



## **Hermantown Planning & Zoning Meeting – June 15, 2021**

Attendance at the Hermantown's June 15, 2021, Planning & Zoning Meeting may be attended in person and will also be conducted remotely, utilizing 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*  
June 15, 2021  
7:00 PM

**1. ROLL CALL**

**2. APPROVAL OF AGENDA**

**3. APPROVAL OF MINUTES**

3A. May 18, 2021 regular meeting.

**4. PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.

**5. PUBLIC HEARINGS**

5A. An application by Benjamin Tessier for a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone located at 543x Maple Grove Road. The property is located in a R-1, Residential zoning district.

5B. An application by Jay Zierden/Zierden Construction for a Preliminary Planned Unit Development for 8 lots of twinhomes (8 units total) and 21 single family lots for a total of 29 lots/units on a 33-acre site located at the northeast intersection of Morris Thomas Road and Okerstrom Road. The property is located in an R-3 zoning district.

5C. An application by Jay Zierden/Zierden Construction for a Preliminary Plat for 8 lots of twinhomes (8 units total) and 21 single family lots for a total of 29 lots/units on a 33-acre site located at the northeast intersection of Morris Thomas Road and Okerstrom Road. The property is located in an R-3 zoning district.

**6. CONTINUING BUSINESS**

**7. NEW BUSINESS**

7A. Presentation by the ARDC for the Planned Unit Development (PUD) Study

**8. COMMUNICATIONS**

21-79 Petition to Stop Proposed Access Road to New Development Between Okerstrom Road and Johnson Road, North of Morris Thomas Road.

**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  
May 18, 2021 Meeting Summary  
7:00 PM

**1. ROLL CALL**

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

Members Absent:

Others Present: Eric Johnson, Community Development Director; Josh Bergstad, ARDC; Justin Otsea, ARDC; and Amanda and Kevin Middleton, 4012 Ugstad Road

**2. APPROVAL OF AGENDA**

Motion made by Valerie Ouellette to approve the May 18, 2021 agenda as presented. Seconded by Buckley Simmons. Motion carried.

**3. APPROVAL OF MINUTES**

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

**4. PUBLIC DISCUSSION**

None.

**5. PUBLIC HEARING**

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.

Buckley Simmons asked about utility hook-ups and whether it could be well and septic.

Eric Johnson, Community Development Director said they will be public utilities.

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

**6. CONTINUING BUSINESS**

6A. PUD Study Discussion with ARDC

Josh Bergstad and Justin Otsea presented three documents outlining their research to date and information to promote discussion. The following items were discussed:

Submittal and review process; site specific standards vs. a rigid set of requirements; review of submittals by other agencies; the use of PUD's to promote different housing types and relationship of PUD's to the City's comprehensive plan.

**7. NEW BUSINESS**

None.

**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 Buckley Simmons to adjourn the meeting. Seconded by Corey Kolquist. Meeting adjourned at 8:52 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. 543x Maple Grove Road– Special Use Permit - Filling and Grading in a Shoreland Overlay Zone**

<b><u>Applicant:</u></b>	Ben Tessier
<b><u>Case No.:</u></b>	2021-33-SUP
<b><u>Staff Contact:</u></b>	Eric Johnson, Community Development Director
<b><u>Request:</u></b>	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 543x Maple Grove Road for the purposes of constructing a single family home and associated driveway.

**SITE INFORMATION:**

<b>Parcel Size:</b>	20 acres total
<b>Legal Access:</b>	543x Arrowhead Road
<b>Wetlands:</b>	Yes, delineation and impacts have been approved
<b>Existing Zoning:</b>	R-1, Residential
<b>Airport Overlay:</b>	None
<b>Shoreland Overlay:</b>	Natural Environment
<b>Comprehensive Plan:</b>	Residential

**Development Details**

The applicant purchased this property in the fall of 2020. There is a tributary to the Rocky Run Creek located on the western portion of the property. The applicant will not be crossing the tributary, however the natural environment shoreland area associated with the tributary requires a Special Use Permit. The applicant is proposing for a driveway located on the eastern portion of the property that would extend approximately 270 feet into the property in order to access upland area located on the property.

The driveway is located as to minimize the wetland impacts and will result in 6,275 square feet of impact. The proposed house footprint is outside of the shoreland area and is greater than 150' away from the Ordinary High Water Level (OHWL) which meets the structure setback requirements of a Natural Environment Shoreland area.

## Wetlands

This property was delineated in 2018 and received Technical Evaluation Panel (TEP) approval for the wetland impacts in May 2021. 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. The applicant has entered into an agreement to purchase the wetland credits associated with this work.

## 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-1 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-1 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 a tributary to the Rocky Run 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;

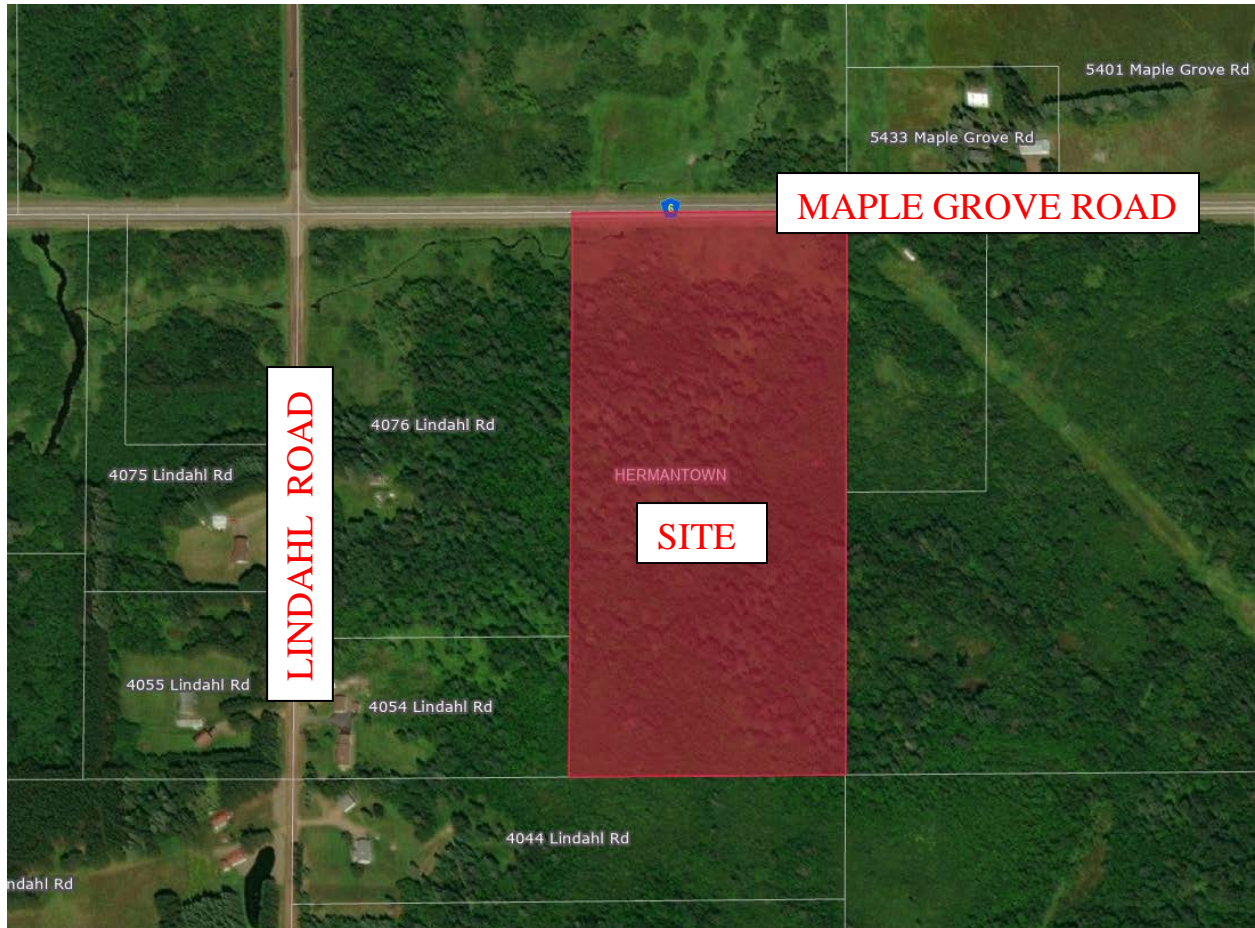
- h. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;
  - i. Adequate methods are employed for the preservation or establishment of local 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 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.

