



## **Hermantown Planning & Zoning Meeting – May 18, 2021**

Because of attendance limitations at the regular meeting location due to the health pandemic, Hermantown's May 18, 2021, Planning & Zoning Meeting will be conducted both remotely and with limited access to Council Chambers.

The meeting will utilize the platform "Zoom," which allows the public to view and/or hear the meeting from their phone or computer.

The 7:00 pm Planning & Zoning Meeting will be available at:

<https://us02web.zoom.us/j/85665331195?pwd=K2s5amwvbkJBSU52ZWdjemJDOXo0QT09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 856 6533 1195 and the passcode of 046359.

A few important tips regarding the Zoom platform:

- If your computer does not support audio, you can still watch the meeting on your computer and call in on your phone to hear the meeting
- It is a challenging situation for all of us, so grace and understanding are appreciated.

CITY OF HERMANTOWN  
PLANNING & ZONING COMMISSION

*Agenda*  
May 18, 2021  
7:00 PM

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
  - 3A. [April 20, 2021 regular meeting.](#)
4. **PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.
5. **PUBLIC HEARINGS**
  - 5A. An application by Kevin Middleton for a Subdivision to create a 190-foot-wide parcel of 2.0 acres and a 2.8 acre lot accessed by way of a flag lot of 30 foot width at 4012 Ugstad Road. The property is located in an R-3 zoning district.
6. **CONTINUING BUSINESS**
  - 6A. PUD Study discussion with ARDC
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  
April 20, 2021 Meeting Summary  
7:00 PM

**1. ROLL CALL**

Members Present: Joe Peterson; Valerie Ouellette; Samuel Clark; Beth Wentzlaff; and John Geissler

Members Absent: Corey Kolquist; Buckley Simmons; and Shannon Sweeney Jorgenson

Others Present: Eric Johnson, Community Development Director; Brad Johnson, 4958 Maple Grove Rd.; and Bob Saunders, 5279 W Arrowhead Rd.

**2. APPROVAL OF AGENDA**

Motion made by Beth Wentzlaff to approve the April 20, 2021 agenda as presented. Seconded by Samuel Clark. Motion carried.

**3. APPROVAL OF MINUTES**

Motion made by Beth Wentzlaff to approve the March 16, 2021 minutes as presented. Seconded by Valerie Ouellette. Motion carried.

**4. PUBLIC DISCUSSION**

None.

**5. PUBLIC HEARINGS**

5A. An application by Brad and Jackie Johnson for a Subdivision to create a 136-foot-wide parcel of 1.0 acres and a 4.03-acre lot accessed by way of a flag lot of 30-foot width at 5233 Maple Grove Road. The property is located in an R-3 zoning district.

Eric Johnson, Community Development Director, stated that the applicants, Brad and Jackie Johnson propose to create a new flag lot along the western border of the existing property. The property owners are proposing a 30 foot 'pole/driveway' connection to Maple Grove Road for a distance of 320 feet with the 'flag' portion of the lot being approximately 166' x 1010'.

The property owners intend to either construct a new single-family home on the new parcel or potentially sell the lot and then rent the existing home. The property owners have discussed this proposal with the City Utility Clerk as well as St. Louis County in order to verify that utilities are available and that a new driveway cut would be permitted.

The main issues discussed were utility easement, power lines easement, and driveway access to adjoining property.

Brad Johnson, the owner of the property, presented his intentions with the flag lot.

Motion made by Valerie Ouellette to approve the application by Brad and Jackie Johnson for a Subdivision to create a 136-foot-wide parcel of 1.0 acres and a 4.03-acre lot accessed by way of a flag lot of 30-foot width at 5233 Maple Grove Road. Seconded by Beth Wentzlaff. Motion carried.

5B. An application by Heather Hiner for a Subdivision to create a 120-foot-wide parcel of 0.52 acres and a 3.0-acre lot accessed by way of a flag lot of 30-foot width at 5273 Arrowhead Road. The property is located in an R-3 zoning district.

Eric presented the application of Heather and Greg Hiner who propose to create a new flag lot along the western border of the existing property. The property owners are proposing a 30 foot 'pole/driveway' connection to Arrowhead Road for a distance of 190 feet with the 'flag' portion of the lot being approximately 150' x 834'.

The property owners intend to either construct a new single-family home on the new parcel or potentially sell the lot. The property owners have discussed this proposal with the City Utility Clerk as well as St. Louis County in order to verify that utilities are available and that a new driveway cut would be permitted.

The main issues were availability of utilities, setbacks from the map prepared by LHB, and stormwater runoff.

Motion made by Beth Wentzlaff to approve the application by Heather Hiner for a Subdivision to create a 120-foot-wide parcel of 0.52 acres and a 3.0-acre lot accessed by way of a flag lot of 30-foot width at 5273 Arrowhead Road. Seconded by Valerie Ouellette. Motion carried.

## **6. CONTINUING BUSINESS**

6A. Update on the PUD Survey results and the status of the PUD study.

