

**CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION**

Agenda
February 18, 2021
7:00 PM

- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES**
 - 3A. January 21, 2021 regular meeting.
- 4. PUBLIC DISCUSSION – Public comment on any item not otherwise listed on the agenda.**
- 5. PUBLIC HEARINGS**
 - 5A. An application by A-lign Properties LLC for a Preliminary and Final Planned Unit Development for three townhome units of 6 total units on a 4-acre site located at the NE intersection of Hermantown Road and Lavaque Road. The property is located in a R-3 zoning district.
 - 5B. An application by Dustin and Holly Melin for a Subdivision to create a 5.75 acre parcel accessed by way of a flag lot of 30 foot width at 382x Lavaque Road (Parcel 395-0010-07812). The property is located in an R-3 zoning district.
 - 5C. An application by Dustin and Holly Melin for a variance to create a second flag lot of 5.87 acres on a parcel accessed by way of a flag lot of 30 foot width at 382x Lavaque Road (Parcel 395-0010-07812). The property is located in a R-3 zoning district.
- 6. CONTINUING BUSINESS**
- 7. NEW BUSINESS**
- 8. COMMUNICATIONS**
- 9. COMMISSION MEMBER REPORTS**

Joe Peterson
Corey Kolquist
Valerie Ouellette
Samuel Clark
Shannon Sweeney Jorgenson
Beth Wentzlaff
Buckley Simmons
John Geissler

ADJOURN

**CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION
January 21, 2021 Meeting Summary
7:00 PM**

1. ROLL CALL

Members Present: Joe Peterson; Corey Kolquist; Buckley Simmons; Valerie Ouellette; Samuel Clark; Shannon Sweeney Jorgenson; Beth Wentzlaff; and John Geissler.

Members Absent:

Others Present: Eric Johnson, Community Development Director; Scott Wojtysiak; Marilyn Elliot; and Mark W.

2. APPROVAL OF AGENDA

Motion made by Corey Kolquist to approve the January 21, 2021 agenda as presented. Seconded by Shannon Sweeney Jorgenson. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Shannon Sweeney Jorgenson to approve the December 15, 2020 minutes as presented. Seconded Valerie Ouellette. Motion carried.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARINGS

5A. An application by Robert Doblar 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.

Eric Johnson, Community Development Director, informed the Commission members that the applicant, Robert Doblar, purchased this property in the fall of 2020. The applicant 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.

Valerie Ouellette asked how large the tributary is.

Eric noted that the tributary, located on the western side of the property, is probably the widest, with a range of 1 to 5 feet in width.

Robert Doblar stated that the DNR will be coming out to map the tributary.

Shannon Sweeney Jorgenson asked if the proposed driveway is the route that will have the least minimal impact.

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Eric advised that the TEP panel recommends that the least amount of wetland impacts will be associated with this. Because the driveway is being proposed on the eastern portion of the property, this will have the least wetland impact with the project.

John Geissler asked if the project will be served by water and sewer.

Eric stated that it would be served by both.

Scott Wojtysiak, 4866 Hermantown Rd., asked how are the adjacent properties affected/altered by fill in the shoreland or wetlands.

Eric stated that whenever there are these types of crossings of wetlands, a culvert is required to be placed within the driveway area to maintain the water flow that exists on that property.

Motion made by Shannon Sweeney Jorgenson to approve the 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. Seconded by Beth Wentzlaff. Motion carried.

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.

Eric presented that the City, along 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.

According to Eric, all bridges in Hermantown are inspected annually, and that 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.

Motion made by Samuel Clark to approve the 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. Seconded by Valerie Ouellette. Motion carried.

6. CONTINUING BUSINESS
None.

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7. NEW BUSINESS

Eric welcomed new members Beth Wentzlaff and Buckley Simmons, along with John Geissler, to the Planning & Zoning Commission.

