

**CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION**

Agenda
October 20, 2020
7:00 PM

- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES**
 - 3A. September 22, 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 James Rodlund for a Subdivision to create a 100-foot-wide parcel of 0.52 acres and a 3.61 acre lot accessed by way of a flag lot of 40 foot width at 4211 Ugstad Road. The property is located in an R-3 zoning district.
 - 5B. An application by Sandy Hoff on behalf of Rod Saline of Engwalls for a Special Use Permit in order to grade and fill in a Natural Environment Shoreland Area for the purpose of constructing a phased mixed use residential development consisting of 26 lots/units on a 8.7 acre site located at 4747 Hermantown Road.
 - 5C. An application by Sandy Hoff on behalf of Rod Saline of Engwalls for a 50' building setback Variance from the 150 foot building setback associated with Keene Creek for the purpose of constructing a phased mixed use residential development consisting of 26 lots/units on a 8.7 acre site located at 4747 Hermantown Road.
 - 5D. An application by Sandy Hoff on behalf of Rod Saline of Engwalls for a Final Planned Unit Development for a phased mixed use residential development consisting of 26 lots/units on a 8.7 acre site located at 4747 Hermantown Road.
 - 5E. An application by JP Holding Company, LLC for a Preliminary and Final Planned Unit Development for 18 townhome units and a 72 unit apartment building for a total of 90 units on a 10-acre site located at 50xx Maple Grove Road. The property is located in an R-3 zoning district.
- 6. CONTINUING BUSINESS**
- 7. NEW BUSINESS**
- 8. COMMUNICATIONS**

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9. COMMISSION MEMBER REPORTS

Greg Zimmerman

Joe Peterson

Corey Kolquist

Tracy Lundeen

Valerie Ouellette-

Samuel Clark

Wayne Boucher

ADJOURN

CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION
August 18, 2020 Meeting Summary
7:00 PM

1. ROLL CALL

Members Present: Joe Peterson; Greg Zimmerman; Corey Kolquist; Tracy Lundeen; Valerie Ouellette; and Wayne Boucher.

Members Absent: Samuel Clark.

Others Present: Eric Johnson, Community Development Director and Mike Koski, 6661 Highway 2.

2. APPROVAL OF AGENDA

Motion made by Corey Kolquist to approve the August 18, 2020 agenda as presented. Seconded by Valerie Ouellette. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Valerie Ouellette to approve the July 21, 2020 minutes as presented. Seconded by Greg Zimmerman. Motion carried.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARINGS

5A. An application by WKK, Inc. for a Commercial Industrial Development Permit (CIDP) for a multi-tenant commercial building on a 1.26 acre site located at 4803 Miller Trunk Highway. The property is located in a C, Commercial zoning district.

Eric Johnson, Community Development Director, informed the Commission that the applicant, WKK, Inc., is proposing to redevelop the existing site/building into a 7,394 square foot, three bay retail/commercial site. The project involves a partial tear down of the existing building, the reconfiguring of the parking lot area, the creation of a drive-thru area, new landscaping and stormwater facilities.

Greg Zimmerman asked if there would be a possibility of an easement for a frontage road.

Wayne Boucher, Mayor stated that the frontage road around the Chalet had previously been maintained by MNDOT. The frontage road has now been turned over to the City of Hermantown.

Mike Koski, 6661 Highway 2 introduced himself to the Commission. He noted that he is a former Hermantown graduate, and grew up in Hermantown. He is looking forward to getting the project underway. He believes it is a great location and a great improvement for the City of Hermantown.

Motion made by Tracy Lundeen to approve application by WKK, Inc. for a Commercial Industrial Development Permit (CIDP) for a multi-tenant commercial building on a 1.26 acre site located at 4803 Miller Trunk Highway. Seconded by Corey Kolquist. Motion carried.

5B. Zoning Ordinance text amendment by the City of Hermantown amending Section 1005 and 1010.04 of the Hermantown Zoning Code regarding the City approval process for flag lots.

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Eric gave the Commission background stating that in 2016, the Planning and Zoning Commission recommended changes to the City's subdivision ordinance allowing the creation of flag lots. A flag lot is a lot containing an area shaped like a "flag" which is the portion of the lot are to be located and an area shaped like a "pole" which is the portion of the lot connecting to the road. Flag lots were not previously allowed because they do not meet the standards for road frontage.

Flag lots were allowed if specific conditions could be met and the City found that the flag lot would not interfere with future development of the area.

Key conditions include:

- The pole cannot exceed 500 feet.
- The pole must be a minimum of 30' wide and driveway setback at least 10' from the neighboring property.
- The flag must meet width and area standards for the zoning district.
- The regular lot must continue to meet width and area standards for the zoning district.
- Only single family residential and accessory uses are allowed on the flag lot.
- Only one flag lot can be created from a property.

Since 2016, the City has approved 5 flag lots. The City has not denied a flag lot application. Flag lots require a public hearing and both Planning Commission and City Council approval. The City currently allows administrative approval of non-flag lots that result in three or fewer new lots. Requiring the Planning and Zoning Commission and City Council to approve the flag lot adds two to four weeks to the lot splitting process. Considering the lack of reported issues with flag lots, City staff is recommending that the ordinance be amended to eliminate the City Council's required approval to provide more responsive service. Staff is recommending that the ordinance be amended to include a process that would allow aggrieved parties to appeal the Planning Commission's decision to the City Council and for the Council to review a decision of its own accord.

Motion made by Corey Kolquist to approve the Zoning Ordinance text amendment by the City of Hermantown amending Section 1005 and 1010.04 of the Hermantown Zoning Code regarding the City approval process for flag lots. Seconded by Valerie Ouellette. Motion carried.

5C. A public hearing in order to solicit comments on a Draft Zoning Ordinance prepared by the Joint Airport Zoning Board.

Eric advised the Commission that currently, the Joint Airport Zoning Board (JAZB) is tasked with developing a zoning ordinance for land uses around an airport as described in Minnesota Statute 360.061 through 360.074 and Minnesota Rules 8800.1200 and 8800.2400. A JAZB is comprised of representatives from the cities, counties and/or townships that control land use development around an airport and is comprised of the member communities of Hermantown, Duluth, Rice Lake, Canosia Township and St. Louis County.

The State of Minnesota has protective legislation to prevent incompatible development around airports. Since 1943, airports in Minnesota have been required by state statute to enact safety zoning and in 1973, zoning was made a condition for airports to receive federal and state funding.

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The purpose of the ordinance is to regulate and restrict the height of structures and objects of natural growth and otherwise regulate the use of property in the vicinity of the Duluth International Airport by creating the appropriate zones and establishing the boundaries thereof.