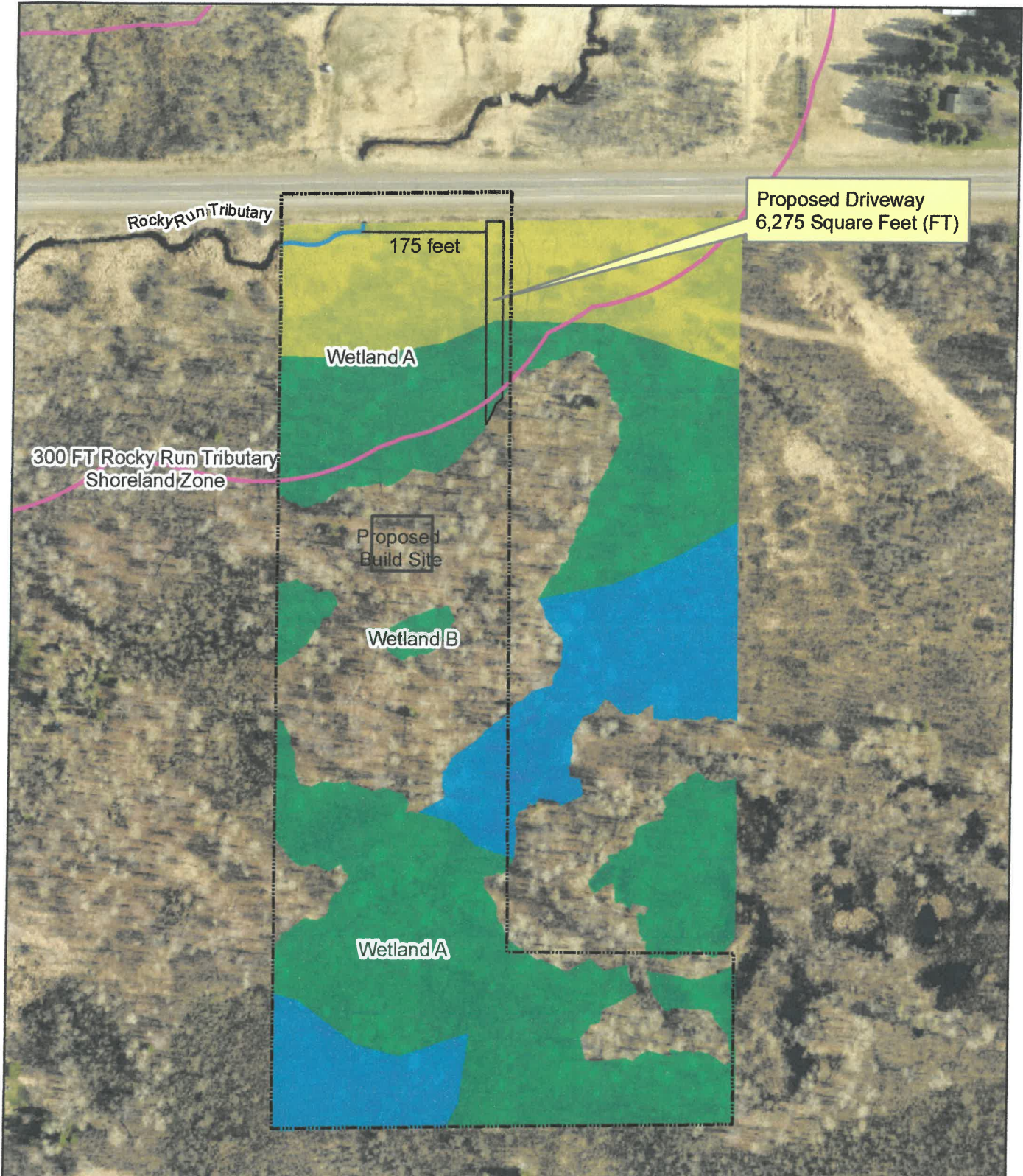
**ATTACHMENTS:**

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



## Location Map





Proposed Driveway  
6,275 Square Feet (FT)

175 feet

Wetland A

300 FT Rocky Run Tributary  
Shoreland Zone

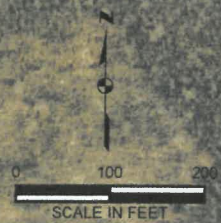
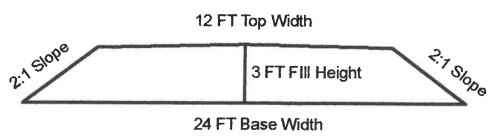
Proposed  
Build Site

Wetland B

Wetland A

- Parcel Boundary
- Blue Alder Thicket
- Green Black Ash Swamp
- Yellow-green Sedge Meadow

Driveway Cross Section

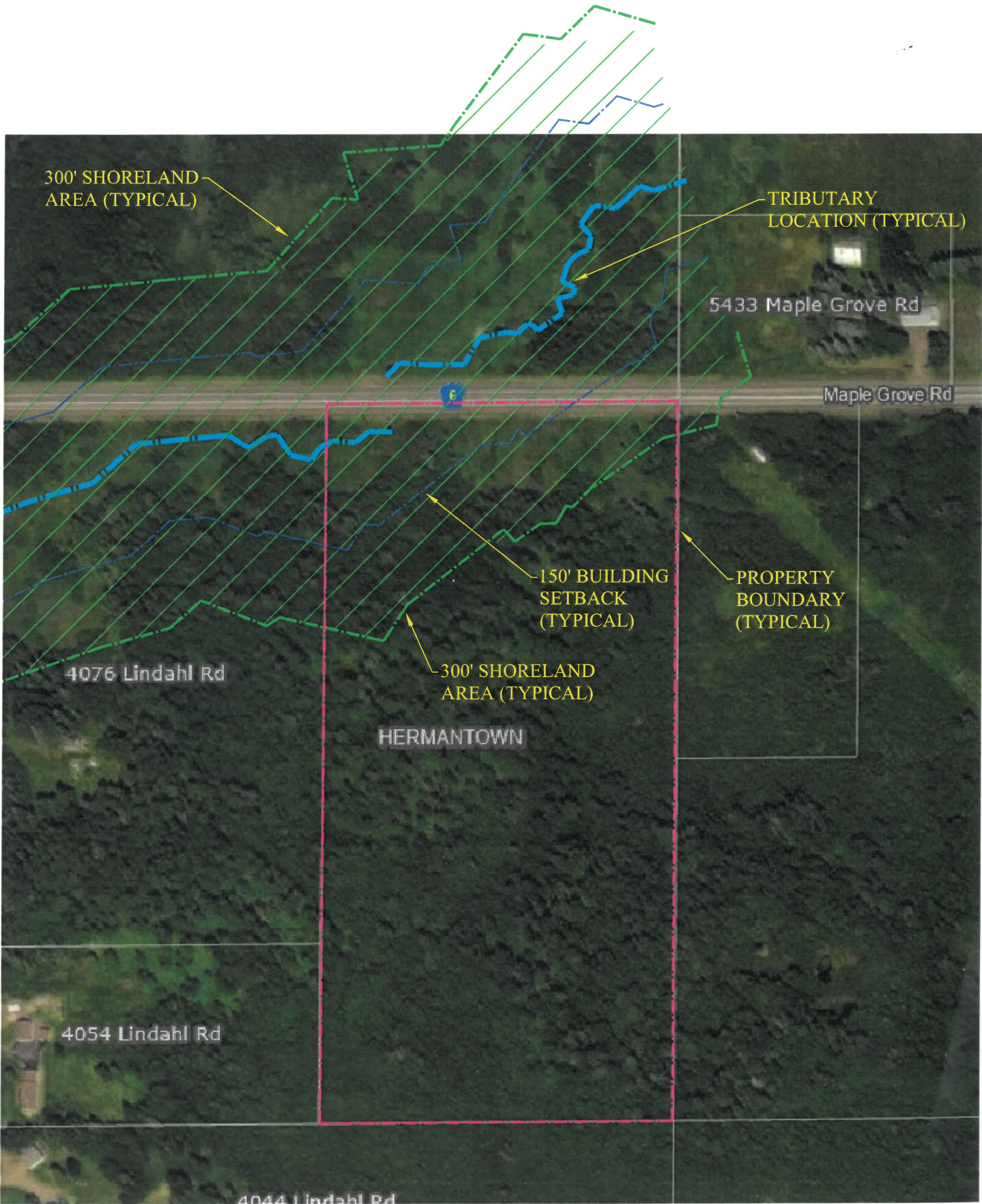


Drawn: 4/22/2021  
Service Layer Credits: 2019 St. Louis County Pictometry



TESSIER PROPERTY  
HERMANTOWN, MINNESOTA  
PREPARED FOR  
BEN TESSIER

FIGURE 1  
WETLAND PLANT COMMUNITIES  
AND PROPOSED DRIVEWAY  
APRIL, 2020



300' SHORELAND AREA (TYPICAL)

TRIBUTARY LOCATION (TYPICAL)

5433 Maple Grove Rd

Maple Grove Rd

6

150' BUILDING SETBACK (TYPICAL)

PROPERTY BOUNDARY (TYPICAL)

4076 Lindahl Rd

300' SHORELAND AREA (TYPICAL)

HERMANTOWN

4054 Lindahl Rd

4044 Lindahl Rd



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**5B. Keene Creek Trail Subdivision – Preliminary Planned Unit Development**

**Applicant:** Jay Zierden/Zierden Construction  
**Case No.:** 2020-41-PUD  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Approval of a Preliminary Planned Unit Development (PUD)

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**DESCRIPTION OF REQUEST:**

Applicant is requesting approval of a Preliminary Planned Unit Development (PUD) for construction of a 21 lot single family home and 8 twinhome lot (8 units total) for a total of 29 lots located in the NE intersection of Okerstrom Road and Morris Thomas Road. The property is located in an R-3 zoning district.

**SITE INFORMATION:**

**Parcel Size:** 36.5 acres  
**Legal Access:** Morris Thomas Road and Carlson Road (Future)  
**Wetlands:** Yes, delineation approved in 2020  
**Existing Zoning:** R-3, Residential  
**Airport Overlay:** None  
**Shoreland Overlay:** Natural Environment  
**Comprehensive Plan:** Suburban

**Development Details**

The applicant is proposing to construct 21 single family home lots and 8 twinhome lots (8 units total) for a total of 29 lots on an existing 33 acre lot. In addition, the applicant has requested the City enter into an agreement to swap the 2.5 acre Outlot A of the Valleyview Division Plat for the 12.6 acre outlot proposed as part of this plat. The proposed project will consist of 21 single family lots ranging in size from 16,400 square feet to 58,890 square feet. In addition, the applicant is proposing 8 twinhome lots ranging from 11,743 square feet to 20,605 square feet in size for the purpose of building 4 twinhomes, for a total of 8 units total.

**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. However, the applicant is pursuing preliminary and final approval under separate applications.

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 proposes a 12.6 acre outlot which consists of wetlands, Keene Creek and a future city trail.
- 1.2 Provision of a variety of housing and community types. – The project proposes single family lots of varying sizes along with twinhome lots to the community.
- 1.3 Provision of recreational amenities including trails and parks. – The Project proposes green space associated with the proposed outlot as part of the development. The Project has an interior sidewalk which connects to Morris Thomas Road and Carlson Road. In the future, the City is planning construction of the Munger Trail Spur trail segment which will connect the existing trail segments south of Morris Thomas Road, running to Keene Creek Park and the northern segment at Hermantown Road which connects to Stebner Park and the Hermantown Marketplace.

