rd day of July, 2019, between
Bruce Hasbargen (Seller) and Todd Pelkey – Duluth Sod (Buyer).

1. Seller agrees to sell to Buyer, and Buyer agrees to buy from Seller, the wetland banking credits (Credits) listed below:

Credits to be Sold										
Credit Subgroup	Credit Type SWC or AGC		Wetland Type/Plant Community Type			Cost per Credit	Credit Amounts			
A	SWC		Fresh (wet) meadow			\$34,848.00	0.34			
Per Credit Withdrawal Fee by BSA*										
	SWC	AGC		SWC	AGC	Enter the Withdrawal Fee for the BSA of the account:	Total Cost:	\$11,848.32	Total Credits:	0.34
BSA 1	\$520	\$270	BSA 6	\$1,083	\$586		\$902	<i>Withdrawal Fee x total credits = fee</i>		
BSA 2	\$371	\$191	BSA 7	\$1,992	\$1,060	971		Withdrawal Fee:	126.14	
BSA 3	\$725	\$389	BSA 8	\$2,577	\$1,348	Easement Stewardship Fee:		<i>Easement Stewardship fee x total credits = fee</i>		
BSA 4	\$1,412	\$724	BSA 9	\$2,628	\$1,332	Stewardship Fee:		102.68		
BSA 5	\$685	\$367	BSA 10	\$3,099	\$1,580	Total Fees:		228.82		
							Grand Total:	12,077.14		

*AGC is for Ag bank credits and SWC is for standard bank credits.

2. Seller represents and warrants as follows:
- The Credits are deposited in an account in the Minnesota Wetland Bank administered by the Minnesota Board of Water and Soil Resources (BWSR) pursuant to Minn. Rules Chapter 8420.0700-.0760.
 - Seller owns the Credits and has the right to sell the Credits to Buyer.

3. Buyer will pay Seller a total of \$ 12,077.14 for the Credits, as follows:
- a) \$ 0 as earnest money, to be paid when this Agreement is signed; and
 - b) The balance of \$ 12,077.14 to be paid on the Closing Date listed below.
4. Buyer, Seller agrees to pay to a withdrawal fee of \$ 126.14 to the State of Minnesota based on the per credit fee of \$ 371 for Bank Service Area 2 and a stewardship fee of \$ 102.68 based on the per credit fee of \$ 302. At the Closing Date, Buyer, Seller will execute a check made out for this amount, payable to the Board of Water and Soil Resources.
5. The closing of the purchase and sale shall occur on TBD, 20 (Closing Date) at . The Closing Date and location may be changed by written consent of both parties. Upon payment of the balance of the purchase price, Seller will sign a fully executed Transaction Form to Withdraw Credits provided by BWSR, provide a copy of the Transaction Form to Withdraw Credits to the Buyer and forward the same to the BWSR along with the check for the withdrawal fee and stewardship fee.
6. Buyer has applied or will apply to City of Hermantown (Local Government Unit (LGU) or other regulatory authority) for approval of a replacement plan utilizing the Credits as the means of replacing impacted wetlands. If the LGU has not approved the Buyer's application for a replacement plan utilizing the Credits by the Closing Date, and no postponement of the Closing Date has been agreed to by Buyer and Seller in writing, then either Buyer or Seller may cancel this Agreement by giving written notice to the other. In this case, Seller shall return Buyer's earnest money, and neither Buyer nor Seller shall have any further obligations under this Agreement. If the LGU has approved the replacement plan and the Seller is ready to proceed with the sale on the Closing Date, but Buyer fails to proceed, then the Seller may retain the earnest money as liquidated damages.


(Signature of Seller) 8/27/19
(Date)


(Signature of Buyer) (Date)



Duluth Sod Property
 PID # 395-0010-09502
 T50N, R15W, Sec. 32

Figure 2: Wetland Boundary, Sampling Points, NWI, and Plant Communities

- Delineation Area
- Delineated Wetland
- Wetland Sampling Point
- Upland Sampling Point
- NWI
- Unnamed Ephemeral Tributary



D8001-MN-10
 Map Created By: BP
 August 2010



Duluth Sod Property
 PID # 395-0010-09502
 T50N, R15W, Sec. 32

Figure 3: Proposed Wetland Impacts

- Delineation Area
- Delineated Wetland
- Proposed Fill Area
- Unnamed Tributary



0 62.5 125 Feet



DS001-MN-19
 Map Created By: BP
 April 2020



5D. 3956 Stebner Road - Peyton Acres Final Plat

Applicant: JLG Enterprises of Hermantown, LLP
Case No.: 2020-08-SUB-P
Staff Contact: Eric Johnson, Community Development Director
Request: Approval of a Final Plat

DESCRIPTION OF REQUEST:

Applicant is requesting approval of a Final Plat for construction of a six lot, 2 outlot residential development at 3956 Stebner Road. The property is located in an R-3, Residential zoning district.