In 2019, the Minnesota legislature enacted amendments to the State Airport Zoning Legislation that permits individual airports to create custom zoning regulations for the individual airport.

JAZB has been reviewing the existing Zoning Ordinance in order to amend the original document which was created in 1988. An initial draft of an amended Ordinance was prepared in 2015 to revise the zoning regulations and accommodate the DAA's proposed extension of runway 3-21. The consideration of the 2015 draft was put on hold when the DAA decided to rebuild Runway 9-27 instead of extended Runway 3-21.

JAZB has created a Draft Custom Zoning Ordinance pursuant to the 2019 legislation which received approval from JAZB in July 2020. JAZB has asked each member community of JAZB to solicit comments from their communities on the JAZB draft ordinance. Comments received at tonight's August 18, 2020 Hermantown Public Hearing will be forwarded to JAZB for its consideration at their September 3, 2020 meeting. JAZB will then decide whether to modify the proposed JAZB draft ordinance and/or schedule a public hearing on their own behalf.

The state law enacted in 2019 allowing Custom Zoning would better integrate airport zoning with local zoning and planning processes. The Custom Zoning would allow for increased flexibility for each airport to enact airport zones that are appropriately sized for that airport's needs. The JAZB Draft Zoning Ordinance reflects custom zoning.

The JAZB Custom Zoning Ordinance must still satisfy land use criteria and still provide a reasonable level of safety.

Proposed changes in the JAZB Custom Zoning Ordinance as compared to the current 1988 Zoning Ordinance, as amended and standard zoning, include:

- Safety Zones A, B and C are now being referred to as Safety Zones 1, 2 and 3 respectively;
- Modifications to the Safety Zones for Runway 3 which eliminates Safety Zone 2 (B);
- Changes Airport Zoning Administrator (City of Duluth) to Local Airport Zoning Administrator (designated person within each member community to administer airport zoning);
- Decreases lot size restrictions in Safety Zone 2 (B) for the end of Runway 9 from a minimum of 3 acres to 2.5 acres;
- Increases site population in Safety Zone 2 (B) for the end of Runway 9 from 15 persons per acre to 20 persons per acre;
- Modifies the variance process to involve the Local Airport Zoning Administrator as well as the JAZB Board of Appeals;
- Defines the Local Airport Zoning Administrator duties to enforce the regulations of the applicable Local Airport Zoning Ordinance within each community – each member community is responsible for airport zoning within its community as opposed to Development Zoning Administrator under the 1988 ordinance, as amended; and

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- Revises JAZB Safety Zone Maps to reflect new Safety Zone designations and sizes. Prepared by the JAZB consultant – RS&H.

Greg asked what the height restriction was.

Eric stated that it is approximately 80 to 85 feet above the airport elevation of the runway. There is nothing within the City that comes close to that elevation.

Cory Kolquist stated that he also sits on the Military Affairs Committee through the Duluth Chamber of Commerce and asked if the custom zonings is taking into consideration the expansion of the crosswind runway?

According to Eric, the purpose of the custom zoning is a reflection of the potential expansion of that runway.

Wayne Boucher, Mayor, also noted that airport expansion is what triggered this change in zoning.

Ryan, from RJ Sport & Cycle commented that he's on board with this.

Troy Bobbitt, 4201 Creekwood Place, stated that he is in support of the JAZB zoning ordinance.

6. CONTINUING BUSINESS

Eric updated the Commission on Mr. Mesojedic's application to rezone his property from R-3 Residential to C, Commercial from the July 21, 2020 Planning & Zoning meeting. Mr. Mesojedic has withdrawn that application for that change and is currently working with City staff on the creation of some declaration of restrictive uses associated with his property located at 3721 Lavaque Rd.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

20-120 Duluth International Airport – Taxiway a Mill and Overlay Project.

Eric stated this is a neighborhood notice. The Airport will be completing a pavement rehabilitation project on much of the western half of Taxiway A. The funding is 100% funded by the Federal Aviation Administration (FAA).

9. COMMISSION MEMBER REPORTS

Joe Peterson – None.

Greg Zimmerman – None.

Corey Kolquist – The Taxiway A project has been completed.

Tracy Lundeen – None.

Valerie Ouellette – None.

Samuel Clark – Absent.

Wayne Boucher – None.

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ADJOURN

Motion made by Valerie Ouellette to adjourn the meeting. Seconded by Tracy Lundeen. Meeting adjourned at 7:55 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman


Mary Melde, Administrative Assistant

Because attendance at the regular meeting location is not feasible due to the health pandemic, Hermantown's October 20, 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 October 20, 2020, this meeting will be available at: <https://us02web.zoom.us/j/85941803382?pwd=bE13SFR2cXZ1cFExdDlhcFZFYUp6Zz09> and/or by calling the number 312 626 6799 and utilizing the meeting ID 859 4180 3382 and the password 025230.

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

5A. Subdivision Application to create a flag lot in an R-3 zoning district

Applicant: James Rodlund
Case No.: 2020-64-SUB
Staff Contact: Eric Johnson, Community Development Director
Request: Subdivision of an R-3 zoned property to create a flag lot.

DESCRIPTION OF REQUEST:

The applicant has agreed to purchase a subdivided lot with the existing property owner of a 4.13 acre property at 4211 Ugstad Road, one-half mile south of Arrowhead Road with a lot frontage of 140'. A single family house and three accessory buildings are located on the property.

The applicant proposes to create a new flag lot along the northern border of the existing property. The applicant is proposing a 40 foot 'pole/driveway' connection to Ugstad Road for a distance of 225 feet with the 'flag' portion of the lot being approximately 140' x 1060'. The proposed lot sizes for the two total parcels are:

Parcel A: 100' x 225' / 22,500 sf. or 0.52 acres
Parcel B: 40 x 225' and 140' x 1060' / 157,251 or 3.61 acres

The applicant intends to purchase the newly created lot in order to construct a new single-family home on the parcel with the existing property owner keeping the remaining 0.52 acre lot with the existing structures.

SITE INFORMATION:

Parcel Size: 4.13 acres
Legal Access: Ugstad Road
Wetlands: Yes, at west end of property – N/A
Existing Zoning: R-3, Residential
Minimum Lot Area: 0.5 acres (city services are available)
Airport Overlay: No
Shoreland Overlay: No
Comprehensive Plan: Residential

BACKGROUND:

The City updated its regulations covering splitting of land and subdivisions in 2016. The update to the regulations created a process to allow flag lots in residential zoning districts. A flag lot is defined as a lot containing an area shaped like a “flag” which is the portion of the lot where all structures are to be located and an area shaped like a “pole” which is the portion of the lot where the vehicular access between the flag and its adjoining road shall be located. The regulations set ten standards for flag lots in Hermantown. These are listed in the Findings section.

