

**CITY OF HERMANTOWN  
PLANNING & ZONING COMMISSION**

*Agenda*  
**January 21, 2021  
7:00 PM**

- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES**
  - 3A. December 15, 2020 regular meeting.**
- 4. PUBLIC DISCUSSION – Public comment on any item not otherwise listed on the agenda.**
- 5. PUBLIC HEARINGS**
  - 5A. An application by Robert Doblak. for a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone located at 486x Hermantown Road. The property is located in a R-3, Residential zoning district.**
  - 5B. An application by The City of Hermantown. for a Special Use Permit for the installation of a bridge structure within a Natural Environment Shoreland Overlay Zone located 260 west of the Haines Road/Swan Lake Road intersection. The property is located in a BLM, Business and Light Manufacturing zoning district.**
- 6. CONTINUING BUSINESS**
- 7. NEW BUSINESS**
- 8. COMMUNICATIONS**
- 9. COMMISSION MEMBER REPORTS**

Joe Peterson  
Corey Kolquist  
Tracy Lundeen  
Valerie Ouellette  
Samuel Clark  
Shannon Sweeney Jorgenson  
Beth Wentzlaff  
John Geissler

**ADJOURN**

Because attendance at the regular meeting location is not feasible due to the health pandemic, Hermantown's January 21, 2021, 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 January 21, 2021, this meeting will be available at: <https://us02web.zoom.us/j/88441720073?pwd=cm9NMjBFeHNMYUt6SzcxV3lJMjR5QT09> and/or by calling the number 312 626 6799 and utilizing the meeting ID 884 4172 0073 and the password 828407.

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  
December 15, 2020 Meeting Summary  
7:00 PM**

**1. ROLL CALL**

**Members Present:** Joe Peterson, Greg Zimmerman; Corey Kolquist; Tracy Lundeen; Valerie Ouellette; Samuel Clark; Shannon Sweeney Jorgenson; and Wayne Boucher.

**Members Absent:**

**Others Present:** Eric Johnson, Community Development Director; Jess Bellefeuille, 4703 Hermantown Rd.; Jeff Anderson, MSA Professionals and Brianna Carkhuff, 4708 Hermantown Road.

**2. APPROVAL OF AGENDA**

Motion made by Corey Kolquist to approve the December 15, 2020 agenda as presented. Seconded by Tracy Lundeen. Motion carried.

**3. APPROVAL OF MINUTES**

Motion made by Samuel Clark to approve the November 10, 2020 minutes as presented. Seconded by Shannon Sweeney Jorgenson. Motion carried.

**4. PUBLIC DISCUSSION**

**5. PUBLIC HEARINGS**

**5A.** An application by Triple J Holdings LLC of Duluth. for a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone located at 4703 Hermantown Road. The property is located in a C, Commercial zoning district.

Eric Johnson, Community Development Director, advised the Commission that the applicant, Triple J. Holdings LLC, purchased the property located at 4703 Hermantown Road in 2016 for the purposes of operating their automotive repair business. In 2020, the applicant purchased the residential home located at 4709 Hermantown Road. This property has a split zoning on it consisting of C, General Commercial along Hermantown Road with the rear of the property being zoned R-3, Residential.

The applicant purchased the 4709 Hermantown Road property for the purpose of reconfiguring the lot and combine a portion of it with the 4703 property. This would allow the applicant to enlarge the parking area associated with their existing business as well as create a stormwater pond.

The applicant is proposing to grade and fill a 20,000 square foot area which would square off the parking area as well as create a stormwater pond for the property. This area is entirely within the 300' natural area shoreland associated with the unmapped tributary.

**PLANNING & ZONING COMMISSION**  
**December 15, 2020 Meeting Summary**

Jess Bellefeuille, applicant, spoke about their plans for the property and how they operate and move vehicles within the site. She stated it is their goal to provide a clean functioning site for both their customers and neighbors. Brianna Carkhuff, 4708 Hermantown Road asked about the timeline for the work and stated the site looked like a used car lot currently. After further comment from the applicant, Ms. Carkhuff stated that she and her husband were supportive of the application.

Mayor Boucher asked if Accurate Auto Repair had a car dealer license. The applicant stated that they did not and did not plan to sell vehicles at the location at this time.

Sam Clark asked Eric Johnson if there would be any further public meetings for the site work. Mr. Johnson stated that there would not be as the project was previously approved in 2016 with a Commercial Industrial Development Permit. Mr. Johnson stated that this current work would be permitted at a staff level with a Zoning Certificate.