Eric also noted the PUD moratorium that was passed at the December 2020 Planning & Zoning meeting regarding planned unit developments projects that were over three units per acre in size. The City has engaged the Arrowhead Regional Development Commission to help with an ongoing study, which the City will be sending out a survey to a limited number of residents, business owners, developers, realtors, and interested parties associated with this to gather their thoughts and comments associated with planned unit developments in general within the City. In addition, there will be at least one public hearing associated with the study.

8. COMMUNICATIONS

None.

9. COMMISSION MEMBER REPORTS

Joe Peterson – None.

Corey Kolquist – None.

Valerie Ouellette – None.

Samuel Clark – None.

Shannon Sweeney Jorgenson – None.

Beth Wentzlaff – None.

Buckley Simmons – None.

John Geissler – None.

ADJOURN

Motion made by Shannon Sweeney Jorgenson to adjourn the meeting. Seconded by Corey Kolquist. Meeting adjourned at 7:35 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 February 18, 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 February 18, 2021, this meeting will be available at: <https://us02web.zoom.us/j/83090762417?pwd=V05oTEEx4bGFEdGVEOGk2aURwbmZ0QT09> and/or by calling the number 312 626 6799 and utilizing the meeting 830 9076 2417 and the password 227919.

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. 508x Hermantown Road– Preliminary and Final Planned Unit Development

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

DESCRIPTION OF REQUEST:

Applicant is requesting approval of a Preliminary and Final Planned Unit Development (PUD) for construction of a three townhome (6 total units) development at 508x Hermantown Road. The property is located in an R-3 zoning district.

SITE INFORMATION:

Parcel Size:	4.1 acres
Legal Access:	508x Hermantown Road
Wetlands:	Yes, delineation approved in 2020; no proposed impacts
Existing Zoning:	R-3, Residential
Airport Overlay:	None
Shoreland Overlay:	None
Comprehensive Plan:	Suburban

Development Details

The applicant is proposing to construct three townhomes (6 units total) on an existing 4.1 acre lot with the property being subdivided into three parcels ranging in size from 1.24 to 1.61 acres in size. The proposed building locations are situated as to utilize an existing upland portion of the property on which to build.

PUD Process:

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

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

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

- 1.1 Preservation and enhancement of natural systems and resources, topography, vegetation, and other natural features. – This project creates a conservation neighborhood. By locating the three townhomes and utilizing the upland portion of the property, it allows for the preservation of 1+ acres of wetland area.
- 1.2 Provision of a variety of housing and community types. – The project proposes to add needed affordably priced housing to the community.

Zoning Analysis:

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

Setbacks

City Code allows a PUD to have standards that meet the City's goals for each proposed development. These standards include building height, density, roadway widths and setbacks. The proposed project is for three townhome units (6 units total) and the design meets the underlying front and rear yard setback requirements of the R-3 zoning district. The applicant is proposing a minimum 20' foot side yard setback. This exceeds the minimum side yard setback associated with single family construction under the R-3 zoning ordinance, however it is less than the 40' side yard setback for standalone duplex/townhome construction. The PUD allows for the setting of site specific setbacks.

Plat

The applicant is proposing to divide the property into three lots. This property split can be accomplished by way of an Administrative Lot Split. Should the applicant wish to further subdivide the lots into a corresponding lot for each unit, then a plat will need to be provided by a registered land surveyor for the subdivision.

Utilities

The applicant will connect each residential unit to City sewer and water systems. Water and sewer is available along Hermantown Road with these units having an availability fee associated with them. The townhome building fronting Lavaque Road will require the extension of public sewer and water approximately 270 feet to the north from Hermantown Road. The applicant will provide engineered plans for utility extensions/connections prior to beginning such work on the site. Detailed plans for the utility extensions/connections will be reviewed and approved by the City Engineer prior to issuance of the building permits.

The applicant is proposing to provide individual utility services to each unit as this allows for the potential sale of the units.