SITE INFORMATION:

Parcel Size: 75.0 acres
Legal Access: 3956 Stebner Road
Wetlands: Yes, delineation approved in 2019; Impacts approved in 2020
Existing Zoning: R-3, Residential (1/2 acre minimum)
Airport Overlay: None
Shoreland Overlay: None
Comprehensive Plan: Suburban

Development Details

JLG Enterprises (Applicant) is proposing to construct six residential lots and 2 outlots over five existing parcels totaling 75.0 acres. The proposed plat is named Peyton Acres.

Applicant proposes to plat the five parcels for residential development, starting with six single family residential lots and an Outlot (A) containing stormwater treatment facilities on approximately 2 acres with a large Outlot (B) covering the remaining 67 acres to be reserved for future subdivision. Phase 1 will have access from Stebner Road via a new City street to be constructed by the Applicant. Future additions to the subdivision will require an additional road connection on the eastern portion of the property connecting to Oak Ridge Drive for public safety, road maintenance, and traffic improvements.

Zoning Analysis:

The three western parcels are zoned R-3, Residential. The two eastern Parcels are zoned HM, Hermantown Marketplace. Only the two southerly R-3, Residential Parcels are currently being proposed for subdivision as part of the final plat under consideration. Development of Outlot B will be considered under future proposed plats, and likely, a Planned Unit Development to allow single- or two-family homes in the HM zoning district.

Lot Size

The proposed final plat meets the R-3, Residential dimensional standards for single-family homes connected to City water and sanitary sewer of ½ acre in area with 100 feet wide frontage at lot line and at the 50’ building setback line of lots on cul-de-sacs.

Setbacks

The proposed site plan shows the building setbacks associated with the R-3, Residential dimensional standards for single-family homes.

Utilities

The project will connect to City water lines located adjacent to the subdivision in the right-of-way of Stebner Road. Sanitary sewer will be served via an existing stub into the property. The new sewer and water lines will be a City main constructed to City standards. The applicant will provide engineered plans to the City Engineer for utility connections prior to beginning such work on the site. Preliminary engineering plans have been presented with the Final Plat.

Stormwater

The applicant is proposing to treat stormwater in a separate retention treatment pond on Outlot A. Final location, sizing, and design of permanent stormwater control will be subject to approval of final stormwater plans and MS4 Letter of Compliance by the City Engineer.

Roadway

The applicant will construct a +/-520’, 28’ wide curb face to curb face bituminous roadway with curb and gutter with a sidewalk on one side with a cul-de-sac in accordance with the City of Hermantown Urban Section design standards and City design speed standards as approved by the City Engineer.

Wetlands

There are 13.5 acres of wetlands on the 75 acre property. This final plat for this phase proposes 1,346 square feet of permanent wetland impacts. The TEP and City Staff are supporting a project de minimis exemption up to 10,000 square feet of wetland impacts over the whole 65 acres of the property for a 1.7% permanent wetland impact.

Park Dedication Fees

The Applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. Park dedication fees will be paid according to the Hermantown Fee Schedule. Those fees currently are:

Development Type	Recommended
Single Family, Two Family, Three Family Residential Parcel/CIC Unit	\$1,100/lot
Per bedroom fee	\$150

Summary:

Staff recommends approval of the Final Plat based on the following findings:

1. The proposed final plat meets the intent of the R-3, Residential Zoning District and the overall goals and policies of the Zoning Ordinance. Deficiencies in the cul-de-sac street width must be corrected prior to the final Plat.
2. The proposed final plat meets the Comprehensive Plan criteria for residential development.
3. The lots will be served by public water and sewer which will be constructed by the applicant. The new water and sewer main will be constructed by the applicant, reviewed and approved by the City Engineer then turned over to the City.
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 infrastructure improvements to be made at the time of approval of the Final Plat, or
 - b. Installation of road and infrastructure facilities prior to obtaining the Final Plat for the development.
 - c. Letter of Credit or other financial surety acceptable to the City Attorney for 125% of the construction value of the stormwater facilities to be made at the time of approval of the Final Plat.
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 \$6,600 (\$1,100/lot for 6 lots) in lieu of dedicated park land. This fee will be paid at the time of plat approval. The applicant/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.
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
Final Plat
Site Plan
Grading Plan