In September 2020, the subdivision ordinance was amended so that the Planning and Zoning Commission is the permitting City body for flag lot applications. Flag lots still require a public hearing by the Planning and Zoning Commission.

Administrative approvals and Flag Lot approvals require a certificate of survey, resulting legal descriptions, and review of any assessments. In addition, the City charges a fee in lieu of land dedication of \$1,100 for parks and recreation for every new residential lot created.

The existing home utilizes City sewer and water. As part of the flag lot project, the applicant is required to connect to City services and pay the associated City and WLSSD fees.

City wetland inventory maps indicate the potential of a 50,000 square foot wetland area approximately 860’ west of Ugstad Road. This potential wetland area is not within the proposed building pad area.

There is an existing water line and sanitary sewer within the right of way of Ugstad Road. The property owner will need to submit for the proper required permits and pay any applicable connection fees in order to utilize these existing utility services.

FINDINGS:

Staff recommends the following findings of fact regarding the flag lot split application:

- 1. The resulting lots do not violate any provision of the Hermantown Zoning Regulations, Comprehensive Plan, or any other local ordinance.** The lot exceeds minimum standards in the R-3, Residential District, maintains the suburban residential development pattern identified in the Comprehensive Plan, and has access to water and sewer.
- 2. The width of the flag lot at the front yard setback line must meet the lot width requirements of the Hermantown Zoning Regulations.** The lot is 140’ wide at the front yard setback line which exceeds the requirement of 100’.
- 3. The pole portion of a flag lot shall not exceed 500 feet.** The pole is 225’ feet long.
- 4. The pole portion of a flag lot must have a minimum width of 30 feet, be of uniform width, be a platted part of the flag lot, and connect to a public street.** The driveway shall be set back a minimum of 10 feet from the neighboring property that was not used to create the flag lot and five feet from the mother property. The pole is 40 feet wide. Approval of building permits will be conditioned on siting of the driveway to meet setback standards defined in Section 1010.04.04 of the Hermantown Zoning Regulations.
- 5. The pole portion of the flag lot will not be included in calculating the minimum lot area.** The lot area without the “pole” is 3.4 acres which exceeds the ½ acre minimum lot size of the R-3, Residential zoning district.
- 6. Only one flag lot may be created from an existing/mother property.** The city will record that no further flag lots can be created from PIN # 395-0070-00910.

7. **Must be used exclusively for single family dwelling and accessory uses.** The intended use of the new developable lot is for single family residential. The City will only issue building or zoning permits for single family residential and related uses.
8. **The City must determine that the creation of the flag lot will not interfere with future development of roads or interior lands.** The rear of the parcel abuts a large wetland and Jackson Estates. The creation of a flag lot would not hinder development in this area.
9. **The City must determine that the flag lot provides adequate accessibility of emergency responders.** The proposed pole meets minimum width and is less than the maximum length. Both standards were developed with emergency response vehicles in mind.
10. **All flag lots must display an address at their closest point of access to a public street for emergency responders.** The applicant will have to assent to displaying 911 addressing in a visible location at the entrance of the driveway.

RECOMMENDATION:

1. Recommend approval of the creation of a 140' by 1060' flag lot with a 40' by 225' pole abutting Ugstad Road.
2. Adopt the stated Findings of Fact and other content of this report as the required findings identified in Section 1010.04.11.6 of the Hermantown Zoning Regulations.
3. Prior to recording of the flag lot the property owner shall pay a fee in lieu of land dedication for parks and recreation of \$1,100.
4. Prior to issuance of a City land alteration permit for site work on the flag lot the property owner of the land alteration permit will provide a site plan depicting the driveway and flag the location of the driveway for inspection to confirm that it meets setback requirements listed Section 1010.04 of the Hermantown Zoning Regulations.
5. The new flag lot will be required to utilize City sanitary sewer and water services and pay all applicable fees.
6. The property owner shall sign a consent form assenting to all conditions of this approval.
7. The property owner shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS

- Location Map
- Proposed Survey and Legal Descriptions

Location Map



5B. 4747 Hermantown Road– Special Use Permit - Filling and Grading in a Shoreland Overlay Zone

Applicant: Sandy Hoff
Case No.: 2020-62-PUD/SUP/VAR
Staff Contact: Eric Johnson, Community Development Director
Request: Special Use Permit for filling and grading in a Shoreland Overlay area for a Planned Unit Development (PUD)

RECOMMENDED ACTION:

Approve a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone .

DESCRIPTION OF REQUEST:

The applicant proposes to construct 26 single family units/lots on 8.7 acres. The property is located in an R-3 zoning district. 15 of the proposed 26 lots are located within a Natural Environment Shoreland Area which will require filling and grading within an approximately 3.72 acres (161,850 square feet) area.

SITE INFORMATION:

Parcel Size: 8.7 acres
Legal Access: 4747 Hermantown Road
Wetlands: Yes, previously delineated with impacts approved by TEP
Existing Zoning: R-3, Residential
Airport Overlay: None
Shoreland Overlay: Natural Environment
Comprehensive Plan: Suburban

Development Details

The applicant is proposing to construct 26 single family units/lots on 8.7 acres as part of a PUD project. The project abuts Keene Creek along the eastern edge of the property with the Natural Environment Shoreland Area encompassing a portion of the property.

The development is situated as to utilize an upland portion of the property on which to build. Much of this land has been previously disturbed as part of the Engwalls operation. Until 2018, a corn maze had been located on portions of this property within the shoreland area. A portion of this property is currently under construction for the City's sanitary sewer main extension project and Munger Trail Spur.

Special Use Permit

The Special Use Permit is for filling and grading within a Shoreland zone. There are general conditions for all SUPs. Staff finds the following in regard to the criteria for Special Use Permits in the Zoning Ordinance:

No special use permit shall be approved unless positive findings are made with respect to each and every one of the following criteria:

- 1. The proposed development is likely to be compatible with development permitted under the general provisions of this chapter on substantially all land in the vicinity of the proposed development;**

The development of 26 lots as a Planned Unit Development is an allowed use within a R-3 zoning district. The overall density of the development is 3 units/acre which is comparable to the density of all surrounding R-3 developed land which is 2 units/acre.

- 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 Keene Creek meet the intent of the zoning ordinance to protect natural resources. The development of single family lots as a Planned Unit Development is an allowed use within a R-3 zoning district. The overall density of the development is 3 units/acre which is comparable to the density of all surrounding R-3 developed land which is 2 units/acre.