Motion made by Samuel Clark to approve the application by Triple J Holdings LLC of Duluth for a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone located at 4703 Hermantown Road. Seconded by Tracy Lundeen. Motion carried.

**6. CONTINUING BUSINESS**  
None.

**7. NEW BUSINESS**  
**7A. Multi Story Residential Structure Moratorium Discussion**

Eric Johnson provided information pertaining to a proposed 6 month moratorium on Planned Unit Developments (PUD) in the City. Commission members provided their input and stated their support for a moratorium. Discussion involved an exception to the moratorium that would still allow for small scale PUD applications to occur during the moratorium. The commission recommended that an exception level of 3 units per acre with the ability to construct up to fourplex units be forwarded to the City Council for their review. Any new PUD applications exceeding this threshold would fall under the moratorium.

**8. COMMUNICATIONS**

**9. COMMISSION MEMBER REPORTS**

Joe Peterson – None.

Greg Zimmerman –Greg stated that he was resigning from the board after 11 years.

Corey Kolquist – None.

Tracy Lundeen – None.

Valerie Ouellette – Valerie provided a report regarding student numbers at the Hermantown school system and asked how these new developments would be affecting school enrollment in the future.

Samuel Clark – None.

Shannon Sweeney Jorgenson – None.

Wayne Boucher – Eric to check with school administration on their formula to calculate future enrollment based on new development within the City.

**PLANNING & ZONING COMMISSION  
December 15, 2020 Meeting Summary**

**ADJOURN**

**Motion made by Greg Zimmerman to adjourn the meeting. Seconded by Corey Kolquist. Meeting adjourned at 8:27 pm.**

**Officiated by:**

**Transcribed by:**

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**Joe Peterson, Chairman**

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**Mary Melde, Administrative Assistant**

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**5A. 48xx Hermantown Road– Special Use Permit - Filling and Grading in a Shoreland Overlay Zone**

**Applicant:** Robert Doblak  
**Case No.:** 2021-01-SUP  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Special Use Permit for filling and grading in a Shoreland Overlay area

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**RECOMMENDED ACTION:**

Approve a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone in order to construct a single family home and driveway.

**DESCRIPTION OF REQUEST:**

The applicant purchased the property located at 48xx Hermantown Road for the purposes of constructing a single family home and associated driveway.

**SITE INFORMATION:**

**Parcel Size:** 7.46 acres total  
**Legal Access:** 48xx Hermantown Road  
**Wetlands:** Yes, delineation will need to be conducted  
**Existing Zoning:** R-3, Residential  
**Airport Overlay:** None  
**Shoreland Overlay:** Natural Environment  
**Comprehensive Plan:** Residential

**Development Details**

The applicant purchased this property in the fall of 2020. He has had discussions with the MN DNR regarding the unmapped tributary located on the property. The applicant is proposing for a driveway located on the eastern portion of the property that would extend approximately 375 feet into the property in order to access upland area located on the property.

The driveway is located as to minimize the wetland impacts but will necessitate a crossing of the unmapped tributary. The proposed 52' x 68' house footprint is proposed to be a minimum of 150' away from the Ordinary High Water Level (OHWL) which meets the structure setback requirements of a Natural Environment Shoreland area.

## **Wetlands**

The National Wetland Inventory map shows the presence of wetlands along the northern and central portions of the property. The applicant will need to engage a wetland delineator in order to document the extent of the wetlands and submit for approval of wetland impacts. Due to the property being located in a Natural Environment Shoreland area, and wetland impacts greater than 400 square feet will require the purchase of wetland credits.

## **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 a single-family residence is the primary purpose of the R-3 zoning district and is the primary use of all surrounding developed land. Conditions placed on the SUP and wetland approvals will restrict future wetland impacts.

- 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 wetland impacts and clearing and grading within 50 feet of the unnamed tributary meet the intent of the zoning ordinance to protect natural resources. The development of a single-family residence is the primary purpose of the R-3 zoning district and is the primary use of all surrounding developed land.