### **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.

The purpose of the PUD request is to allow for the creation of 8 twinhome lots and for 17 of the proposed 21 single family lots to be less than ½ acre (21,780 square feet) in size.

### 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 21 lot single family home and 8 twinhome lot (8 units total) for a total of 29 lots. The single family lots meet the underlying front and rear yard setback requirements of the R-3 zoning district. The applicant is proposing a minimum 10’ foot side yard setback, 20’ aggregate total as opposed to the 25’ aggregate total associated with the R-3 district. The PUD allows for the setting of site specific setbacks.

The twinhome lots propose a 50’ front yard setback, a 40’ rear yard setback and a minimum 10’ foot side yard setback (20’ aggregate total). The twinhomes are located within the interior of the site and do not abut any existing single family homes.

### Plat

The applicant is proposing to divide the property into 29 lots. A preliminary plat has been provided as part of the application. A final plat prepared by a registered land surveyor will be required for the project.

### Utilities

The applicant has engaged a civil engineer to conduct this work with preliminary documents being submitted as part of the application. The work submitted include grading plans along with water and sanitary sewer plans.

The project proposes the extension of a sanitary sewer line from Morris Thomas Road which generally parallels Keene Creek and progressing to the north and east to provide sanitary sewer service to each lot.

The water main extension will connect from Morris Thomas Road running to the north and east and connect into the existing water main in Johnson Road. This design will provide a looped water system for the proposed development.

Upon submittal of the Final PUD the applicant will be required to submit construction documents for review and approval by the City Engineer. Upon City acceptance, all utilities will be turned over to the City of Hermantown.

### Stormwater

The applicant is proposing a series of six ponds located throughout the site to accommodate the stormwater associated with the project. The applicant has engaged a civil engineer to conduct this work with preliminary documents being submitted as part of the application. Upon submittal of the Final PUD the applicant will be required to submit 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.

The stormwater ponds are within the proposed outlot for the plat and will be turned over to the City upon completion and acceptance by the City Engineer.

### Access

The project is proposed to be accessed by way of a thru road connecting Morris Thomas Road to Johnson Road. As part of the Valleyview Division plat, a 66' road right of way was platted as Carlson Road. This road had been envisioned to provide access to the property located to the west of Johnson Road. This road would be a public, 28 foot wide asphalt roadway with curb and gutter with a 5' foot width sidewalk along one side of the road.

The City is requiring the applicant to construct a thru road connecting Morris Thomas to Johnson Road. A thru road is beneficial from a life/safety standpoint as it provides two means of ingress and egress to a development for police and fire access. The City's goal is to ensure that adequate roads, sewer, water, fire and police protection are in place or provided for before the final preliminary plat is approved.

The applicant will be fully responsible to design and construct the proposed roads within the project to City standards. Upon completion and inspection by the City Engineer, the City will accept the road and maintain it from after time of acceptance.

### Land Swap

As part of the 1995 Valleyview Division plat, the City created an outlot which was accessed by way of a 66' road right of way platted as Carlson Road. This outlot had been envisioned as future development of the original plat. This 2.5 acre outlot abuts the proposed property and by its inclusion in the project allows for its development and access by way of Carlson Road.

The City has discussed a land swap with the applicant, with the applicant making a formal request for the City's Valleyview Division Outlot. The proposed land swap encompasses the 12.6 acre proposed plat outlot for the City's 2.5 acre Valleyview Division Outlot. This land swap accomplishes multiple goals: the protection of Keene Creek; the protection of wetlands; the location of stormwater ponds; available land for the City's planned segment connection of the Munger Trail Spur; two points of ingress/egress for the proposed development and development of an existing outlot for residential housing.

City staff will continue to work with the applicant on the details associated with this proposed land swap.

### Wetlands

A wetland delineation was performed in the fall of 2020. The plan envisions wetland impacts associated with the road construction and potentially 2-4 lots in order to accommodate a building footprint. The applicant will be required to submit a wetland impact plan to the Hermantown Technical Evaluation Panel for their review and approval.

The MN DNR has also identified a potential tributary to Keene Creek that runs from east to west along the south portion of the property and generally parallels Morris Thomas Road. This classification of this unmapped water conveyance by the DNR as a tributary is still being discussed with the DNR. The applicant will be required to obtain all necessary permits from the DNR should this water conveyance be classified as a tributary.

### 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 final PUD approval. Bedroom fees at the rate of \$150/bedroom will be paid at the time of building permit.

### **Summary**

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

1. The preliminary 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 preliminary PUD 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 variety in the community.
3. The preliminary PUD hereby approved is hereby expressly subject to the following conditions:

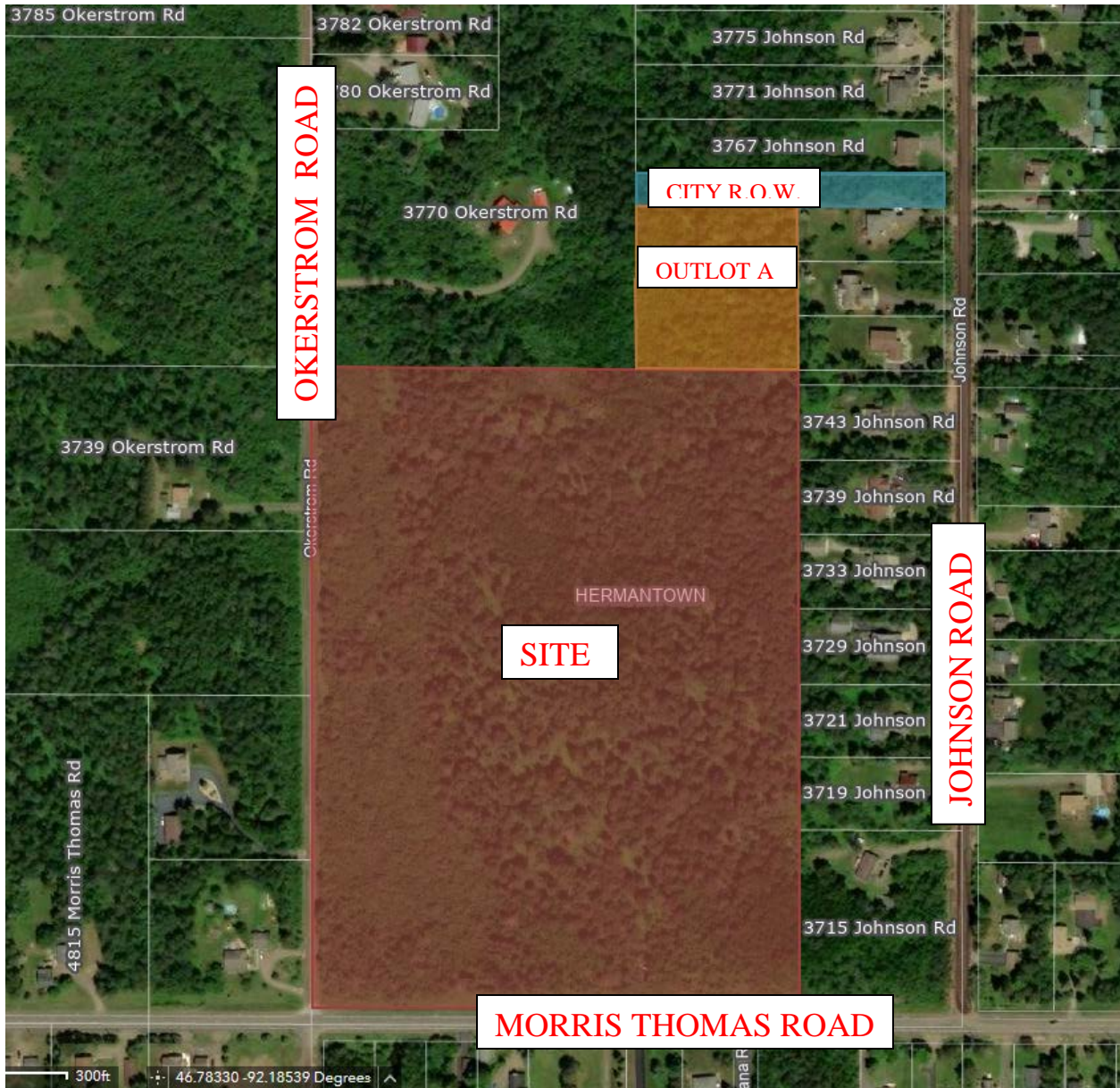
- 3.1 Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
- 3.2 Trees and brush cannot be burned on the Land, but may be chipped and shredded.
- 3.3 An MPCA Stormwater Permit and erosion control measures must be in place prior to any construction on the Final PUD.
- 3.4 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 entity that owns the utility.
- 3.5 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.
- 3.6 The Applicant will have one year from the date of the preliminary PUD approval to file for a final PUD.
- 3.7 The Applicant is required to submit final construction documents (water, storm sewer, sanitary sewer, drives, parking lots etc.) according to City standards and coordinated with the City Engineer as part of the Final PUD application.
4. 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.
5. The applicant shall sign a consent form assenting to all conditions of this approval.
6. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