There is an existing utility easement running from Hermantown Road to the property located at 3810 Lavaque Road. The location of the townhome building and proposed driveway on Tract B do not conflict with this easement.

Stormwater

The applicant is proposing the creation of three individual lots on which to build the townhome buildings. Each lot is responsible for its own erosion control measures per Section 1060 of the City's Zoning Ordinance. Post construction stormwater treatment per Section 1080 of the City's Zoning Ordinance is not required as each lot is proposing less than 15,000 square feet of impervious surface area.

Access

Each townhome building has a shared driveway to the respective City streets. The shared driveway then flairs out to provide individual driveway surfaces to each townhome unit.

Wetlands

A wetland delineation was performed in the fall of 2020. The proposed townhome locations are located on upland portions of the property with no wetland impacts being proposed as part of the project.

Park Dedication Fees

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

Summary

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

1. The proposed subdivision plan meets the intent of the R-3, Residential Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The proposed subdivision meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through clustering of development to protect wetlands.
3. Prior to issuance of a building permit:
 - a. All necessary permits shall be obtained
 - b. Developer shall obtain a Stormwater Certificate and submit the required cash escrow or letter of credit.
4. Erosion control measures shall be utilized and remain in place throughout the construction period, and shall not be removed until vegetation is established on the site. The Applicant shall agree to comply with the requirements of a Hermantown Land Alteration Permit. Each lot is responsible for its own erosion control measures per Section 1060 of the City's Zoning Ordinance.
5. Prior to issuance of a building permit, all necessary permits shall be obtained, including, without limitation, any stormwater permits required by the Minnesota Pollution Control Agency.

6. Provide construction documents prepared by a licensed engineer for the utility extension of the water and sanitary sewer service for City Engineer review and approval. Such utilities are to meet City standards and be located within an easement with the utilities and easement being dedicated to the City of Hermantown upon acceptance by the City Engineer.
7. 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.
 - a. The City shall be contacted a minimum of 72 hours prior to any work in a public street or right-of-way. Work in a public street shall take place only upon the determination by the Public Works Director that appropriate safety measures have been taken to ensure motorist and pedestrian safety.
 - f. The Zoning Administrator may impose additional conditions if it becomes necessary in order to mitigate the impact of construction on surrounding properties.
8. Prior to the issuance of any temporary or permanent occupancy permit the following shall be completed:
 - c. All exterior building improvements shall be completed.
 - d. All disturbed areas on the site shall be seeded or sodded.
9. The applicant shall pay a park dedication fee of \$1,100 per lot/unit in lieu of dedicated park land. This fee will be paid at the time of PUD approval. Bedroom park dedication fees of \$150.00/bedroom will be paid at time of building permit.
10. The applicant shall sign a consent form assenting to all conditions of this approval.
11. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:

- Location Map
- Preliminary Site Plan
- Building Elevations

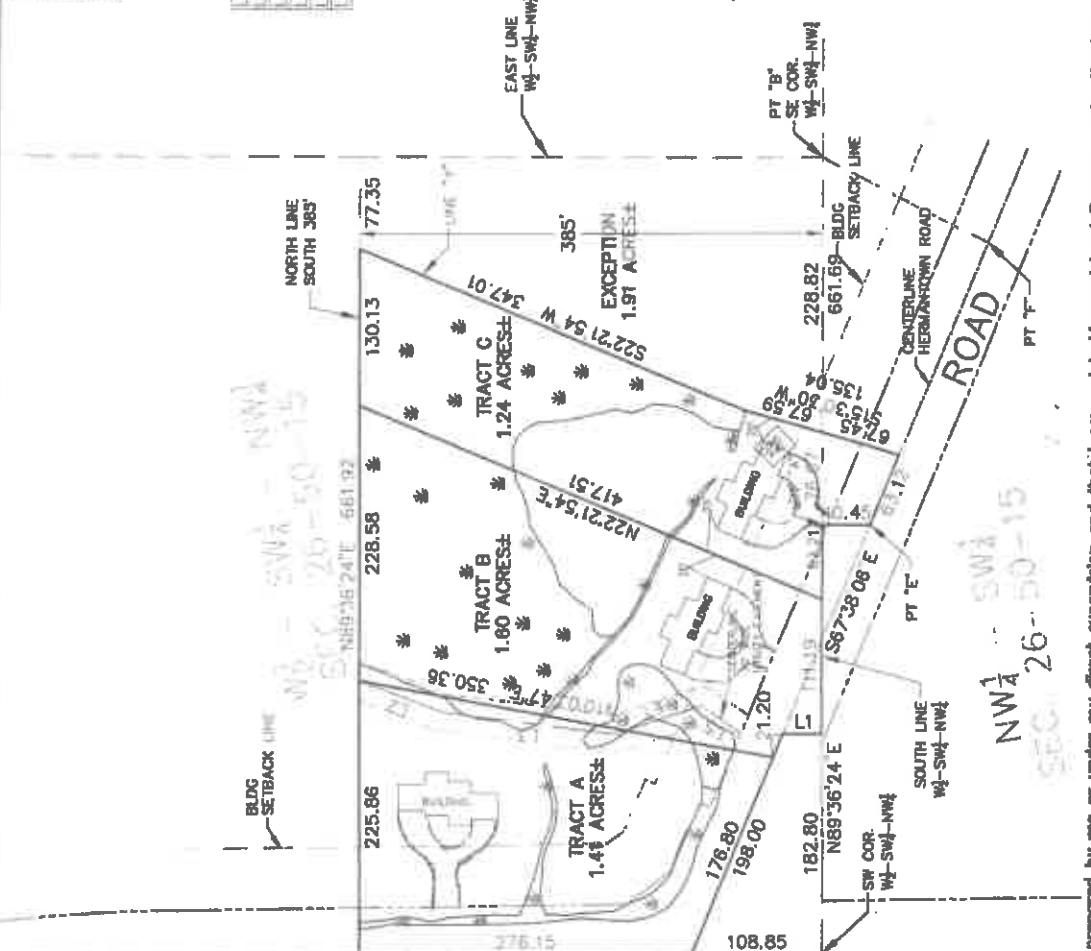
Location Map



STRAIGHTLINE SURVEYING, INC.

10 Ave SW, 200 Fds Bldg
 Duluth, MN 55806
 Telephone: (218) 465-4071
 Fax: (218) 465-4071
 E-Mail: straightline@straightline.com

LINE	BEARING	DISTANCE
1	S00°14'06" E	152.15
2	S19°54'43" W	75.18
3	S09°40'12" W	114.89
4	S18°02'30" E	174.91
5	S53°23'29" W	140.15



SURVEY FOR: KASKI INC. - STEVEN KASKI
 2321 WEST 1ST STREET
 DULUTH, MN 55806

SURVEY OF: SKETCH MAP OF THREE PROPOSED TRACTS LOCATED IN THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 26, TOWNSHIP 50, RANGE 15, ST. LOUIS COUNTY, MINNESOTA.

24 Entrance
 on each side



SCALE 1" = 100'
 50 25 0 50 100

- DENOTES FOUND IRON MONUMENT
- DENOTES 3" IRON REBAR MONUMENT SET AND CAPPED "ANDERSON 45498"
- X DENOTES 60d SPIKE SET
- ▲ DENOTES "MAG" NAIL SET
- ✱ DENOTES WETLAND AS DELINEATED BY WSP DULUTH

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Benjamin H. Anderson
 Benjamin H. Anderson

45498
 License No.

11-18-2020
 Date

2020-281
 Job No.

NONE
 Book No.