Location Map



NO.	DESCRIPTION	DATE	BY

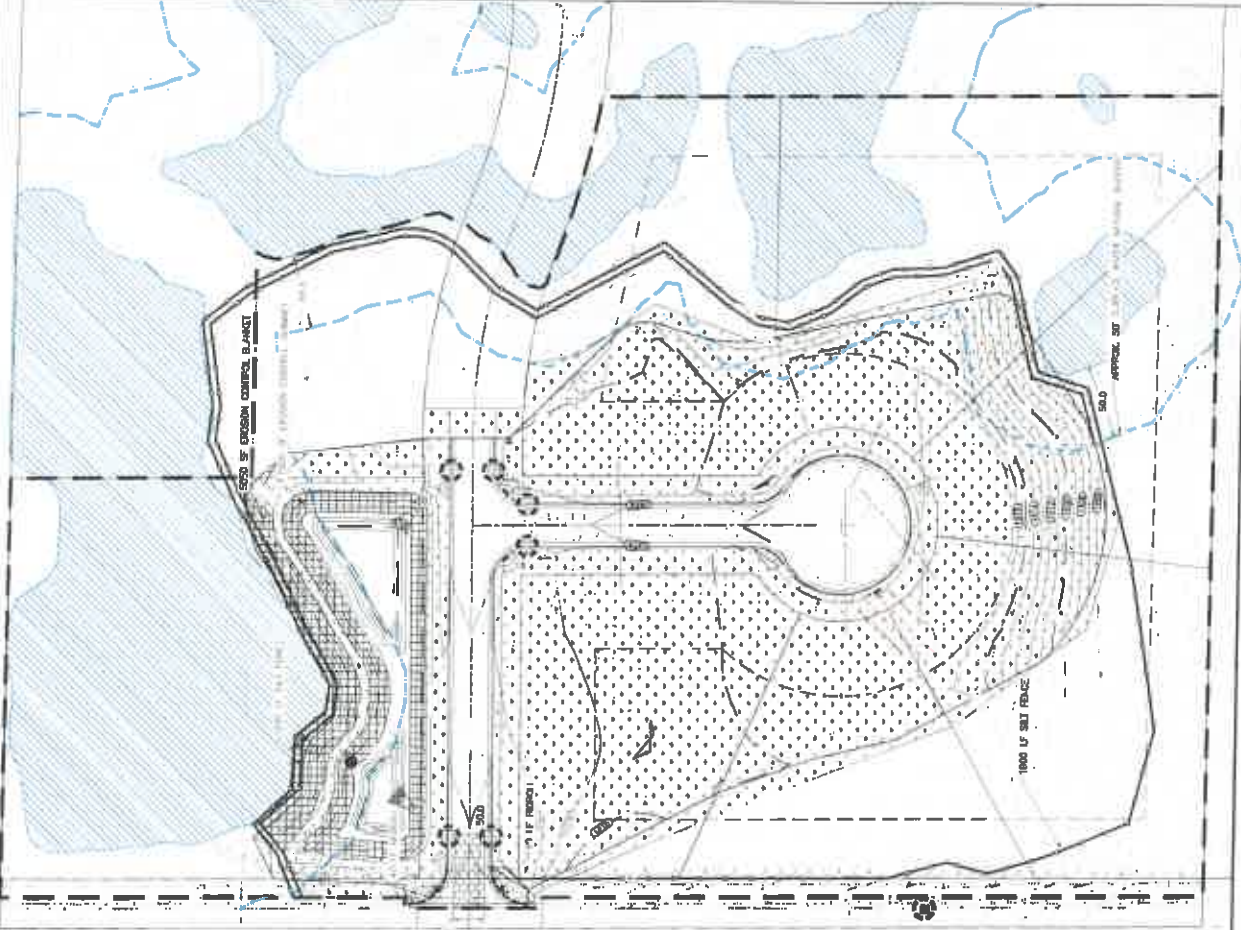


EROSION CONTROL LEGEND:

- FACE CONSTRUCTION DRAINAGE (SEE DETAIL 603)
- 12" PIPE (SEE DETAIL 604)
- 6" PIPE (SEE DETAIL 605)
- 18" PIPE (SEE DETAIL 606)
- 24" PIPE (SEE DETAIL 607)
- 30" PIPE (SEE DETAIL 608)
- 36" PIPE (SEE DETAIL 609)
- 42" PIPE (SEE DETAIL 610)
- 48" PIPE (SEE DETAIL 611)
- 54" PIPE (SEE DETAIL 612)
- 60" PIPE (SEE DETAIL 613)
- 66" PIPE (SEE DETAIL 614)
- 72" PIPE (SEE DETAIL 615)
- 78" PIPE (SEE DETAIL 616)
- 84" PIPE (SEE DETAIL 617)
- 90" PIPE (SEE DETAIL 618)
- 96" PIPE (SEE DETAIL 619)
- 102" PIPE (SEE DETAIL 620)
- 108" PIPE (SEE DETAIL 621)
- 114" PIPE (SEE DETAIL 622)
- 120" PIPE (SEE DETAIL 623)
- 126" PIPE (SEE DETAIL 624)
- 132" PIPE (SEE DETAIL 625)
- 138" PIPE (SEE DETAIL 626)
- 144" PIPE (SEE DETAIL 627)
- 150" PIPE (SEE DETAIL 628)
- 156" PIPE (SEE DETAIL 629)
- 162" PIPE (SEE DETAIL 630)
- 168" PIPE (SEE DETAIL 631)
- 174" PIPE (SEE DETAIL 632)
- 180" PIPE (SEE DETAIL 633)
- 186" PIPE (SEE DETAIL 634)
- 192" PIPE (SEE DETAIL 635)
- 198" PIPE (SEE DETAIL 636)
- 204" PIPE (SEE DETAIL 637)
- 210" PIPE (SEE DETAIL 638)
- 216" PIPE (SEE DETAIL 639)
- 222" PIPE (SEE DETAIL 640)
- 228" PIPE (SEE DETAIL 641)
- 234" PIPE (SEE DETAIL 642)
- 240" PIPE (SEE DETAIL 643)
- 246" PIPE (SEE DETAIL 644)
- 252" PIPE (SEE DETAIL 645)
- 258" PIPE (SEE DETAIL 646)
- 264" PIPE (SEE DETAIL 647)
- 270" PIPE (SEE DETAIL 648)
- 276" PIPE (SEE DETAIL 649)
- 282" PIPE (SEE DETAIL 650)
- 288" PIPE (SEE DETAIL 651)
- 294" PIPE (SEE DETAIL 652)
- 300" PIPE (SEE DETAIL 653)