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

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

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

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

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

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

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

**RECOMMENDATIONS:**

Staff recommends approval of the Special Use Permit 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 Keene Creek to construct a single family home and driveway. 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 to provide a wetland delineation for the property along with proposed wetland impacts prior to the issuance of any building or site disturbance permits.
4. The applicant shall sign a consent form assenting to all conditions of this approval.
5. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

**ATTACHMENTS:**

- Site Location Map
- Proposed site plan
- Shoreland Area Map

**Location Map**



# Proposed Site Plan

Keene Trib aerial imagery derived channels.JPG



# SHORELAND AREA MAP



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**5B. Swan Lake Road Bridge Replacement – Special Use Permit - Filling and Grading in a Shoreland Overlay Zone**

**Applicant:** City of Hermantown  
**Case No.:** 2021-02-SUP  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Special Use Permit for filling and grading in a Shoreland Overlay area

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**RECOMMENDED ACTION:**

Approve a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone in order to replace the existing bridge located 275 feet west of the Haines Road/Swan Lake Road intersection.

**DESCRIPTION OF REQUEST:**

The City, with St. Louis County through a cooperative agreement, is proposing to replace the existing bridge located on Swan Lake Road which is located 275 west of the Haines Road/Swan Lake Road intersection. The existing bridge is classified as functionally obsolete based on the October 9, 2019 Bridge Inspection Report.

**SITE INFORMATION:**

**Parcel Size:** N/A  
**Legal Access:** Swan Lake Road  
**Wetlands:** Yes, delineation and impacts approved in 2020  
**Existing Zoning:** BLM, Business and Light Manufacturing  
**Airport Overlay:** Safety Zone C, height restrictions only  
**Shoreland Overlay:** Natural Environment  
**Comprehensive Plan:** Light Industrial

**Development Details**

All bridges in Hermantown are inspected annually. Bridge 88688 on Swan Lake Road, which spans Miller Creek, has been classified as functionally obsolete in 2019. The City entered into a cooperative agreement with St. Louis County for the design and construction engineering of the bridge replacement. This bridge is on a state aid roadway and therefore needs to be designed to state standards. The current standards require a larger span and to flatten the in-slopes which requires filling within the shoreland area as part of the construction. The MNDNR has issued a permit to the City of Hermantown to construct the new bridge.

## **Wetlands**

The property was delineated in the fall of 2020. The delineation was approved as well as the subsequent wetland impacts which qualify under the road improvement program.

## **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 proposed work is for the replacement of an existing bridge structure. The proposed bridge will replace a functionally obsolete existing bridge.

- 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;**

The area surrounding the bridge is located in the BLM, Business, Light Manufacturing zoning district and is primarily wetland in character. The new bridge will provide continued access to Swan Lake Road from Haines Road.

- 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 bridge is within an area marked for light industrial 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.

- 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 proposed work is for the replacement of an existing bridge structure. The proposed bridge will replace a functionally obsolete existing bridge.

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

The City 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.

**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 Miller Creek in order to replace an existing bridge structure. 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 City 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. The smallest amount of bare ground is exposed for as short a time as feasible;
  - b. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
  - c. Adequate methods to prevent erosion and trap sediment are employed;
  - d. Fill is stabilized to accepted engineering standards;
  - e. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;
  - f. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;
  - g. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
  - h. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.

**ATTACHMENTS:**

- Site Location Map
- Proposed site plan
- Shoreland Area Map

**Location Map**





**SAP 202-111-001**

**DESIGN DATA AND PROJECTED TRAFFIC VOLUMES**

DESIGNED IN ACCORDANCE WITH CURRENT MINNESOTA HIGHWAY DESIGN SPECIFICATIONS.

**TRAFFIC VOLUMES**

DESIGNED IN ACCORDANCE WITH CURRENT MINNESOTA HIGHWAY DESIGN SPECIFICATIONS.

DESIGN SPEED = 45 MPH  
 TRUCK OPERATIONS FACTOR = 1.3

**KEY NOTES:**

① CONCRETE OF TYPE 6.2' X 4.2' X 25' BOX CULVERTS WITH 2 END SECTIONS AND WING WALLS, THE REMAINING EXISTING BRIDGE WILL CONSIST OF REMAINING BRIDGE SPANS TO THE EXTENT NECESSARY TO CONSTRUCT BRIDGE SPANS.