FRONT VIEW



REAR VIEW



PAGE TITLE



CADTH

JOB/PROJECT

SCALE

SHEET

P-1

5B. Variance Application for the creation of a second flag lot on a parcel located in the R-3, Residential zoning district

Applicant: Dustin and Holly Melin

Case No.: 2021-05-SUB-A VAR

Staff Contact: Eric Johnson, Community Development Director

Request: Request a creation of a second flag lot on a parcel located in the R-3 zoning district

RECOMMENDED ACTION:

Consideration of the Variance, subject to included findings of fact.

DESCRIPTION OF REQUEST:

Requested a creation of a second flag lot on a parcel located in the R-3 zoning district

SITE INFORMATION:

Parcel Size: 11.62 acres
Legal Access: Lavaque Road
Wetlands: Yes, per the national Wetland Inventory
Existing Zoning: R-3, Residential
Airport Overlay: None
Shoreland Overlay: None
Comprehensive Plan: Suburban

Development Details

The applicant has been marketing the subject property for single family lot construction for the past 3+ years. The parcel has approximately 770 linear feet either directly abutting Lavaque Road or adjacent to it. The curvature of Lavaque Road in this area of the City creates a scenario where the property on the west side of Lavaque Road (5127 Hermantown Road) has a triangular shaped portion of land on the east side of Lavaque Road. This results in the subject property having 61 feet of property directly abutting Lavaque Road. The City is supportive of utilizing this 61 foot portion of land for the location of two driveways, each on their own parcel which will serve the future residences.

The applicant has contacted the property owner of 5127 Hermantown Road to discuss the purchasing of this triangular piece of land, which would alleviate the need for two flag lots for frontage/access purposes. The property owner of 5127 Hermantown Road was not receptive to the purchase.

General Variance Requirements

Variance applications are considered by the Board of Appeals and can be appealed to the City Council by either an aggrieved applicant or by other citizens of the City who may be in opposition to the Board of Appeals action. In the case where an application for another action is requested, the variance may be reviewed and acted upon by the Planning and Zoning Commission.

A variance is requested from Chapter 10, Land Splits and Platting of the Hermantown Zoning Regulations. Subsection 1010.04.06 City Requirements states only one flag lot may be created from an existing/mother property.

Justification and Mitigation

1. (Justification) The applicant is proposing a second flag lot split in order to provide access to a second lot proposed for this property.
2. (Mitigation) By granting the second flag lot split, the applicant is able to subdivide the 11.62 acre property and provide legal access to each lot by way of the City's definition of a flag lot under Section 1010.04.4.

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 restricting one flag lot split per parcel was to prevent multiple lots being 'stacked' upon one another. The subject parcel has approximately 770 linear feet either directly abutting Lavaque Road or adjacent to it. This configuration prevents the 'stacking' of lots and allows for the subdivision of the property into two lots by providing legal access to each lot by way of the City's definition of a flag lot under Section 1010.04.4.
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 and protecting wetlands.
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 (single family residential) and intensity to other existing uses in the zoning district.

The adjacent property owner was contacted regarding a land purchase in order to rectify the issue, however they were not receptive to the purchase.
 - b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.

The curvature of Lavaque Road in this area of the City creates a scenario where the property on the west side of Lavaque Road (5127 Hermantown Road) has a triangular shaped portion of land on the east side of Lavaque Road. This results in the subject property having 61 feet of property directly abutting Lavaque Road. The granting of the variance will allow for the property to be split with both parcels having legal access by way of the City's definition of a flag lot under Section 1010.04.4.

- c. The variance, if granted will not alter the essential character of the locality.
The proposed use is similar in use (single family residential) and intensity to other existing uses in the zoning district.

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 creation of a second flag lot from an original parcel is approved.
2. The proposal meets the requirements of Section 515, "R-3, Residential" of the Hermantown Zoning Ordinance.
3. The proposal meets the requirements of Chapter 6, "Variances" of the Hermantown Zoning Ordinance.
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.