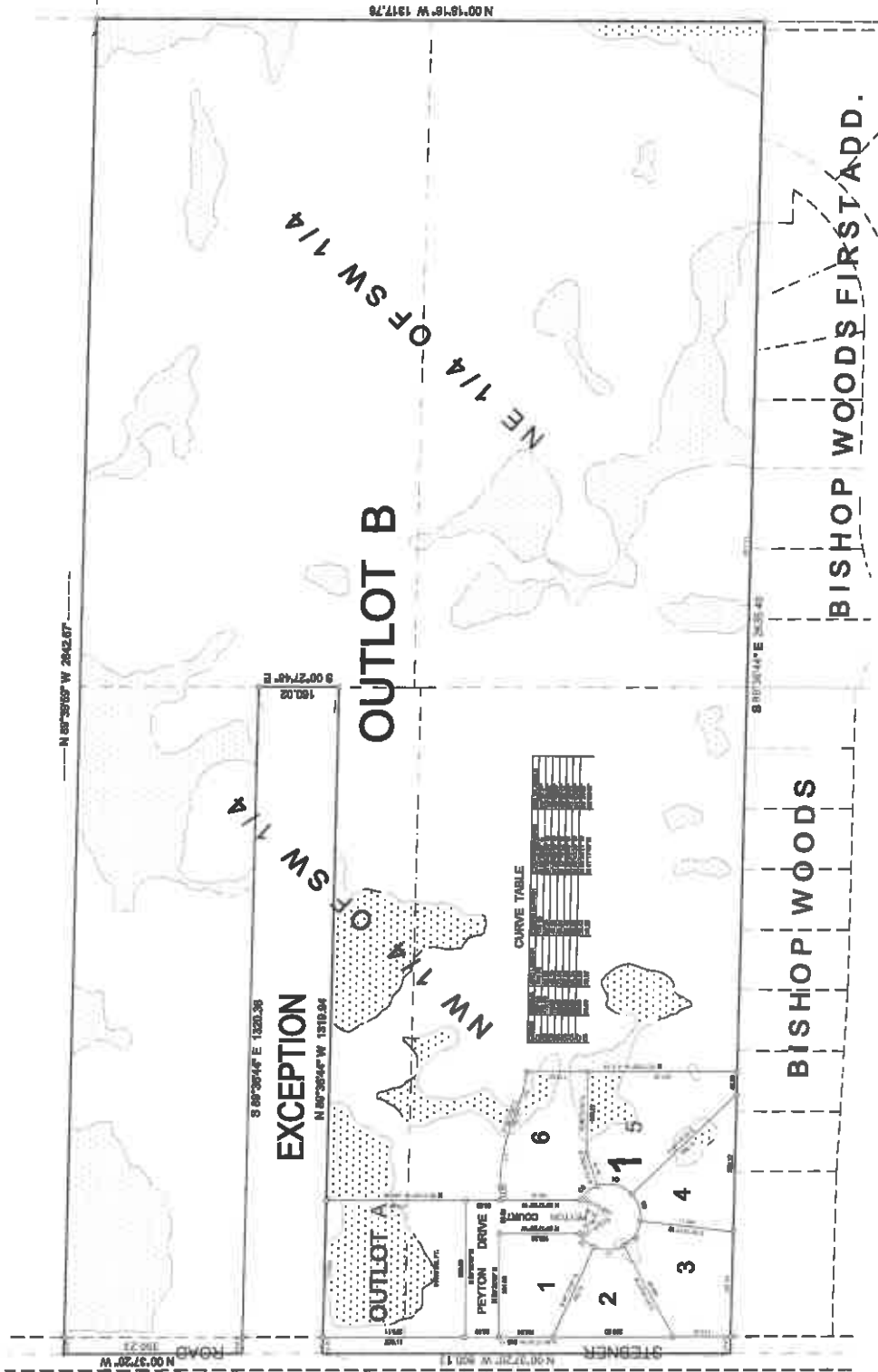
GENERAL EROSION AND SEDIMENT CONTROL NOTES:

1. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
2. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
3. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
4. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
5. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
6. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
7. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
8. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
9. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
10. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
11. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
12. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
13. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
14. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
15. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
16. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
17. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
18. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
19. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
20. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION OF THE PROJECT AND SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.



PEYTON ACRES

LOCATED IN PART OF SEC. 34, TWP. 60, RGE. 15
ST. LOUIS COUNTY MINNESOTA



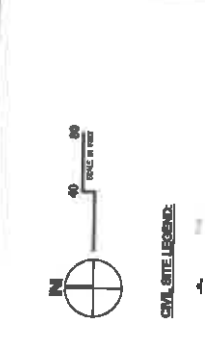
PRELIMINARY

000000000000

FROM THE RECORDS
OF THE COUNTY CLERK
OF ST. LOUIS COUNTY
MINNESOTA



DATE	REV.	DESCRIPTION



- CIVIL SITE LEGEND:**
- 1. CONCRETE DRIVE AND DRIVE CURBS
 - 2. CONCRETE DRIVE AND DRIVE CURBS
 - 3. CONCRETE DRIVE AND DRIVE CURBS
 - 4. CONCRETE DRIVE AND DRIVE CURBS
 - 5. CONCRETE DRIVE AND DRIVE CURBS
 - 6. CONCRETE DRIVE AND DRIVE CURBS
 - 7. CONCRETE DRIVE AND DRIVE CURBS
 - 8. CONCRETE DRIVE AND DRIVE CURBS
 - 9. CONCRETE DRIVE AND DRIVE CURBS
 - 10. CONCRETE DRIVE AND DRIVE CURBS
 - 11. CONCRETE DRIVE AND DRIVE CURBS
 - 12. CONCRETE DRIVE AND DRIVE CURBS
 - 13. CONCRETE DRIVE AND DRIVE CURBS
 - 14. CONCRETE DRIVE AND DRIVE CURBS
 - 15. CONCRETE DRIVE AND DRIVE CURBS
 - 16. CONCRETE DRIVE AND DRIVE CURBS
 - 17. CONCRETE DRIVE AND DRIVE CURBS
 - 18. CONCRETE DRIVE AND DRIVE CURBS
 - 19. CONCRETE DRIVE AND DRIVE CURBS
 - 20. CONCRETE DRIVE AND DRIVE CURBS