- 3. The proposed use is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this chapter;**

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

- 4. The proposed use will not result in a random pattern of development with little contiguity to existing programmed development and will not cause negative fiscal and environmental effects upon the community.**

The existing development surrounding this site is single family residential. This property is fairly insulated from the adjoining properties by either public right of way or Keene Creek. The proposed use continues this residential character. The proposed project will meet the required 50 feet buffer zone which will protect Keene Creek.

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 Keene Creek.
- B. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of Keene Creek.

RECOMMENDATIONS:

Staff recommends approval of the Special Use Permit 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 Keene Creek for construction of a 26 lot Planned Unit Development (PUD). The Community Development Director may approve minor variations to structures and filling and grading indicated on the attached site plan as long as the variations do not result in shoreland 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 Keene Creek.
 - b. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of Keene Creek.
 - 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



Shoreland Existing Conditions Map



Green: Natural Environment Shoreland Overlay Area

Blue: Keene Creek Location

Shoreland Proposed Conditions Map



5C. 4747 Hermantown Road–Variance from Building Setback in a Shoreland Overlay Area

Applicant: Sandy Hoff
Case No.: 2020-62-PUD/SUP/VAR
Staff Contact: Eric Johnson, Community Development Director
Request: Variance from the building setback within a Shoreland Overlay area.

DESCRIPTION OF REQUEST:

Requested is approval of a 50' Variance from the overall 150' building setback in a Shoreland Overlay Zone.

SITE INFORMATION:

Parcel Size: 8.7 acres
Legal Access: 4747 Hermantown Road
Wetlands: Yes, previously delineated with impacts approved by TEP Existing
Zoning: R-3, Residential
Airport Overlay: None
Shoreland Overlay: Natural Environment
Comprehensive Plan: Suburban

Development Details

The applicant is proposing to construct 26 single family units/lots on 8.7 acres as part of a PUD project. The project abuts Keene Creek along the eastern edge of the property with the Natural Environment Shoreland Area encompassing a portion of the property.

The development is situated as to utilize an upland portion of the property on which to build. Much of this land has been previously disturbed as part of the Engwalls operation. Until 2018, a corn maze had been located on portions of this property within the shoreland area. In addition, this land is currently under construction as part of the City's trunkline sanitary sewer extension project. There are wetland impacts associated with the construction of the project in this location and the application for such has been reviewed and approved by the Hermantown Technical Evaluation Panel (TEP) in September 2020.

R-3, District Requirements

The project is proposed as a Planned Unit Development, which is an allowed use in a R-3 zoning district. Keene Creek is located along the eastern edge of the property which requires a 150' building setback from the Ordinary High Water Level (OHWL). The project requires a variance to the building setback from the OHWL.

Dimensional Requirements	Natural Environment Shoreland	Proposed Project
Area	40,000 SF	8.7 acres
Lot width	125'	665' minimum
Front yard	50'	Varies - PUD
Rear Yard	40'	Varies - PUD
Side yard	25' aggregate	Varies - PUD
Building setback from OHWL	150'	100'

General Variance Requirements

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

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

Existing Conditions

The 8.7 acre property is located at the northern portion of the Engwalls operation. Until 2018, a corn maze had been located on portions of this property within the shoreland area. A portion of this property is currently under construction for the City's trunkline sanitary sewer main extension project and Munger Trail Spur.

Justification and Mitigation

1. (Justification) The applicant is proposing the future homes to be located to the west of Keene Creek. The home placements are a minimum of 100' from the OHWL and requires a 50' variance from the requirements, however there will not be any impervious surfaces with 50' of the OHWL per Section 555.08.1.
2. (Mitigation) By constructing the project within the land area that previously contained the corn maze as well as utilizing land that is currently under construction by the sanitary sewer trunk main, the project will preserve the land to the west of this disturbed area.

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

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

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

3. There are practical difficulties in complying with the Hermantown zoning code.
 - a. Property owner proposes to use the property in a reasonable manner permitted by the Hermantown Zoning Code.
The proposed use is similar in use and intensity to other existing uses in the zoning district. There are 26 total units proposed on an 8.7 acre site which is a density of 3.0 units/acre and is similar to the R-3 zoning of 2 units/acre.

The variance will protect a larger amount of existing wetland as well as avoid potential disturbance to Keene Creek by not encroaching on the creek bed.

 - b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
The City allows for the development of property in order to maximize the existing utility system and create development in logical locations. The Planned Unit Development of this property localizes development in a portion of the site and provides for open green space and protection of Keene Creek.

 - c. The variance, if granted will not alter the essential character of the locality.
The proposed use is similar in use and intensity to other existing uses in the zoning district. The variance will avoid potential disturbance to Keene Creek by not encroaching on the creek bed.

Findings of Fact and Recommendations

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

1. The 50' Variance from the 150' building setback is approved.

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

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

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

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

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

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

ATTACHMENTS:

- Location Map
- Proposed Site plan

Location Map



Variance Map



5D. 4747 Hermantown Road–Final Planned Unit Development

Applicant: Sandy Hoff/Rod Saline
Case No.: 2020-62-PUD/SUP/VAR
Staff Contact: Eric Johnson, Community Development Director
Request: Approval of a Final Planned Unit Development (PUD)

DESCRIPTION OF REQUEST:

Applicant is requesting approval of a Final Planned Unit Development (PUD) to construct 26 single family units/lots on 8.7 acres. The property is located in an R-3 zoning district.

SITE INFORMATION:

Parcel Size: 8.7 acres
Legal Access: 4747 Hermantown Road
Wetlands: Yes, previously delineated and approved by TEP
Existing Zoning: R-3, Residential
Airport Overlay: None
Shoreland Overlay: Natural Environment
Comprehensive Plan: Suburban

Development Details

The applicant and property owner have been actively marketing this property since 2015.

A public hearing for the Preliminary PUD was held on April 23, 2019 and May 21, 2019. Between the two meetings there were approximately 50 residents present who lived in the vicinity of the project. There was general concern as to the density of the project, it's location adjacent to single family housing, concerns about the traffic conditions along Anderson Road and that the project differed greatly from the standard ½ acre minimum lot size in Hermantown. The Preliminary PUD was approved unanimously by the City Council in May 2019.

The proposed homes in the PUD will be one and a half to two story structures with detached one or two stall garages. The envisioned style is represented in the attachments with units having a minimum of 1,500 square feet of living space. The homes will front onto common green space with landscaping and sidewalks. Each common green is proposed to be 50 feet in width and varying in length from 170 to 220 feet in length. In addition, the Munger Trail Spur connection is currently under construction along the eastern portion of the property with a sidewalk connection from the common green area. The developer is proposing that there be design covenants associated with the development.