**ATTACHMENTS:**

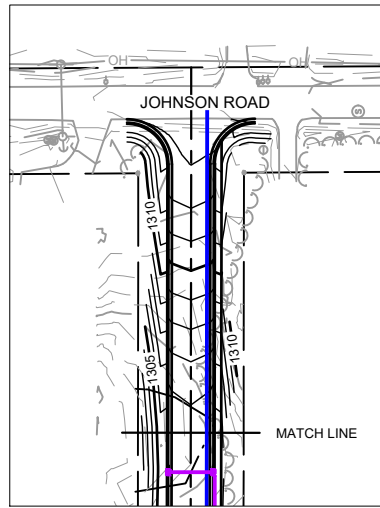
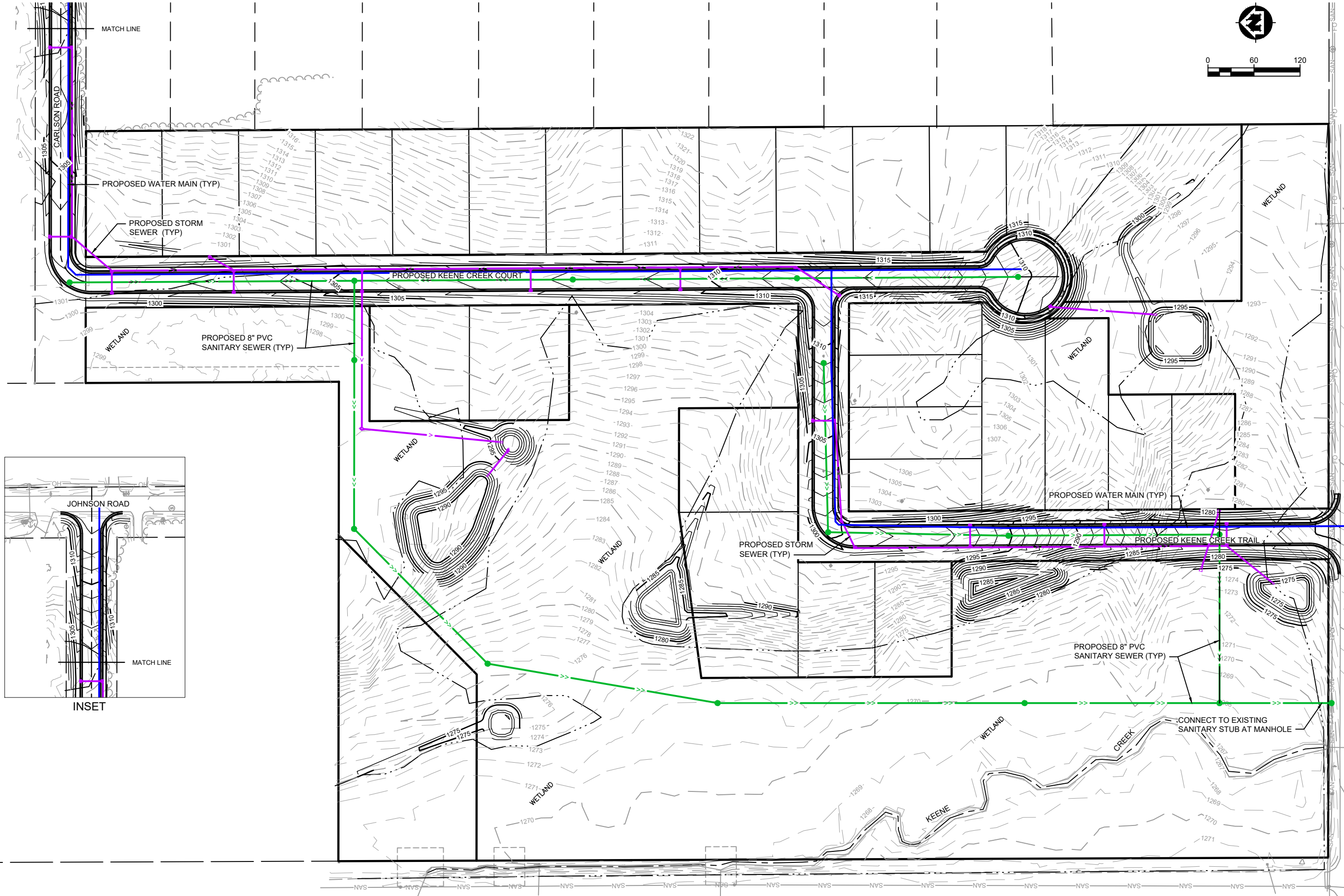
- Location Map
- Preliminary Site Plan
- Preliminary Plat
- Valleyview Division Plat
- Proposed Twinhome Building Example



# Location Map



SEE INSET FOR CONTINUATION



PROJECT DATE:	DRAWN BY:	NO.	DATE	REVISION	BY
5/20/2021	JAS				
	DESIGNED BY:	Init			
	CHECKED BY:	Init			

**PRELIMINARY**

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: \_\_\_\_\_  
 REGNO: \_\_\_\_\_  
 License No. \_\_\_\_\_  
**MSA**  
 ENGINEERING | ARCHITECTURE | SURVEYING  
 FUNDING | PLANNING | ENVIRONMENTAL  
 332 W Superior Street, Duluth MN 55802  
 (218) 722-3915 www.msa-ps.com  
 © MSA Professional Services, Inc.

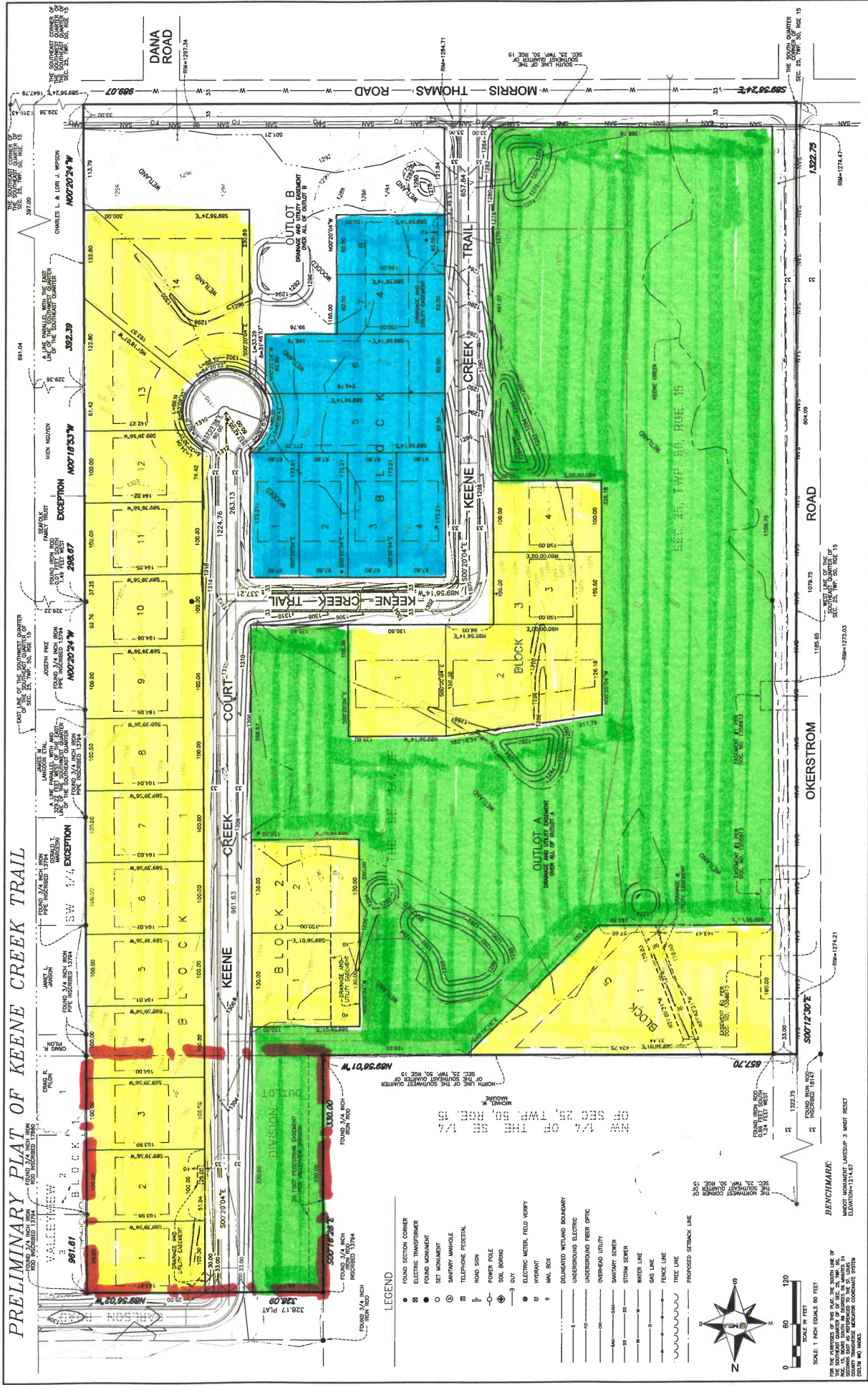
**KEENE CREEK TRAIL SUBDIVISION**  
**DARREN WEETS**  
 CITY OF HERMANTOWN

**OVERALL SITE PLAN**

PROJECT NO.  
**14491004**  
 SHEET  
**G**

**OUTLOT A - VALLEVIEW DIVISION = SINGLE FAMILY LOT**

**OUTLOT B - TRIVIA DIVISION = TWINHOME LOT**



**BENCHMARK**

1019.75  
118.55  
1273.03  
1322.75

**BENCHMARK**  
MADOT MONUMENT LAKESUP 3, MADOT RESET  
ELEVATION=1214.67

PROJECT DATE	DATE	ISS.	NO.
THURSDAY, MAY 25, 2017 12:25:08 PM			

**FOR THE PURPOSES OF THIS PLAT, THE BOUNDARY LINE OF THE SECTION CORNER IS ASSUMED TO BE THE BOUNDARY LINE OF THE SECTION CORNER. THE SURVEYOR HAS MADE A VISUAL INSPECTION OF THE BOUNDARY LINE OF THE SECTION CORNER AND HAS FOUND IT TO BE THE BOUNDARY LINE OF THE SECTION CORNER. THE SURVEYOR HAS MADE A VISUAL INSPECTION OF THE BOUNDARY LINE OF THE SECTION CORNER AND HAS FOUND IT TO BE THE BOUNDARY LINE OF THE SECTION CORNER. THE SURVEYOR HAS MADE A VISUAL INSPECTION OF THE BOUNDARY LINE OF THE SECTION CORNER AND HAS FOUND IT TO BE THE BOUNDARY LINE OF THE SECTION CORNER.**

PROBES DATE	THURSDAY, MAY 25, 2017 12:25:08 PM	DESIGNED BY	ES	DATE	NO.
CHECKED BY	ES	ES			

**UTILITY DISCLAIMER**  
THE SURVEYOR HAS MADE A VISUAL INSPECTION OF THE BOUNDARY LINE OF THE SECTION CORNER AND HAS FOUND IT TO BE THE BOUNDARY LINE OF THE SECTION CORNER. THE SURVEYOR HAS MADE A VISUAL INSPECTION OF THE BOUNDARY LINE OF THE SECTION CORNER AND HAS FOUND IT TO BE THE BOUNDARY LINE OF THE SECTION CORNER. THE SURVEYOR HAS MADE A VISUAL INSPECTION OF THE BOUNDARY LINE OF THE SECTION CORNER AND HAS FOUND IT TO BE THE BOUNDARY LINE OF THE SECTION CORNER.