SITE DATA

PROJECT NO.	18-01 (REVISED 07)
CLIENT	JLG ENTERPRISES
PROJECT ADDRESS	11700 WALKER RD
CITY	MEMPHIS, TN
STATE	37
COUNTY	DESSA
PROJECT TYPE	COMMERCIAL
DATE	07/18/18
SCALE	AS SHOWN
DESIGNER	AMI
CHECKER	
DATE	

- KEY NOTES:**
1. SEE GENERAL NOTES FOR ALL NOTES.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF MEMPHIS, TENNESSEE, ORDINANCES AND SPECIFICATIONS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.



- GENERAL GEOMETRIC AND PAVING NOTES:**
1. SEE GENERAL NOTES FOR ALL NOTES.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF MEMPHIS, TENNESSEE, ORDINANCES AND SPECIFICATIONS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.

- STORAGE AND MARKING NOTES:**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF MEMPHIS, TENNESSEE, ORDINANCES AND SPECIFICATIONS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.
 20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.



THE LOCATION OF UNDERGROUND UTILITIES SHALL BE DETERMINED BY THE CONTRACTOR PRIOR TO ANY EXCAVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF MEMPHIS.

5E. 4960 Miller Trunk Highway Suite 300 – Commercial Industrial Development Permit (CIDP)

Applicant: Vireo Health
Case No.: 2020-35-CIDP
Staff Contact: Eric Johnson, Community Development Director
Request: Request for a Medical Cannabis Dispensary

RECOMMENDED ACTION:

Approve a Commercial Industrial Development Permit (CIDP) in order to locate a medical cannabis dispensary at 4960 Miller Trunk Highway, Suite 300 in the Sugar Maple Crossing development.

DESCRIPTION OF REQUEST:

The applicant is proposing to lease a 2,500 square foot space at Sugar Maple Crossing for the purposes of opening a medical cannabis dispensary.

SITE INFORMATION:

Parcel Size: 2,500 square foot space
Legal Access: 4960 Miller Trunk Highway, Suite 300
Wetlands: N/A
Existing Zoning: C, Commercial
Airport Overlay: C, height restrictions only
Shoreland Overlay: N/A
Comprehensive Plan: Commercial

Details

The State of Minnesota amended its Medical Cannabis regulations to allow the expansion of distribution facilities from eight to sixteen statewide. Each Congressional District is allowed two distribution facilities. A facility operated by Leafline, Inc. already exists in Hibbing.

The City Council passed a six month moratorium on medical cannabis facilities in August 2019 to allow time to consider what, if any, regulations should be enacted in regards to medical cannabis facilities. Staff discussed the subject and possible zoning approaches with the Planning Commission at its August 2019 meeting and the ordinance change was approved at the November 2019 City Council meeting.

Distribution facilities are heavily regulated by the State and cannot be located within 1000 feet of a public or private K-12 school. Patients on the medical cannabis registry visit the distribution facility by

appointment and meet with a pharmacist to discuss their specific medication needs. Prescriptions are not written at the facility nor is the medical cannabis administered or used on site.

Summary

Staff recommends approval of the Commercial Industrial Development Plan with the following conditions:

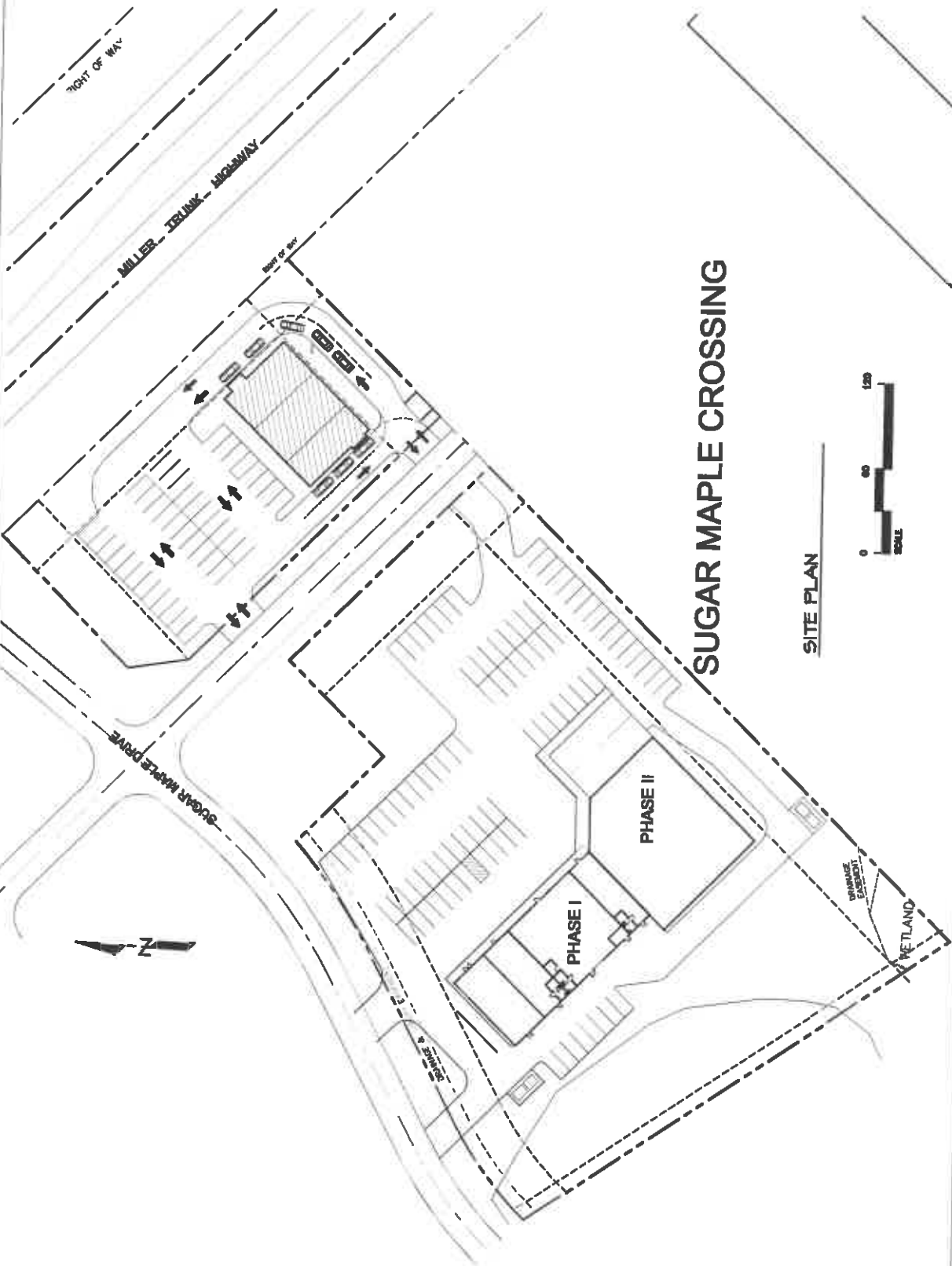
1. The proposal meets the requirements of Section 520, "C, Commercial" of the Hermantown Zoning Ordinance.
2. The proposal meets the requirements of Chapter 8, "Commercial-Industrial Development Permits" of the Hermantown Zoning Ordinance.
3. Obtain all necessary state permits in regards to the sale of medical cannabis.
4. Conduct all business in accordance with State requirements/statutes.
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:

- Location Map
- Overall Development Site Plan
- Proposed Floor Plan

Location Map

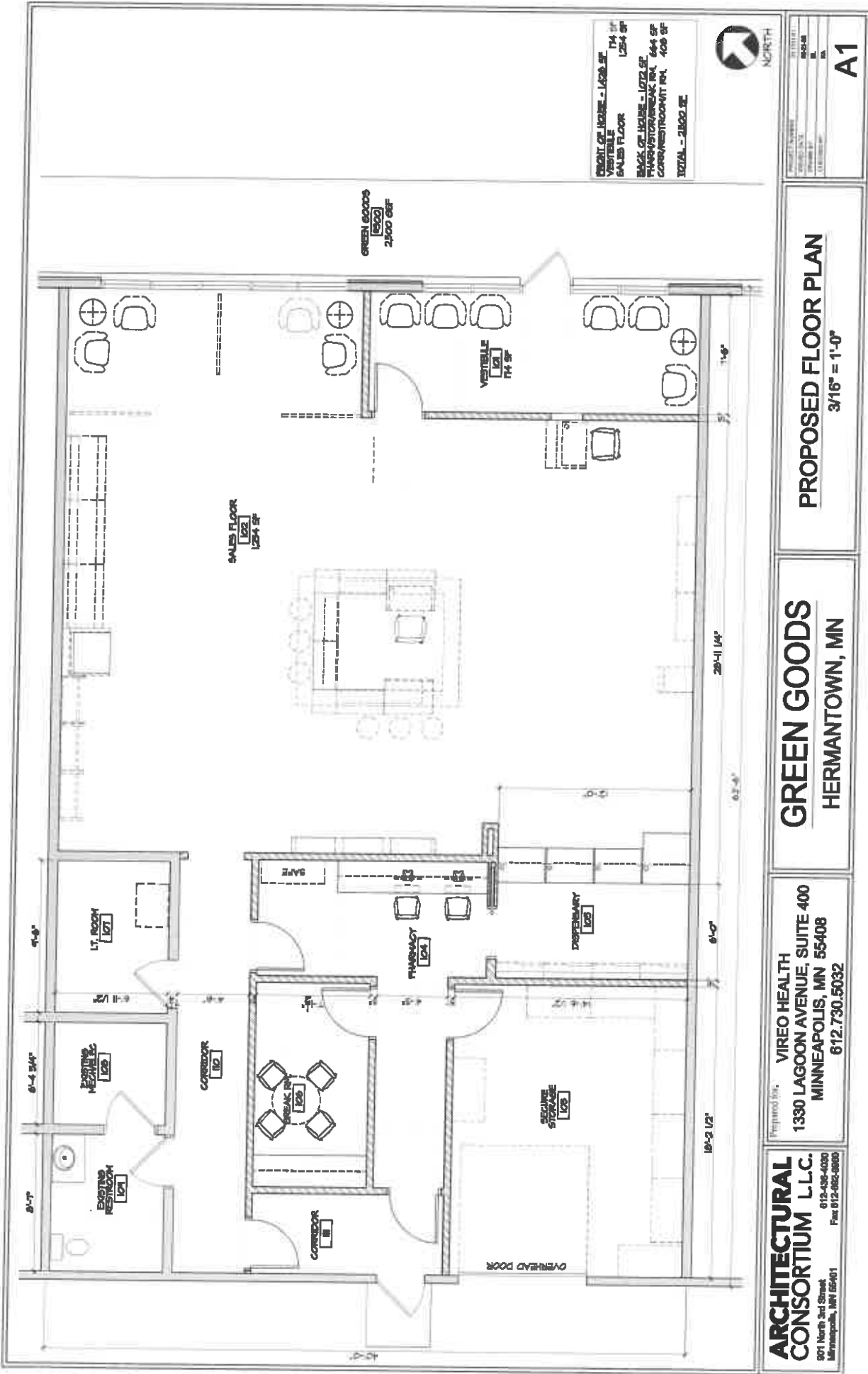




SUGAR MAPLE CROSSING

SITE PLAN





FRONT OF HOUSE - 1428 SF
 VESTIBULE 74 SF
 SALES FLOOR 1294 SF
 TOTAL - 2896 SF

BACK OF HOUSE - 1072 SF
 PHARMACY/STORAGE/REI 644 SF
 CORRIDOR/STREET REI 428 SF
 TOTAL - 2144 SF



PROJECT NUMBER	2018-01
DATE	06-28
SCALE	1/8"
DATE	06-28
PROJECT NAME	GREEN GOODS
PROJECT ADDRESS	HERMANTOWN, MN
PROJECT NUMBER	2018-01
DATE	06-28
SCALE	1/8"
DATE	06-28
PROJECT NAME	GREEN GOODS
PROJECT ADDRESS	HERMANTOWN, MN

A1

Architectural Consortium, L.L.C. 2020

PROPOSED FLOOR PLAN
 3/16" = 1'-0"

GREEN GOODS
 HERMANTOWN, MN

Prepared for:
VIREO HEALTH
 1330 LAGOON AVENUE, SUITE 400
 MINNEAPOLIS, MN 55408
 612.730.5032

ARCHITECTURAL CONSORTIUM L.L.C.
 612-496-4000
 Fax 612-662-8800
 901 North 3rd Street
 Minneapolis, MN 55401