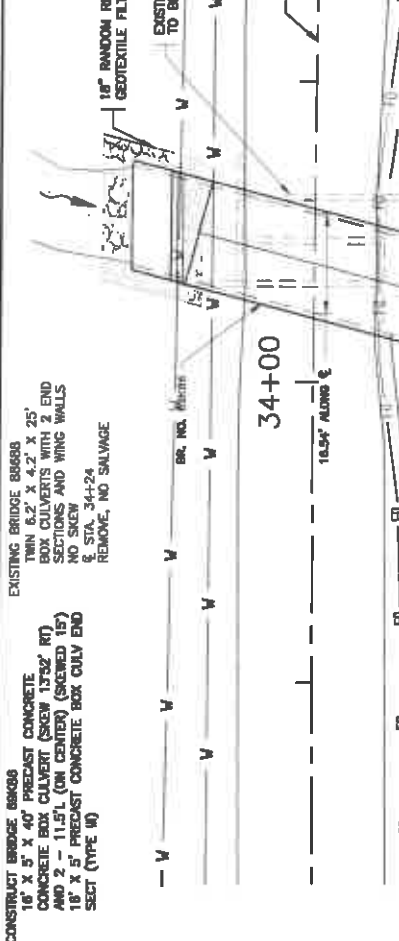
**CONSTRUCTION NOTES:**

- THE 2018 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION SHALL APPLY.

- THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE CHANGES OF CLASS 30-02 ENTITLED "STANDARD SUBSURFACE FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".

**EXISTING BRIDGE 69688**  
 TWIN 6.2' X 4.2' X 25'  
 BOX CULVERTS WITH 2 END  
 SECTIONS AND WING WALLS  
 NO SKEW  
 & STA. 344+24  
 REMOVE, NO SALVAGE

**CONSTRUCT BRIDGE 69688**  
 16' X 5' X 40' PRECAST CONCRETE  
 CONCRETE BOX CULVERT (SKEW 13°32' RT)  
 AND 2 - 11.5'L (ON CENTER) (SKEWED 15°)  
 18' X 5' PRECAST CONCRETE BOX CULV END  
 SECT (TYPE W)



**BRIDGE NO. 69K86**

**GENERAL PLAN AND ELEVATION**

DATE: 11/10/11

BY: *Stephen E. Krschmay*

BRIDGE NO. 69K86

DATE: 11/10/11 LICENSE NO. 45387

BRIDGE NO. 69K86

DATE: 11/10/11

BRIDGE NO. 69K86

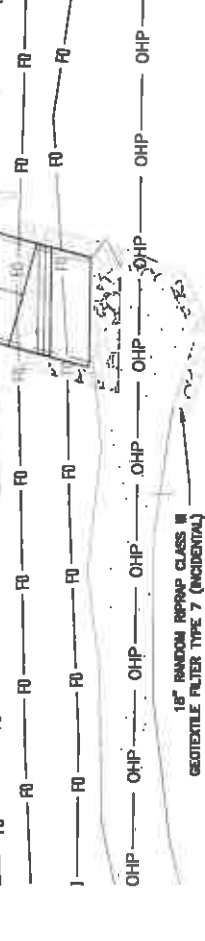
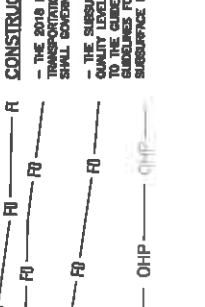
DATE: 11/10/11

**GENERAL PLAN**

SCALE: 0 20'

**GENERAL ELEVATION**

SCALE: 0 20'



**GENERAL PLAN AND ELEVATION - BRIDGE 69K86**

**SHEET NO. 13 OF 29 SHEETS**

CP 0724-369579 SAP 202-111-001 SAP 202-112-001

BRIDGE NO. 69K86

DATE: 11/10/11

BRIDGE NO. 69K86

DATE: 11/10/11

**GENERAL PLAN AND ELEVATION - BRIDGE 69K86**

**SHEET NO. 13 OF 29 SHEETS**

CP 0724-369579 SAP 202-111-001 SAP 202-112-001

BRIDGE NO. 69K86

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**GENERAL PLAN AND ELEVATION - BRIDGE 69K86**

**SHEET NO. 13 OF 29 SHEETS**

CP 0724-369579 SAP 202-111-001 SAP 202-112-001

BRIDGE NO. 69K86

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**GENERAL PLAN AND ELEVATION - BRIDGE 69K86**

**SHEET NO. 13 OF 29 SHEETS**

CP 0724-369579 SAP 202-111-001 SAP 202-112-001

BRIDGE NO. 69K86

DATE: 11/10/11

BRIDGE NO. 69K86

DATE: 11/10/11

# SHORELAND AREA MAP