**MSA**  
ENGINEERING ARCHITECTURE SURVEYING  
PLANNING LANDSCAPE DESIGN  
2187 722 9353 www.msa-ia.com

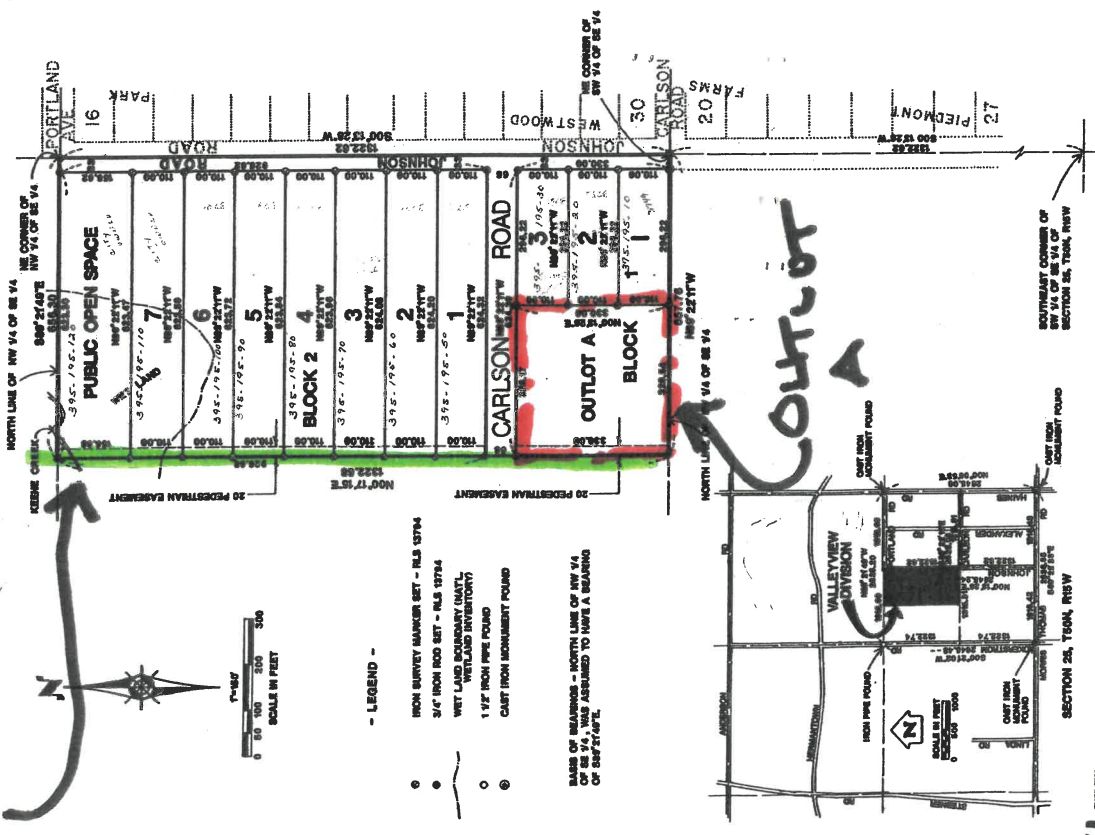
**KEENE CREEK TRAIL**  
CITY OF HERMANTOWN  
ST. LOUIS COUNTY, MN

**PRELIMINARY PLAT**

PROJECT NO. 14491004  
SHEET 2 OF 2

**PLAT OF  
VALLEYVIEW DIVISION**  
LOCATED IN THE E 1/2 OF NW 1/4 OF SE 1/4,  
SECTION 25, T.50N, R.15W,  
OF THE FOURTH PRINCIPAL MERIDIAN

**EXISTING TRAIL  
EASEMENT**



595561  
City of St. Louis  
Valleyview Division  
St. Louis County, Missouri

City of St. Louis  
Valleyview Division  
St. Louis County, Missouri

KNOW ALL MEN BY THESE PRESENTS: That City of Hermantown, a Municipal Corporation, owner and proprietor of the following described property situated in the City of Hermantown, County of St. Louis, State of Minnesota, to wit:  
SECTION Twenty-five (25), TOWNSHIP FIFTY (50) North of RANGE Fifteen West of the Fourth Principal Meridian, according to the United States Government Survey thereof:  
Containing 19.94 acres of land, more or less, except all minerals.

Have caused the same to be surveyed and plotted as VALLEYVIEW DIVISION and do hereby donate and dedicate to the public the same for the thoroughfares and also dedicating the easements as shown on this plat for pedestrian purposes only.

IN WITNESS WHEREOF we have hereunto set our hands this 17th day of March, 1985.

Owner  
City of Hermantown  
STATE OF MINNESOTA )  
COUNTY OF ST. LOUIS )

The foregoing instrument was acknowledged before me this 17th day of March, 1985 by Daniel J. Hagan and Walter A. Jantz of the City of Hermantown, a Municipal Corporation, on behalf of the corporation.

[Signature]  
Notary Public, St. Louis County, MN  
My Commission Expires 4/30/87

I hereby certify that I have surveyed and plotted the property described on this plat as VALLEYVIEW DIVISION, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in BLS 350.0300, L.S. or public highways to be designated other than as shown.

[Signature]  
Dale L. Berman, Land Surveyor  
Minnesota License No. 13794

STATE OF MINNESOTA )  
COUNTY OF ST. LOUIS )  
The foregoing Surveyor's Certificate was acknowledged before me this 17th day of March, 1985 by Dale L. Berman, MN License No. 13794.

[Signature]  
Notary Public, St. Louis County, MN  
My Commission Expires 4/30/87

We do hereby certify that on the 17th day of March, 1985, the City Council of Hermantown, Minnesota, approved this plat.

[Signature]  
Mayor, City of Hermantown

I hereby certify that this plat has been checked and approved this 16th day of March, 1985.

[Signature]  
St. Louis County Surveyor

Section 25

All Taxes Paid  
March 21, 1985  
Gordon D. McFaul  
St. Louis County Auditor  
By [Signature] Deputy

Plat 195

375-195

**Twinhome Example**



---

**5C. Keene Creek Trail Subdivision – Preliminary Plat**

<b><u>Applicant:</u></b>	Jay Zierden/Zierden Construction
<b><u>Case No.:</u></b>	2020-41-SUB-P
<b><u>Staff Contact:</u></b>	Eric Johnson, Community Development Director
<b><u>Request:</u></b>	Approval of a Preliminary Plat

---

**DESCRIPTION OF REQUEST:**

Applicant is requesting approval of a Preliminary Plat for construction of a 21 lot single family home and 8 twinhome lot (8 units total) for a total of 29 lots located in the NE intersection of Okerstrom Road and Morris Thomas Road. The property is located in an R-3 zoning district.

**SITE INFORMATION:**

<b>Parcel Size:</b>	36.5 acres
<b>Legal Access:</b>	Morris Thomas Road and Carlson Road (Future)
<b>Wetlands:</b>	Yes, delineation approved in 2020
<b>Existing Zoning:</b>	R-3, Residential
<b>Airport Overlay:</b>	None
<b>Shoreland Overlay:</b>	Natural Environment
<b>Comprehensive Plan:</b>	Suburban

**Development Details**

The applicant is proposing to construct 21 single family home lots and 8 twinhome lots (8 units total) for a total of 29 lots on an existing 33 acre lot. In addition, the applicant has requested the City enter into an agreement to swap the 2.5 acre Outlot A of the Valleyview Division Plat for the 12.6 acre outlot proposed as part of this plat. The proposed project will consist of 21 single family lots ranging in size from 16,400 square feet to 58,890 square feet. In addition, the applicant is proposing 8 twinhome lots ranging from 11,743 square feet to 20,605 square feet in size for the purpose of building 4 twinhomes, for a total of 8 units total.

**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.

The purpose of the PUD request is to allow for the creation of 8 twinhome lots and for 17 of the proposed 21 single family lots to be less than ½ acre (21,780 square feet) in size.

### 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 21 lot single family home and 8 twinhome lot (8 units total) for a total of 29 lots. The single family lots meet the underlying front and rear yard setback requirements of the R-3 zoning district. The applicant is proposing a minimum 10' foot side yard setback, 20' aggregate total as opposed to the 25' aggregate total associated with the R-3 district. The PUD allows for the setting of site specific setbacks.

The twinhome lots propose a 50' front yard setback, a 40' rear yard setback and a minimum 10' foot side yard setback (20' aggregate total). The twinhomes are located within the interior of the site and do not abut any existing single family homes.

### Plat

The applicant is proposing to divide the property into 29 lots. A preliminary plat has been provided as part of the application. A final plat prepared by a registered land surveyor will be required for the project.