The rear yard garages will front onto a private 24 foot wide alley. The applicant is proposing a 2 foot minimum setback from the paved surface as a driveway apron into each garage. In addition to the garages, the applicant is proposing 12 off street parking spaces within the development.

The developer will be able to connect into the future city sewer and water mains are currently under construction. These mains run within the 60' permanent easement that lies beneath the proposed road right of way. Lateral lines will be extended down each alley to provide connections into each individual home. The City will require that these lateral lines are owned and maintained by the City and will have an overlying easement associated with them.

The development will require a 50' building setback variance from the adjacent Natural Environment Shoreland Overlay associated with Keene Creek. In addition, there will be wetland impacts associated with Lots 1-4. These wetland impacts have been reviewed and approved by the Hermantown Technical Evaluation panel.

The project infrastructure would commence in 2021 and will utilize the new infrastructure associated with the City's trunkline sanitary sewer project which is currently under construction. The sale timeframe as well will depend on market demand. The applicant is currently in discussion with potential builders for the project.

PUD Process:

A PUD is allowed in a R-3 zoning district. 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 PUD review and approval process includes a public hearing by the Planning Commission and a recommendation to the City Council. Following an approval by the City Council, the applicant will then be required to enter into a development contract with the City to govern certain aspects of the site development, including payments for utility connections. A PUD order will be issued by the City setting project specific development standards. Following completion of the development contract the developer will be granted final Zoning approval and can begin construction, pending approval the associated building permits.

Currently, the development is made up of two separate parcels of land. The applicant is proposing to combine these lots by way of a Common Interest Community (CIC) Plat. This platting process does not require City review or approval.

Zoning Analysis:

The PUD process allows the City Council to modify any provisions of the underlying zoning district if the PUD is consistent with the Comprehensive Plan and provides a public benefit.

Setbacks

Proposed setbacks vary from the standards of the R-3 Zoning District. Depicted on the attached exhibits, the setbacks reflect a site design that will allow for a creative use of the site subject to existing constraints such as site access.

Typical setback standards in the R-3 Zoning District for single family residential homes and proposed setbacks are shown in Table 1:

Table 1. R-3 Residential Requirements	R-3 Requirement	Proposed	Recommended -
Minimum lot area	½ acre (2 units/acre)	3,825 square feet	3,825 square feet minimum
Minimum lot width (at setback line)	100 feet	Varies – 45 foot minimum	45 foot minimum
Minimum front yard	50 feet from public ROW	Varies – 5 feet minimum from common green area, 10 feet from public ROW	5 feet minimum from common green, 10 feet from public ROW
Minimum side yard	10 feet, 25 feet aggregate	Varies – 6 feet minimum, 14 feet aggregate	6 feet minimum, 14 feet aggregate
Minimum rear yard Main structure	40 feet	Varies – 30 feet minimum from main structure	30 feet
Minimum rear yard Accessory structure	10 feet	2 feet	2 feet minimum
Minimum side yard Accessory structure	10 feet	Varies – 5 foot minimum	5 foot minimum
Roadway ROW width	66 feet	60 feet public ROW, 24' feet alley width	60 feet ROW width
Public Utility Easement Width in Alleys	N/A	28 feet	28 feet

Stormwater

The applicant is proposing that the stormwater be directed towards a proposed storm basin located to the south of the proposed housing lots. The developer will be required to engage an engineer to prepare an erosion and sediment control plan for construction and post-construction control of run-off. Bio-rolls, silt fencing and other Best Management Practices will be required in order to control runoff during construction.

Utilities

The developer will connect all lots on the site to City sewer and water systems. There have been initial conversations between the City and the applicant about the utilization of a common trench for the City's trunk sewer and water line. The applicant has indicated that they would tap into these services at the time of installation in order to save on economies of scale by potentially utilizing the same contractor. These conversations will continue and be part of the future Development Agreement.

Driveway, Parking, and Traffic

The developer plans to construct a public, 28 foot wide asphalt roadway with curb and gutter from Anderson Road. This road will be built with turnaround being installed at the southern terminus of the project.

City standards are for a 66 foot right of way, however staff is receptive to a 60 foot right of way which would mirror the permanent sanitary sewer easement associated with the future trunk line. The City would not allow for any tree planting within this right of way.

In addition to the public right of way, the applicant is proposing four, 24 foot wide private alleys running perpendicular to the public roadway. In the case of the two eastern alleys there would be a mid-point back-up for fire access and the two western alleys are short enough that they would not require additional access.

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 unit is due at the time of Final PUD approval with an additional \$150 per bedroom fee will be paid at the time of application for each building permit of PUD approval.

Stormwater Utility Fees

Upon the completion of each new home, the homeowner will be required to pay the \$7.00/month stormwater utility fee associated with each parcel.

Summary

Staff recommends approval of 26 unit/lot Final PUD, based on the findings of this report and the following conditions

1. The proposed subdivision plan meets the intent of the R-3, Residential Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The proposed development meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing and community types in the community.
3. Dimensional requirements of lots, setbacks, and rights-of-way shall be according to the attached site plan and table 1.

Table 1. R-3 Residential Requirements	R-3 Requirement	Proposed	Recommended -
Minimum lot area	½ acre (2 units/acre)	3,825 square feet	3,825 square feet minimum
Minimum lot width (at setback line)	100 feet	Varies – 45 foot minimum	45 foot minimum
Minimum front yard	50 feet from public ROW	Varies – 5 feet minimum from common green area, 10 feet from public ROW	5 feet minimum from common green, 10 feet from public ROW
Minimum side yard	10 feet, 25 feet aggregate	Varies – 6 feet minimum, 14 feet aggregate	6 feet minimum, 14 feet aggregate
Minimum rear yard Main structure	40 feet	Varies – 30 feet minimum from main structure	30 feet
Minimum rear yard Accessory structure	10 feet	2 feet	2 feet minimum
Minimum side yard Accessory structure	10 feet	Varies – 5 foot minimum	5 foot minimum
Roadway ROW width	66 feet	60 feet public ROW, 24' feet alley width	60 feet ROW width
Public Utility Easement Width in Alleys	N/A	28 feet	28 feet

4. The applicant will have one year from the date of the Final PUD approval to enter into a Development Agreement with the City.
5. Applicant to submit preliminary and final construction documents (water, storm sewer, sanitary sewer, roadway, etc.) according to City standards and coordinated with the City Engineer as part of the Final PUD process.
6. Installation of water and sanitary sewer shall require the developer to enter into an agreement with the City governing the terms of such work. All utility plans shall be approved by the City Engineer. The City/Developer agreement shall specify the amount of a financial guarantee to be held by the City from the time of commencement of work until such a time as the City is prepared to accept as complete the new public infrastructure. All drainage and utility easements shall have associated easements. The developer shall enter into a Development Agreement with the City for all public utilities.
7. The developer shall pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per unit will be paid at time of Final PUD approval with an additional \$150 per bedroom fee will be paid at the time of application for each building permit.
8. The applicant shall sign a consent form assenting to all conditions of this approval.