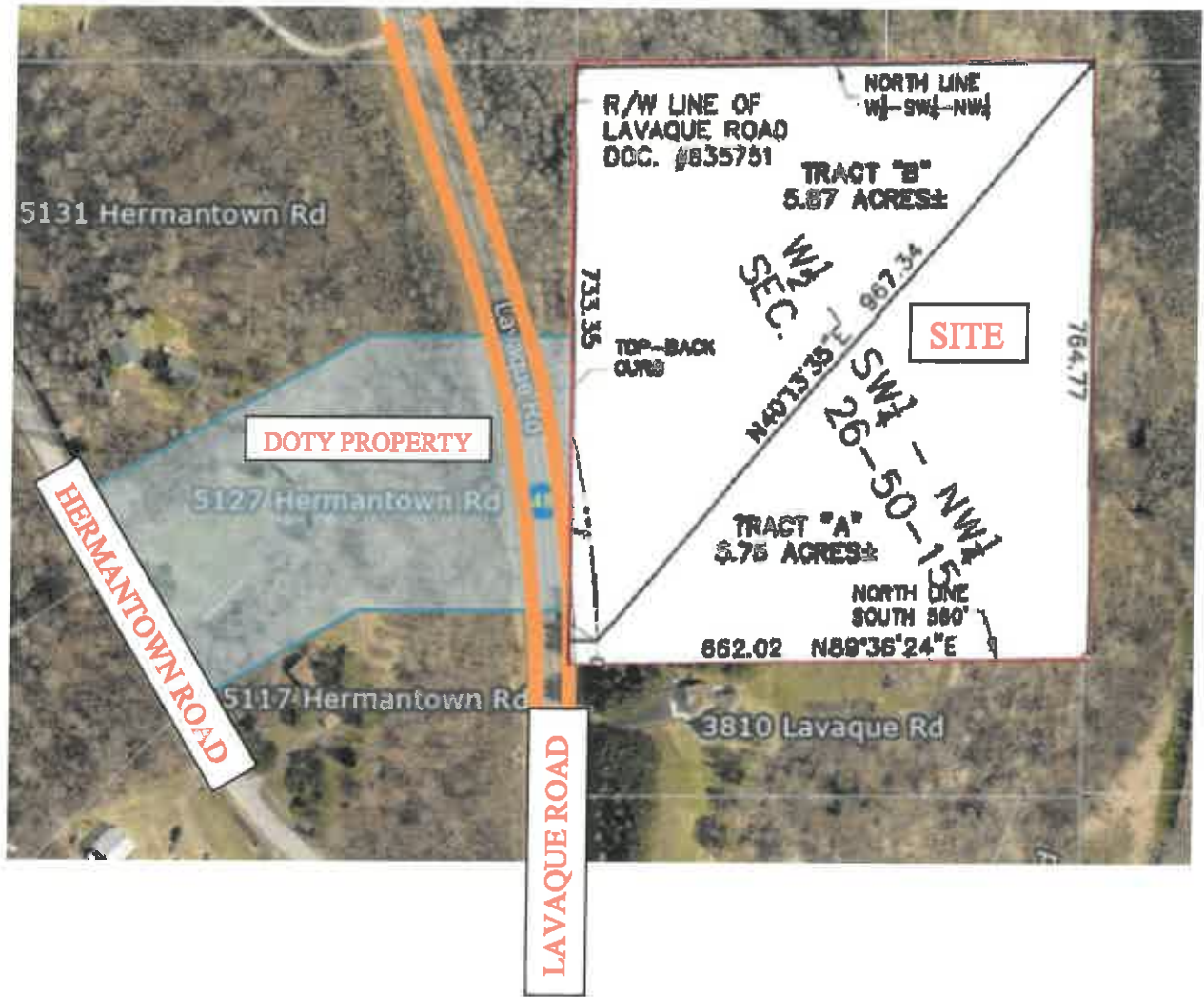
ATTACHMENTS:

- Location Map
- Proposed Site Plan
- Parcel Map

Location Map



Location Map



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

Applicant: Dustin and Holly Melin
Case No.: 2021-05-SUB-A VAR
Staff Contact: Eric Johnson, Community Development Director
Request: Subdivision of an R-3 zoned property to create two flag lots.