### Utilities

The applicant has engaged a civil engineer to conduct this work with preliminary documents being submitted as part of the application. The work submitted include grading plans along with water and sanitary sewer plans.

The project proposes the extension of a sanitary sewer line from Morris Thomas Road which generally parallels Keene Creek and progressing to the north and east to provide sanitary sewer service to each lot.

The water main extension will connect from Morris Thomas Road running to the north and east and connect into the existing water main in Johnson Road. This design will provide a looped water system for the proposed development.

Upon submittal of the Final PUD the applicant will be required to submit construction documents for review and approval by the City Engineer. Upon City acceptance, all utilities will be turned over to the City of Hermantown.

### Stormwater

The applicant is proposing a series of six ponds located throughout the site to accommodate the stormwater associated with the project. The applicant has engaged a civil engineer to conduct this work with preliminary documents being submitted as part of the application. Upon submittal of the Final PUD the applicant will be required to submit 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.

The stormwater ponds are within the proposed outlot for the plat and will be turned over to the City upon completion and acceptance by the City Engineer.

### Access

The project is proposed to be accessed by way of a thru road connecting Morris Thomas Road to Johnson Road. As part of the Valleyview Division plat, a 66' road right of way was platted as Carlson Road. This

road had been envisioned to provide access to the property located to the west of Johnson Road. This road would be a public, 28 foot wide asphalt roadway with curb and gutter with a 5' foot width sidewalk along one side of the road.

The City is requiring the applicant to construct a thru road connecting Morris Thomas to Johnson Road. A thru road is beneficial from a life/safety standpoint as it provides two means of ingress and egress to a development for police and fire access. The City's goal is to ensure that adequate roads, sewer, water, fire and police protection are in place or provided for before the final preliminary plat is approved.

The applicant will be fully responsible to design and construct the proposed roads within the project to City standards. Upon completion and inspection by the City Engineer, the City will accept the road and maintain it from after time of acceptance.

#### Land Swap

As part of the 1995 Valleyview Division plat, the City created an outlot which was accessed by way of a 66' road right of way platted as Carlson Road. This outlot had been envisioned as future development of the original plat. This 2.5 acre outlot abuts the proposed property and by its inclusion in the project allows for its development and access by way of Carlson Road.

The City has discussed a land swap with the applicant, with the applicant making a formal request for the City's Valleyview Division Outlot. The proposed land swap encompasses the 12.6 acre proposed plat outlot for the City's 2.5 acre Valleyview Division Outlot. This land swap accomplishes multiple goals: the protection of Keene Creek; the protection of wetlands; the location of stormwater ponds; available land for the City's planned segment connection of the Munger Trail Spur; two points of ingress/egress for the proposed development and development of an existing outlot for residential housing.

City staff will continue to work with the applicant on the details associated with this proposed land swap.

#### Wetlands

A wetland delineation was performed in the fall of 2020. The plan envisions wetland impacts associated with the road construction and potentially 2-4 lots in order to accommodate a building footprint. The applicant will be required to submit a wetland impact plan to the Hermantown Technical Evaluation Panel for their review and approval.

The MN DNR has also identified a potential tributary to Keene Creek that runs from east to west along the south portion of the property and generally parallels Morris Thomas Road. This classification of this unmapped water conveyance by the DNR as a tributary is still being discussed with the DNR. The applicant will be required to obtain all necessary permits from the DNR should this water conveyance be classified as a tributary.

#### Park Dedication Fees

The applicant 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 final PUD/Plat approval. Bedroom fees at the rate of \$150/bedroom will be paid at the time of building permit.

#### **Summary**

Staff recommends approval of the Preliminary Plat based on the following findings and conditions:

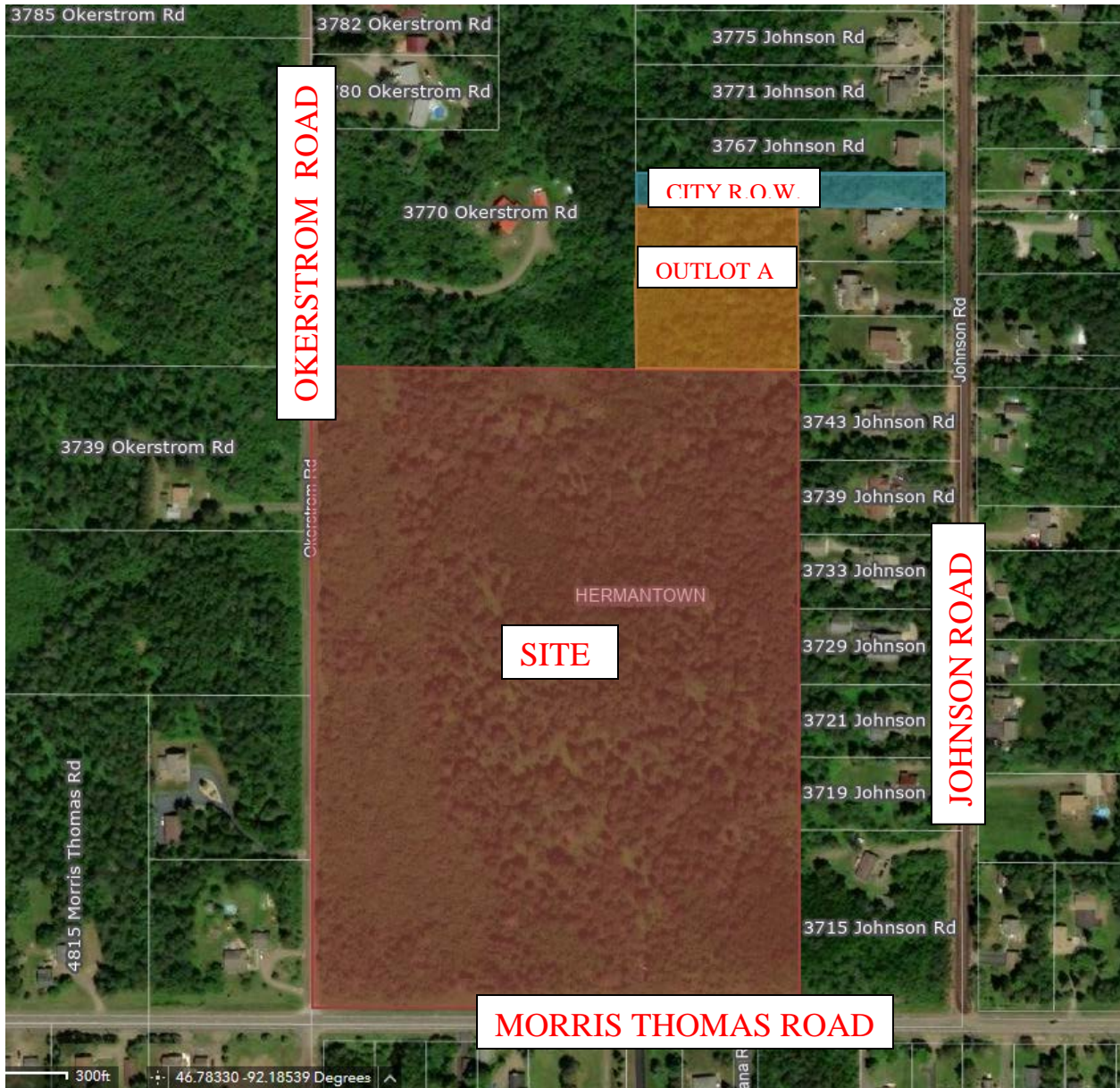


1. The proposed preliminary plat meets the intent of the R-3, Residential Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The preliminary plat is in accordance with and conformity to the Hermantown Comprehensive Plan and Hermantown Zoning Ordinance.
3. The applicant will have one year from the date of the preliminary Plat approval to file for a Final Plat.
4. The lots will be served by public water and sewer which will be constructed by the applicant. The new water and sewer main will be constructed by the applicant, reviewed and approved by the City Engineer then turned over to the City.
5. The applicant will be required to enter into an agreement with the City in order to obtain Outlot A of the Valleyview Division for the purpose of utilizing the outlot as part of the Keene Creek Trail Subdivision project.
6. The applicant will be required to deed to the City the outlot and subsequent stormwater ponds within to the City.
7. The Applicant 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 final PUD/Plat approval. The applicant/builder will be responsible for the \$150/bedroom park dedication at the time of 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.