Eric presented the PUD review update prepared by Josh Bergstad and Justin Otsea of ARDC. Eric would like to hold another work session before the May 18, 2021 Planning & Zoning meeting as it is currently planned to be a public hearing.

One question asked was if there were any pending applicants. Eric stated that he has been in contact with a developer who has an interest in the process. Another was if there are any limitations on nonresidential uses combined with residential uses, either single family, multifamily, or both, with or without a change in density. According to Eric, the City is trying to get away from the specific language of apartment buildings, and instead looking at reviewing developments based on density and number of units per acre.

## **7. NEW BUSINESS**

7A. Airport Custom Zoning Discussion.

Eric discussed Custom Airport Zoning with the Commission. The first is Zone A, which is primarily the area right around the runways. The second is the B Zone, which restricts the size of a property, which is currently 2½ acre lot size, as well as a stipulation on how many people can reside or utilize a structure on a per acre basis (currently 15 people per acre). Lastly is the C Zone, which is the largest of the safety zones, and the only restriction with this zone is the height of structures. There are a few businesses located in the B Zone that have C Zone exceptions.

With the Custom Airport Zoning, it allows each community to set their own safety zones associated with the airport runways. JAZB (Joint Airport Zoning Board) has worked with the different communities surrounding the airport and would like to keep Runway 9 (runs east and west) at that status quo. The zones would be renamed Zone 1, Zone 2, and Zone 3. With the Custom Zoning, the existing B zone, off of Runway 3, would be eliminated. MNDOT (Minnesota Department of Transportation), reviewed the application and objected to it in its current state. JAZB representatives met with MNDOT to discuss further and it was MNDOT's recommendation that

an intermediate zone prohibiting new development with vulnerable populations be created between Zones 1 and 3 in both Hermantown and Rice Lake.

From staff review of the zoning ordinance, uses which could be construed as having vulnerable populations included childcare/daycare centers; churches or synagogues; residential care facilities; schools or hospitals.

Staff reviewed the existing B zone associated with runway 3 and identified 36 parcels, none of which appeared to include vulnerable populations at this time. This existing safety zone is trapezoidal in shape and runs from Highway 53 to Arrowhead Road and includes a portion of Stebner Road and extends approximately 1,500 feet to the west.

Staff also looked at the possibility of a new zoning district extending from the Arrowhead/Highway 53 intersection to the Lavaque Road/Highway 53 intersection and running 1,000 feet on both sides of Highway 53. Within this new zoning new district development with vulnerable populations would not be permitted.

Staff will continue to discuss this information with the City Council with the plan to update JAZB on the City's intentions at the May 6, 2021 JAZB meeting. Should the City choose to revise the zoning ordinance, the proposed language would come before the Planning and Zoning Commission for their input.

## **8. COMMUNICATIONS**

None.

## **9. COMMISSION MEMBER REPORTS**

Joe Peterson – None.

Corey Kolquist – Absent.

Valerie Ouellette – None.

Samuel Clark – None.

Shannon Sweeney Jorgenson – Absent.

Beth Wentzlaff – None.

Buckley Simmons – Absent.

John Geissler – The sewer line will be done and trail will be paved from Stebner Park to Hermantown Road. Another segment from Morris Thomas Road to Keene Creek Park will also be under construction shortly.

## **ADJOURN**

Motion made by Samuel Clark to adjourn the meeting. Seconded by Beth Wentzlaff. Meeting adjourned at 8:02 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. Subdivision Application to create a flag lot in an R-3 zoning district**

**Applicant:** Kevin Middleton  
**Case No.:** 2021-28-SUB  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Subdivision of an R-3 zoned property to create a flag lot.

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**DESCRIPTION OF REQUEST:**

The property owner owns a 4.83 acre property at 4012 Ugstad Road. The property has a lot dimension of 220' x 957'. A single family house and two accessory buildings are located on the property.

The property owner proposes to create a new flag lot along the southern border of the existing property. The property owner is proposing a 30 foot 'pole/driveway' connection to Ugstad Road for a distance of 467 feet with the 'flag' portion of the lot being approximately 220' x 490'. The proposed lot sizes for the two total parcels are:

Parcel A: 190' x 467' / 43,520 sf. or 2.03 acres  
Parcel B: 30' x 467' and 220' x 490' = 121,810 or 2.8 acres

The property owner intends to sell the newly created lot. The property owner has discussed this proposal with the City Utility Clerk as well as Public Works Director in order to verify that utilities are available and that a new driveway cut would be permitted.

**SITE INFORMATION:**

**Parcel Size:** 4.83 acres  
**Legal Access:** 4012 Ugstad Road  
**Wetlands:** Yes, 170' east of Ugstad Road – Will require future delineation  
**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. Flag lots require a public hearing by the Planning Commission and approval by the City Council.

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 water and sanitary sewer services. As part of the flag lot project, the property owner will need to complete the hook up new City services and pay the associated City and WLSSD connection/availability fees. The new flag lot will also be required to utilize City sanitary sewer and water services.