DESCRIPTION OF REQUEST:

The applicant is proposing to subdivide their existing 11.62 acre property at 38xx Lavaque Road, approximately 400 feet north of the Lavaque Road/Hermantown Road intersection.

The applicant proposes to create two new flag lots from the existing property. The creation of the second flag lot will require a variance and is being considered under a separate application. The applicant has approximately 61 feet which directly abuts Lavaque Road. Two flag lots with each having 30.5 feet along Lavaque Road are ultimately being requested. The proposed lot sizes for the two total parcels are:

Parcel A: 5.75 acres
Parcel B: 5.87 acres

The applicant intends to sell the two lots for the purpose of constructing a new single-family home on each parcel.

SITE INFORMATION:

Parcel Size: 11.62 acres
Legal Access: Lavaque Road
Wetlands: Yes, per the National Wetland Inventory
Existing Zoning: R-3, Residential
Minimum Lot Area: 1.0 acres (city services are not 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.

Access

The existing parcel has approximately 770 linear feet either directly abutting Lavaque Road or adjacent to it. The curvature of Lavaque Road in this area of the City creates a scenario where the property on the west side of Lavaque Road (5127 Hermantown Road) has a triangular shaped portion of land on the east side of Lavaque Road. This results in the subject property having 61 feet of property directly abutting Lavaque Road. The City is supportive of utilizing this 61 foot portion of land for the location of two driveways, each on their own parcel which will serve the future residences. Driveway permits for Lavaque Road are issued by St. Louis County.

Wetlands

The National Wetland Inventory shows the potential presence of wetlands on the property. A wetland delineation may be required in the future should a house or driveway be proposed within the areas of the indicated wetlands.

Utilities

There is an existing water line and sanitary sewer within the right of way of Hermantown Road. A future water and sanitary sewer extension is expected along Lavaque Road which would bring public services within 100 feet of the proposed parcels. There may be the opportunity to extend the City services to the north, however this is dependent upon the presence of rock as well as topography. Should the extension of services be unfeasible, each property would then be served by private well and septic systems which are permitted through St. Louis County.

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 lots exceed 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 lots are triangular in shape with both lots exceeding the 100 foot minimum lot width requirement.

3. **The pole portion of a flag lot shall not exceed 500 feet. The pole portion for each lot is less than 500 feet in length.**
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. Each pole is 30.5 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 areas without the "pole" 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 applicant is requesting a variance for the creation of a second flag lot.**
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 eastern portion of the parcel abuts a large wetland and land that is being marketed as individual single family lots.**
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 two flag lots of 5.75 acres and 5.87 acres contingent upon the granting of a variance for the creation of the second flag lot.**
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. **If the new flag lots are able 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**