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

10. This approval is limited to the 26 unit project identified in this report.



ATTACHMENTS:

- Location Map
- PUD Site Layout
- Building Example Types

Location Map





 ORNAMENTAL TREE
 DECIDUOUS TREE
NOTE: COMMON GREEN SPACE/ OPEN SPACE LAYOUTS TO BE REFINED IN FUTURE DESIGN PHASES



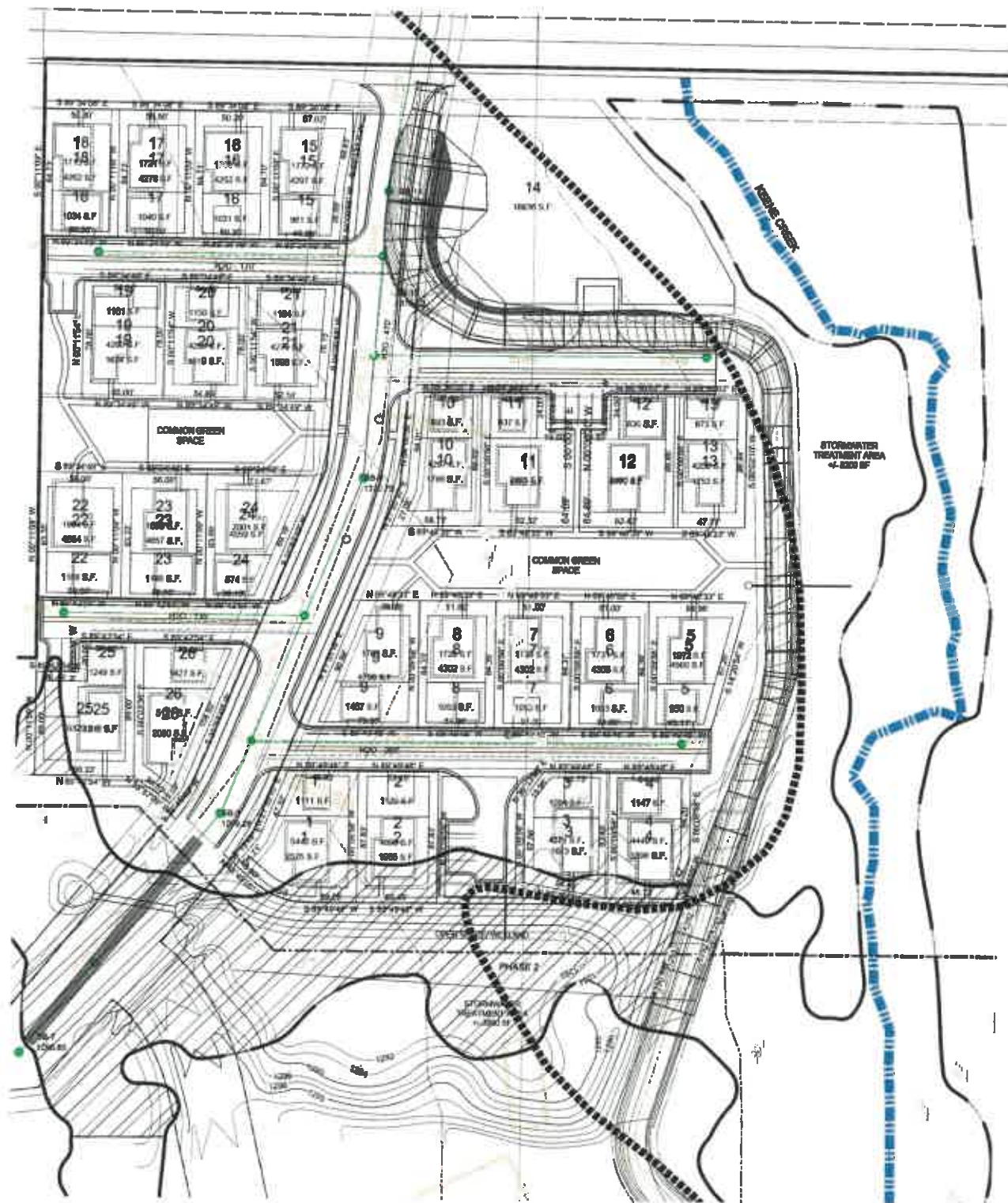
+ ASSOCIATES

ENGWALLS DEVELOPMENT- PRELIMINARY PUD LANDSCAPE PLAN PHASE 1

MARCH 15, 2019

LANDSCAPE ARCHITECTURE • SITE DESIGN • MASTER PLANNING • URBAN DESIGN

219 WEST FIRST STREET, SUITE 200 • BURLINGAME, CA 94010 • TEL: 650.339.1120 • FAX: 650.339.1121 • WWW.SASLANDSCAPE.COM



ENGWALLS DEVELOPMENT PHASE 1

	AMOUNT	UNIT
TOTAL ACRES	8.7	ACRES
NUMBER OF LOTS	26	
TOTAL LOT ACREAGE	2.7	ACRES
AVG. LOT SIZE	4965	SQ. FEET
PROPOSED HOME SIZES	1330-2220	SQ. FEET
PUBLIC STREETS	305	FEET
PRIVATE ALLEYS	850	FEET
WATER LINES	1250	FEET
SHARED GREEN SPACE	0.7	ACRES
SIDEWALKS	1365	FEET
PAVED TRAILS	795	FEET
MINIMUM SETBACKS		
FRONT	5' (OR GREEN)	10' (OR R.O.W.)
SIDE	14' AGGREGATE	6' MINIMUM
REAR (ALLEY)	5'	
TOTAL IMPERVIOUS AREA	1.3	ACRES



- OVERALL DEVELOPMENT AMENITIES:**
- ① SHARED COMMON GREEN/ OPEN SPACE
 - ② TRAILS/ PATHS THROUGH GREEN SPACE
 - ③ GARAGES ACCESSED THROUGH ALLEYS
 - ④ FENCED YARDS TO DISTINGUISH PUBLIC AND PRIVATE SPACES