City wetland inventory maps indicate the presence of wetlands 170 feet east of Ugstad Road. Maps indicate that buildable upland areas exist to the east of this wetland. A wetland delineation and any impacts will need to be applied for prior to issuance of a building permit.

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/availability 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 220’ 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 467’ 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 30’ 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 2.47 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 # 395-0010-05931

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.** There are no plans for interior road extensions in this part of the City.
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 220' x 490' flag lot with a 30' by 467' 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 connection/availability 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

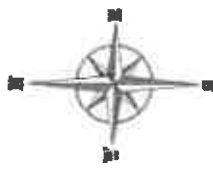
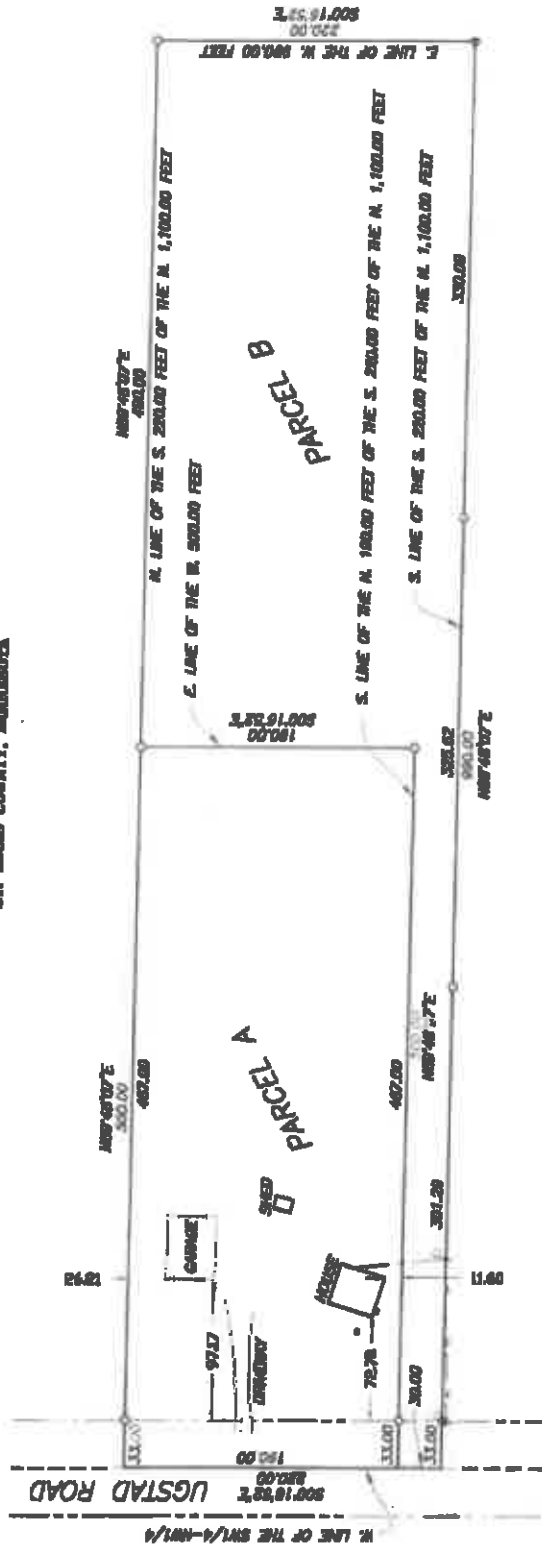


**Location Map**



# CERTIFICATE OF SURVEY

SECTION 22, TOWNSHIP 60 NORTH, RANGE 15 WEST  
ST. LOUIS COUNTY, MINNESOTA



- DEODORS FOUND FROM MEMORANDUM
- SET 1/2" IRON REBAR WITH P.L.S. CAP SQUARED TOPPED ABOVE
- ⊕ POWER POLE

**PROPOSED LEGAL DESCRIPTIONS:**

**PARCEL A:** 1900.00 feet of the South 2200.00 feet of the North 1,100.00 feet of the West 2200.00 feet of the Southwest Quarter of the Northwest Quarter of Section 22, Township 60 North, Range 15 West, St. Louis County, Minnesota.

Subject to the rights of the public in Upland Road. Subject to easements, reservations or restrictions of record, if any. Containing 2.15 acres, more or less.

**PARCEL B:**

The South 2200.00 feet of the North 1,100.00 feet of the West 2000.00 feet of the Southwest Quarter of the Northwest Quarter of Section 22, Township 60 North, Range 15 West, St. Louis County, Minnesota.

**EXCERPT:**

The North 1900.00 feet of the South 2200.00 feet of the North 1,100.00 feet of the West 2200.00 feet of the Southwest Quarter of the Northwest Quarter of Section 22, Township 60 North, Range 15 West, St. Louis County, Minnesota.

Subject to the rights of the public in Upland Road. Subject to easements, reservations or restrictions of record, if any. Containing 2.15 acres, more or less.



KEVIN MADOLETON  
 P.T. OF SW1/4-NW1/4  
 SEC22-T60N-R15W  
 ST. LOUIS COUNTY, MN

1/28/2021