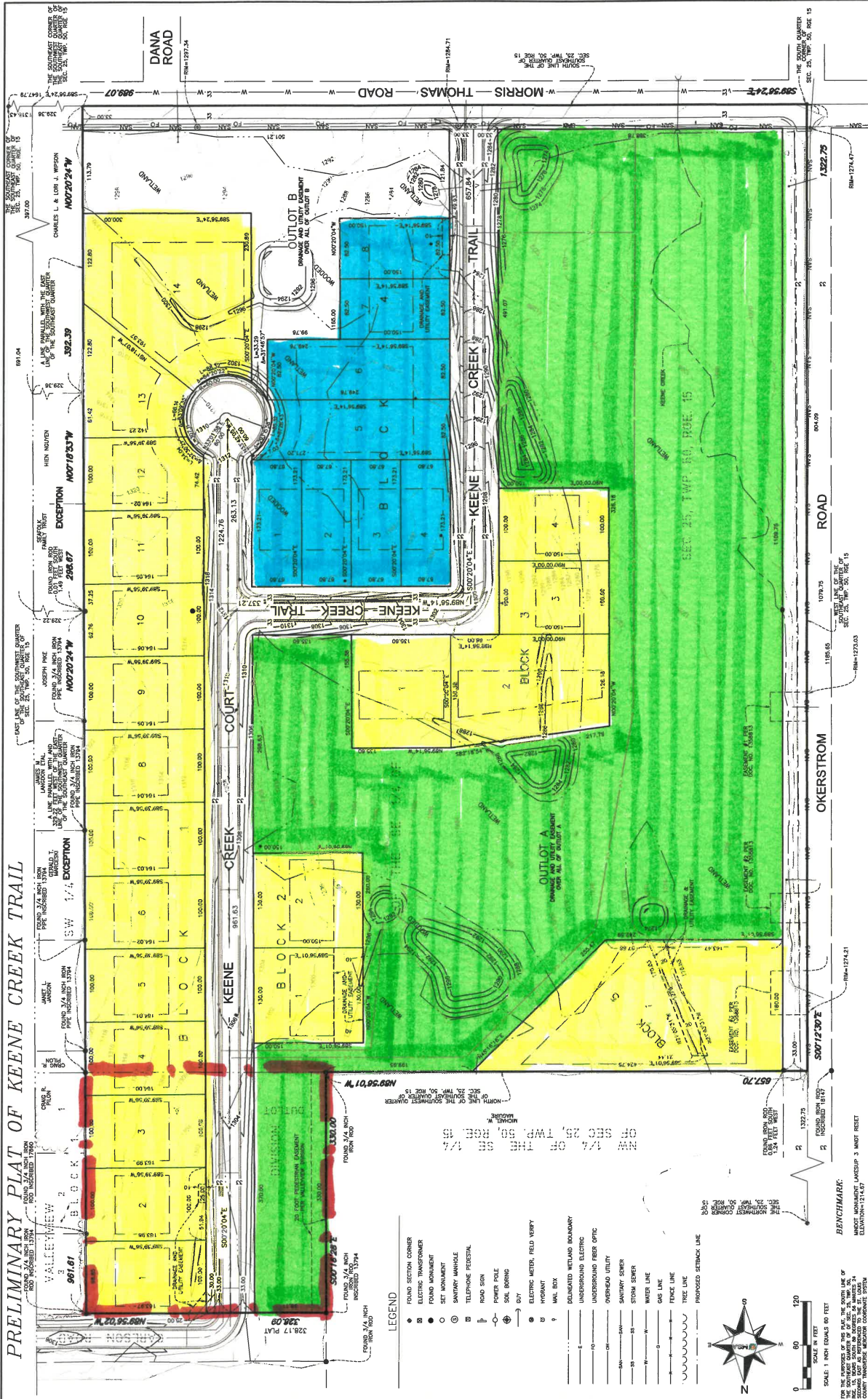
**ATTACHMENTS:**

- Location Map
- Preliminary Plat
- Valleyview Division Plat

# Location Map



■ = OUTLOT A - VALLEVIEW DIVISION  
■ = SINGLE FAMILY LOT  
■ = TWINHOME LOT



**PRELIMINARY PLAT OF KEENE CREEK TRAIL**

**LEGEND**

- FOUND SECTION CORNER
- ⊕ ELECTRIC TRANSFORMER
- FOUND MONUMENT
- SET MONUMENT
- ⊕ SANITARY MANHOLE
- ⊕ TELEPHONE FERRISWAL
- ⊕ ROAD SIGN
- ⊕ POWER POLE
- ⊕ SOIL BORING
- ⊕ CITY
- ⊕ ELECTRIC METAL FIELD CURBY
- ⊕ HYDRANT
- ⊕ MAN BOX
- DELINEATED METAL BOUNDARY
- UNDERGROUND ELECTRIC
- UNDERGROUND FIBER OPTIC
- SANITARY UTILITY
- SANITARY SEWER
- STORM SEWER
- WATER LINE
- GAS LINE
- FENCE LINE
- TREE LINE
- PROPOSED SERVICE LINE

**BENCHMARK:**  
 11000 MONUMENT, LAKESUP 3, MUDT RESET  
 ELEVATION=1214.67

**SCALE:** 1" = 60 FEET

**PROBATION:** MAY 2021  
 DRAWN BY: CJS  
 CHECKED BY: ES  
 DATE: # # #

**UTILITY DISCLAIMER:** ENGINEER HAS CONDUCTED VISUAL INSPECTION OF UTILITIES AND INFORMATION AVAILABLE FROM OTHER SOURCES. ENGINEER HAS CONDUCTED VISUAL INSPECTION OF UTILITIES AND INFORMATION AVAILABLE FROM OTHER SOURCES. ENGINEER HAS CONDUCTED VISUAL INSPECTION OF UTILITIES AND INFORMATION AVAILABLE FROM OTHER SOURCES. ENGINEER HAS CONDUCTED VISUAL INSPECTION OF UTILITIES AND INFORMATION AVAILABLE FROM OTHER SOURCES.

**MSA ENGINEERING ARCHITECTURE SURVEYING**  
 11000 MONUMENT, LAKESUP 3, MUDT RESET  
 ELEVATION=1214.67

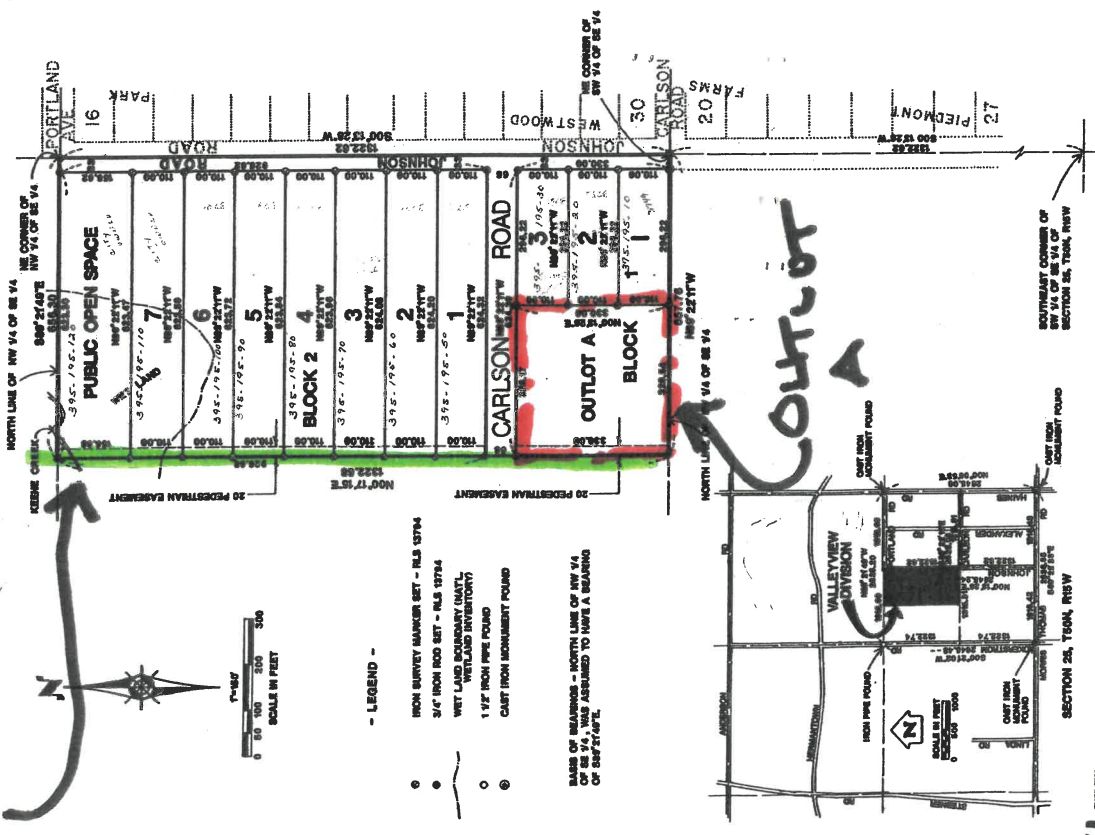
**KEENE CREEK TRAIL  
 CITY OF HERMANTOWN  
 ST. LOUIS COUNTY, MN**

**PRELIMINARY PLAT**

**PROJECT NO. 14491004**  
 SHEET 2 OF 2

**PLAT OF  
VALLEYVIEW DIVISION**  
LOCATED IN THE E 1/2 OF NW 1/4 OF SE 1/4,  
SECTION 25, T.50N, R.15W,  
OF THE FOURTH PRINCIPAL MERIDIAN

**EXISTING TRAIL  
EASEMENT**



595561  
City of St. Louis  
Valleyview Division  
St. Louis County, Missouri

Know all men by these presents, That City of Hermantown, a Municipal Corporation, owner and proprietor of the following described property situated in the City of Hermantown, County of St. Louis, State of Missouri, to wit:  
East Half of Northwest Quarter of Southeast Quarter (E 1/2 of NW 1/4 of SE 1/4), SECTION Twenty-five (25), TOWNSHIP FIFTY (50) North of RANGE Fifteen West of the Fourth Principal Meridian, according to the United States Government Survey thereof;  
Containing 19.94 acres of land, more or less, except all minerals.  
Have caused the same to be surveyed and plotted as VALLEYVIEW DIVISION and do hereby donate and dedicate to the public the thoroughfares and also dedicating the easements as shown on this plat for pedestrian purposes only.

IN WITNESS WHEREOF we have hereunto set our hands this 17th day of March, 1985.  
Owner  
City of Hermantown  
STATE OF MINNESOTA )  
COUNTY OF ST. LOUIS )

The foregoing instrument was acknowledged before me this 17th day of March, 1985 by Daniel L. Berman and Walter A. Sauer of the City of Hermantown, a Municipal Corporation, on behalf of the corporation.  
Notary Public, St. Louis County, MN  
My Commission Expires 4/30/87

I hereby certify that I have surveyed and plotted the property described on this plat as VALLEYVIEW DIVISION, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in BLS 350.0303, L.S. or public highways to be designated other than as shown.