- DESIRED ARCHITECTURE ELEMENTS:**
- Ⓐ LIMITED BUT UNIQUE PALETTE OF MATERIALS & LAYOUTS, WITH VARIATIONS IN COLOR, TRIM, ETC.
 - Ⓑ FRONT PORCHES
 - Ⓒ COMPACT FOOTPRINTS
 - Ⓓ OPTION FOR ATTACHED OR DETACHED GARAGES
 - Ⓔ CASING/TRIM AROUND ALL WINDOWS AND DOORS TO COMPLEMENT ARCHITECTURAL STYLE



- UNDESIRED ARCHITECTURAL ELEMENTS:**
- VINYL SIDING
 - BLANK WALLS



ENGWALLS DEVELOPMENT- SAMPLE ARCHITECTURE

5B. Pillars of Hermantown Preliminary PUD

<u>Applicant:</u>	JP Holding Company, LLC
<u>Case No.:</u>	2020-55-PUD
<u>Staff Contact:</u>	Eric Johnson, Community Development Director
<u>Request:</u>	Preliminary and Final application for 10 acre property, 90 unit Planned Unit Development (PUD)

DESCRIPTION OF REQUEST:

Applicant is requesting approval of a Preliminary and Final Planned Unit Development (PUD) Plan, to construct a 72-unit, three story apartment building and 18 townhome style units on 10 acres in the R-3 Zoning District at 507x Maple Grove Road. The proposed development will contain 90 units total.

SITE INFORMATION:	10 acres
Legal Access:	Maple Grove Road
Wetlands:	Yes, have been delineated and approved by the TEP
Existing Zoning:	R -3 Single Family Residential
Airport Overlay:	C Zone, structure height restrictions only
Shoreland Overlay:	No
Comprehensive Plan:	Residential

Background:

The property owner is proposing the Maple Grove Townhomes project which integrates a 72-unit, three story apartment building with underground parking and 18 townhomes. The site is currently undeveloped with topography rising from the south to the north and contains a mixture of trees and open grassland area. The City's trunkline sanitary sewer runs along the western boundary of the property. The site has access from Maple Grove Road to the south and is providing a future road connection to the north. There are wetlands present on the property which have been delineated and have received TEP approval for impacts associated with the road construction.

The applicant has scheduled a neighborhood open house on October 14, 2020 with invitations being sent to property owners within 1000 feet of the proposed project. In addition, the applicant has reached out to other neighborhood representatives to invite them to the open house as well.

The 18 townhomes units are comprised of 3 fourplex buildings and 2 threeplex buildings. The townhomes will be of slab on grade construction with each unit containing approximately 1,700 square feet of living space which includes an attached 20'x 22' foot garage. The townhomes are on varying lot sizes and have a minimum of a 25-foot front yard setback from the driving surface, 30 feet in the rear yard and a minimum aggregate of 13.5 feet in between each end unit structure.

The 72-unit, 3 story apartment building consists of a mix of housing units. There will be 54 underground parking and 72 surface parking spaces for a total of 128 parking spaces. There will be 3 stories above grade and be 42' to the top of the roof peak as measured from the ground elevation. The building includes landscaped grounds, a sidewalk system and outdoor patio space. The building will consist of 35 studio units, 23 one bedroom units, 11 two bedroom units and 3 three bedroom units.

The property owner will be able to connect into the city sewer and water mains that serve the property. The City will require that these utilities are either in public right of way or are within a 30' wide easement when in the private roadway section.

The applicant is proposing an internal sidewalk system for the project. This sidewalk system will connect to the existing sidewalk along Maple Grove Road and could be extended in the future to the north in order to access a future trail system by the City.

PUD Process:

The City's zoning regulations governing PUD's require that each PUD obtain preliminary and final approval. The City process allows the applicant to combine the process assuming the applicants meets the submission requirements. The applicant has provided preliminary engineering documents, site renderings and a traffic study as part of the application.

As part of the Final PUD approval, the property owner will be required to enter into a development contract with the City to govern certain aspects of the site development and operations of the development, including payments for utility connections. A PUD order will be issued by the City setting project specific development standards. Following completion of the development contract the property owner will be granted final Zoning approval and can begin construction, pending approval of the associated building permits.

Zoning Analysis:

The PUD process allows the City Council to modify any provisions of the underlying zoning district if the PUD is consistent with the Comprehensive Plan and provides a public benefit. Modifying the standards through the PUD process is appropriate for the development of this project as it seeks to develop a mixed residential use community consisting of threeplex and fourplex townhome units and a 72 unit apartment building.

Setbacks

Proposed setbacks vary from the standards of the R-3 Zoning District. Depicted on the attached exhibits, the setbacks reflect a site design that will allow for a creative use of the site subject to existing constraints such as site access.

Typical setback standards in the R-3 Zoning District for single family residential homes and proposed setbacks are shown in Table 1:

Table 1. R-3 Residential Requirements	R-3 Requirement	Threeplex and Fourplex	Recommended
Minimum lot area	½ acre (2 units/acre)	2,392 square feet minimum	2,392 square feet minimum
Minimum lot width (at setback line)	100 feet	26 foot minimum	26 foot minimum
Minimum front yard	50 feet from public ROW	25' from roadway	25' from roadway surface for all structures

Minimum side yard	10 feet, 25 feet aggregate	6.5 feet minimum, 13 feet aggregate	6.5 feet minimum, 13 feet aggregate
Minimum rear yard Main structure	40 feet	Varies – 30 feet minimum from main structure	30' feet minimum
Minimum rear yard Accessory structure	10 feet	N/A	N/A
Minimum side yard Accessory structure	10 feet	N/A	N/A
Roadway ROW width	66 feet	Public ROW – 28' with curb and gutter Private - 24' with curb and gutter	Public ROW – 28' with curb and gutter Private - 24' with curb and gutter

Stormwater

The property owner is proposing that the stormwater for the public roadway and townhome portion of the project be directed towards a proposed storm basin located to the east of the public right of way adjacent to the wetland on Outlot C. The stormwater for the apartment building lot will be directed to an underground BMP in the NW corner of the parking lot. The City Engineer is working with the property owner's engineer on the stormwater design plans and calculations. construction and post-construction control of run-off. Bio-rolls, silt fencing and other Best Management Practices will be required in order to control runoff during construction. The property owner is responsible to construct these ponds/BMP's.

The property owner is proposing that the stormwater pond is located in an outlot. There may be the potential of these features/outlots being dedicated to the City, which will own and maintain the pond and wetland areas. This will be addressed in the Development Agreement with the property owner.