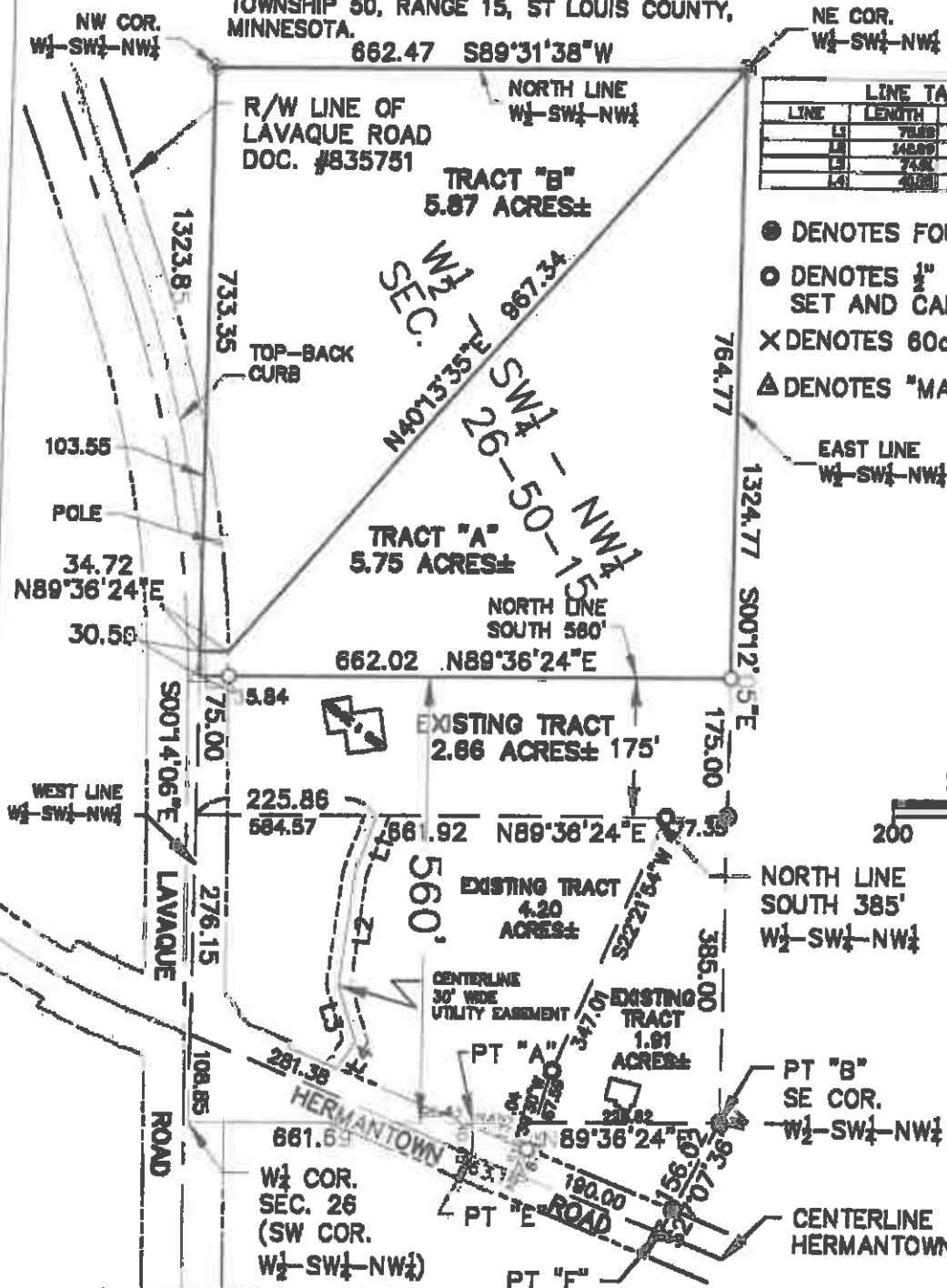
SURVEY FOR: DUSTIN MELIN
3810 LAVAQUE ROAD
HERMANTOWN, MN 55811

SURVEY OF: TWO NEW TRACTS OF LAND LOCATED IN THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 26, TOWNSHIP 50, RANGE 15, ST LOUIS COUNTY, MINNESOTA.

STRAIGHTLINE SURVEYING, INC.

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LINE TABLE		
LINE	LENGTH	BEARING
L1	78.88	S79°24'47"W
L2	142.89	S89°36'24"E
L3	74.88	S89°36'24"E
L4	40.88	S89°36'24"E

- DENOTES FOUND IRON MONUMENT
- DENOTES 1/2" IRON REBAR MONUMENT SET AND CAPPED "ANDERSON 45498"
- X DENOTES 60d SPIKE SET
- △ DENOTES "MAG" NAIL SET



I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Benjamin H. Anderson 45498 01-25-2021 2015-046XXX NONE
Benjamin H. Anderson License No. Date Job No. Book No.