Utilities

The property owner will connect all lots on the site to City sewer and water systems. The property owner will provide final engineered plans for utility connections prior to beginning such work on the site. Detailed plans for new public utilities will be reviewed and approved by the City Engineer prior to issuance of the building permits. No new public utilities will be accepted by the City until reviewed by the City Engineer and accepted by resolution of the City Council. All new public utilities must be placed in a public utility easement.

Platting

The applicant is proposing to subdivide the 10-acre property by way of a plat. The Platting process would subdivide the site into 18 lots, each associated with a townhome unit; a lot which contains the apartment building and 4 outlots. Outlots A and B contain the existing wetland complex on site; Outlot C contains additional wetlands as well as the detention pond for the project; and Outlot D encompasses the powerline corridor located on the north portion of the property.

Driveway, Parking, and Traffic

The applicant plans to construct a public, 28-foot-wide asphalt roadway with curb and gutter from Maple Grove Road north into the site approximately 1260 feet. This road would have a 66' public right of way associated with it and would generally follow the existing sanitary sewer easement existing on the property. The 72 unit apartment building would take access directly from this public roadway. The applicant is proposing a stub of this roadway that can be extended to the north in order to provide future access to this property from Lavaque Road. This public roadway will be required to be built to City standards and will eventually be turned over to the City for its upkeep and maintenance including snowplowing.

The 18 townhome units would be accessed by way of a private 24' wide asphalt roadway with curb and gutter which connects to the proposed public roadway in two locations. This private roadway would be the responsibility of the owner for all upkeep and maintenance including snowplowing.

City staff has discussed this project with the St. Louis County Traffic Engineer. The applicant has engaged a Traffic Engineer to conduct a study of the development which is included in the application. The traffic study was submitted to St. Louis County and was subsequently reviewed and approved by the County.

The applicant is proposing an internal sidewalk system for the project. This sidewalk system will connect to the existing sidewalk along Maple Grove Road and could be extended in the future to the north in order to access a future trail system by the City.

Park Dedication Fees

The property owner 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 following schedule. Payments are due at the time of approval of the Final PUD or as agreed to in the development contract.

Development Type	Recommended
Multi-family, 2+ bedroom units	\$800
Multi-family, 1 bedroom and studio	\$400
Per bedroom fee	\$150
Planned Unit Development	Proportional to Mix of Development

Stormwater Utility Fees

Upon the completion of each new home, the homeowner will be required to pay the \$7.00/month stormwater utility fee associated with each parcel for the single family lots with the fourplex and assisted living building being calculated as a non-residential (greater than 4 units) use and subject to \$7.00/9,100 square feet of impervious surface.

Summary

Staff recommends approval of 90 unit preliminary and Final PUD, based on the findings of this report and the following conditions

1. The proposed PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 – Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.
2. The proposed development meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing types in the community.
3. The Planned Unit Development is hereby approved is hereby expressly subject to the following conditions:
 - 3.1 That the Project will be constructed as described in the plans accompanying the Application and the conditions contained herein.
 - 3.2 The Zoning Administrator of the City of Hermantown shall be notified at least five (5) days in advance of the commencement of the work authorized hereunder and shall be notified of its completion within five (5) days thereafter.

- 3.3 No change shall be made in the Project without written permission being previously obtained from the City of Hermantown.
- 3.4 Property Owner shall grant access to the site at all reasonable times during and after construction to authorized representatives of the City of Hermantown for inspection of the Project to see that the terms of this permit are met.
- 3.5 Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
- 3.6 Trees and brush cannot be burned on the property, but may be chipped and shredded.
- 3.7 An MPCA Stormwater Permit and erosion control measures must be in place prior to the start of operations.
- 3.8 All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the utility.
- 3.9 The Property Owner shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.

4 Dimensional requirements of lots, setbacks, and rights-of-way shall be according to the attached site plan and table 1.

Table 1. R-3 Residential Requirements	R-3 Requirement	Threplex and Fourplex	Recommended
Minimum lot area	½ acre (2 units/acre)	2,392 square feet minimum	2,392 square feet minimum
Minimum lot width (at setback line)	100 feet	26 foot minimum	26 foot minimum
Minimum front yard	50 feet from public ROW	25' from roadway	25' from roadway surface for all structures
Minimum side yard	10 feet, 25 feet aggregate	6.5 feet minimum, 13 feet aggregate	6.5 feet minimum, 13 feet aggregate
Minimum rear yard Main structure	40 feet	Varies – 30 feet minimum from main structure	30' feet minimum
Minimum rear yard Accessory structure	10 feet	N/A	N/A
Minimum side yard Accessory structure	10 feet	N/A	N/A
Roadway ROW width	66 feet	Public ROW – 28' with curb and gutter	Public ROW – 28' with curb and gutter

		Private - 24' with curb and gutter	Private - 24' with curb and gutter
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- 5 The Property Owner will have one year from the date of the Final PUD approval to enter into a Development Agreement with the City.
- 6 Property Owner to submit preliminary and final construction documents (water, storm sewer, sanitary sewer, roadway, etc.) according to City standards and coordinated with the City Engineer as part of the Final PUD process.
- 7 Installation of water and sanitary sewer shall require the Property Owner to enter into an agreement with the City governing the terms of such work. All utility plans shall be approved by the City Engineer. The City/Developer agreement shall specify the amount of a financial guarantee to be held by the City from the time of commencement of work until such a time as the City is prepared to accept as complete the new public infrastructure. All drainage and utility easements shall have associated easements. The Property Owner shall enter into a Development Agreement with the City for all public utilities.
- 8 The Property Owner shall pay park dedication fees according to the following schedule. Payments are due at the time of approval of the Final PUD or as agreed to in the development contract.

Development Type	Recommended
Multi-family, 2+ bedroom units	\$800
Multi-family, 1 bedroom and studio	\$400
Per bedroom fee	\$150
Planned Unit Development	Proportional to Mix of Development
Development Type	Recommended
Multi-family, 2+ bedroom units	\$800

- 9 The property Owner shall sign a consent form assenting to all conditions of this approval.
- 10 The Property Owner shall pay an administrative fine of \$750 per violation of any condition of this approval.
- 11 The approval made by this resolution extends only to the Project as defined in this resolution.

ATTACHMENTS:

- Location Map
- Site Plan
- 'Birds Eye' View
- Apartment Building Elevation
- Fourplex Building Elevation

Location Map

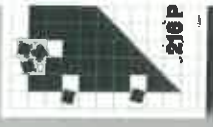








Hermantown Apartments



STEP