STATE OF MINNESOTA )  
COUNTY OF ST. LOUIS )  
The foregoing Surveyor's Certificate was acknowledged before me this 17th day of March, 1985 by Daniel L. Berman, 1985, the City Council of Hermantown, Minnesota, approved this plat.  
Mayor City of Hermantown  
City Clerk, City of Hermantown

We do hereby certify that on the 17th day of March, 1985, the City Council of Hermantown, Minnesota, approved this plat.  
I hereby certify that this plat has been obtained and approved this 16th day of March, 1985.  
St. Louis County Surveyor

All Taxes Paid  
March 21, 1985  
Gordon D. McFarland  
St. Louis County Auditor  
By Walter A. Sauer Deputy

Plat 195

375-195



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**7A. PUD Study Presentation**

**Applicant:** City of Hermantown  
**Case No.:** 2020-80  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** PUD Study Presentation by the ARDC

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**DESCRIPTION OF REQUEST:**

Provide comment to the ARDC based on their presentation for the PUD Study associated with the PUD Moratorium

**Process:**

1. Present PUD Study to the City Council for their action on June 21, 2021
2. Utilize PUD Study to revise existing PUD Ordinance
3. Bring revised Ordinance to July or August 2021 Planning and Zoning meeting for review
4. Bring revised Ordinance to City Council for 1<sup>st</sup> reading
5. Bring revised Ordinance to City Council for 2nd reading

**ATTACHMENTS:**

- PUD Use Report Outline
- Draft PUD Language

To: Eric Johnson, Community Development Director, City of Hermantown  
From: Josh Bergstad and Justin Otsea, ARDC Planning  
Date: June 9<sup>th</sup>, 2021  
Re: PUD Use Report Outline

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### **Goals of Report**

- Summarize process.
- Provide context on recommendations.
- Provide specific recommendations (including language) for changes.

### **Recommendations**

#### Purpose Statement and Public Benefit Statement

- Rewrite and combine Sections 1100 and 1105 to focus on the following goals:
  - Flexibility and site-based design
  - Conservation of natural features and resources
  - Efficiency in streets and utilities
  - Improved housing and neighborhood options
  - Housing affordability

#### Density Bonus

- Establish a density bonus.
  - No or double density in S-1, R2 and areas not served by public utilities.
  - Moderate density in R3 zone.
  - No or double density in Hermantown Marketplace and R3a (only density mentioned is 35 per acre for MFH in HM).
- Establish that bonus density amount is discretionary and dependent on-site specific review and the amount and quality of amenities and mitigating factors provided.

#### Adjustments

- Building height
- Landscaping
- Setbacks
- Lot size

## Amenities

- Establish relation of amenities to size, density, scale of PUD.
  - PUD's over 4 units/acre required to provide development-based amenity.
- Establish list of acceptable/preferred amenities.
- Establish that bonus density is discretionary and dependent on-site specific review and the amount and quality of amenities and mitigating factors provided.

## Adequate Public Facilities

- Establish APF statement.
- Establish what will be reviewed and how.
  - PUD's over 4 units/acre and/or 5 acres in size are required to provide a traffic memo/study.
  - PUD's to be submitted to School District, police and fire and City/County engineer for review of capacity/availability.

## Process

- Strongly encourage neighborhood meeting and set standards (notice, timing, city involvement).
- Residential PUD's 4 units/acre or less or less than 5 acres in size may utilize a combined Preliminary and Final PUD process
- PUD's over 4 units/acre and/or 5 acres in size required to make separate Preliminary and Final PUD submissions
- Adjust submittal requirements between Preliminary and Final.
  - Preliminary PUD submission to include site plan, concept utility plan, concept grading/stormwater plan, concept building elevations, concept landscape/screening plan (if over 4 units/acre)

*Adapted from Sartell, MN*

#### Section 1100 - Purpose

The Planned Unit Development (PUD) process provides for a joint planning/design effort by developers and City officials rather than the City establishing maximum limits within which developers may perform. Benefits resulting from this process include an opportunity for site based design, conservation of natural features and resources, efficient design and use of transportation systems and utilities, improved housing and neighborhood options, and housing affordability and provide for the modification of certain regulations when it can be demonstrated that such modification would result in development which: would not have been provided if no regulations were modified; which remains compatible with surrounding development; and, which conforms to the goals and policies of the Comprehensive Plan.

#### Section 1105 – Public Benefit

#### Section 11XX – Density Bonus

- Allowable Density Bonus:
- S-1 and R-2 zoning district – Double density bonus (2 per 5 acres) and (4 per five acres)
- R3 – PUDs in an R3 (or residential) zone shall not exceed a moderate suburban density
- Hermantown Marketplace – 50 units per acre for multi-family housing (35 units is max density)
- Commercial and Industrial Zones – Not applicable

*Adapted from Sartell, MN*

All density bonuses listed are maximum allowed. The City may award a lower density bonus or no density bonus. An applicant desiring higher densities than allowed in the underlying district shall demonstrate that the higher number will not have an undue or adverse impact upon existing public facilities and upon the reasonable use and enjoyment of neighboring property and is appropriate for that site. In determining the reasonableness of the authorized housing units per acre, the site-based design, conservation of natural features and resources, efficient design and use of transportation systems and utilities, improved housing and neighborhood options, and housing affordability and amenities beyond Ordinance requirements may be considered. Allowable maximum density and required amenity targets should be established early on in the process.

#### Section 11XY – Adequate Public Facilities

An Applicant shall demonstrate that the PUD will not have an undue or adverse impact upon existing public facilities including streets and roads, city water and sanitary sewer utilities, stormwater utility, police and fire services, parks and recreation facilities, and the Hermantown School District.

- Using a standard and format acceptable to the City Engineer and Community Development Director the Applicant shall provide a report on the estimated impact on City water, sanitary sewer, and stormwater utilities.
- PUD's greater than 4 units per acre and/or five acres or more in size shall provide a traffic memo or traffic study. The scope of the analysis shall be determined by the Community Development Director and City Engineer.



- The City Engineer, in consultation with County or State Engineers if applicable, shall review the submitted materials and make a positive, negative, or conditional determination on the adequacy of public facilities. The City Engineer shall consider:
  - The estimated impact to the water, sewer, stormwater, streets or roads.
  - The design capacity of existing water, sewer, stormwater, streets or roads.
  - Planned (or Programmed) improvements to public facilities.
  - The cumulative impact of other approved development in the city.
- In making an adequacy determination the City Engineer and Community Development Director may direct the Applicant to alter the PUD allow for a positive determination through reduction of the density or intensity of the development, phasing of the development and/or through Applicant's provision of facilities or design changes to address the reason for a negative determination as allowed by Minnesota State law.
- The Applicant shall provide information on the impact to the City's parks and recreation system using a standard acceptable to the Community Development Director. The Community Development Director shall review the submitted materials and make a positive, negative, or conditional determination on the adequacy of the City's parks and recreation system to accommodate the PUD. The amount and quantities of recreational amenities provided by the PUD and Park Dedication fees shall be considered in the determination.
- In making an adequacy determination the Community Development Director may direct the Applicant to alter the PUD allow for a positive determination through reduction of the density or intensity of the development, phasing of the development and/or through Applicant's provision of facilities or design changes to address the reason for a negative determination as allowed by Minnesota State law.
- Information on the size, type, location, expected population, and other relevant factors as determined by the Community Development Director shall be provided to the Hermantown Police and Fire Departments during the Preliminary PUD planning process and be given a chance to submit written or oral comments or to meet with the City and Applicant.

#### Section 1115 – Application Procedure

##### *Adopted from Golden Valley*

1115.02 Neighborhood Meeting. At an appropriate point during development of a preliminary PUD plan, combined PUD, or major PUD amendment application process, the applicant is strongly encouraged to hold a neighborhood meeting. All property owners within 1000 feet of the PUD shall be given notice of the meeting. The purpose of the meeting is to inform the neighborhood of the proposal, discuss the concepts and basis for the plan being developed, and to obtain information and suggestions from the neighborhood.

##### *Adopted from Sartell*

1115.03 Preliminary PUD Plan. An application for a Preliminary PUD shall be filed with the City on forms provided by the City. All formal applications for a Preliminary PUD shall include at least the following information:

- Site plan showing applicant's land and uses in adjoining property and physical features.
- A description of the proposed density, types of uses, and general location of uses.

- Concept utility plan.
- Concept grading and stormwater plan.
- Concept building elevations.
- Concept landscape/screening plan (if over 4 units/acre).
- Narrative stating how the proposed development complies with the goals and policies of the Comprehensive Plan and PUD ordinance.
- General description of provided amenities.
- Other criteria as requested by Community Development Director

1115.04 Final PUD Plan. An application for a Final PUD shall be filed with the City on forms provided by the City. All formal applications for a Final PUD shall include at least the following information:

- The Final Development Plan must include all of the information provided in the Preliminary Plan except it must include any changes required by the City in its approval of the Preliminary Development Plan.
- A detailed Site plan, suitable for recording, prepared by a qualified and licensed civil engineer illustrating the proposed use(s) of land; proposed densities; buildings, including square footage, height and other dimensions, distances between buildings and the front, side and rear lot lines, and other buildings located on the property and on property adjacent to the property; street and walkway locations; curb cuts and driveways; parking areas and loading areas; open spaces; the locations of easements and utilities (existing and proposed); landscaping (showing size, types and locations); lighting; grading; drainage; project phasing; anticipated variances from setbacks or other regulations of the underlying zone; tabulation of density, land use intensity, lot coverage and acreage; percentages of land devoted to buildings, parking, and open space; and any other information which may be helpful to understanding and evaluating the proposal.
- Drainage plan indicating catch basins and underground improvements.
- Detailed description and calculation of areas devoted to amenities and open space.

1115.XX Combined PUD.

- At the discretion of the Community Development Director, residential PUDs of 4 units/acre or less and/or less than five acres in size may combine the Preliminary and Final PUD requirements and process into one.
- PUDs over 4 units/acre and/or 5 acres in size are required to make separate Preliminary and Final PUD submissions.

## Adjustments

*Adapted from Golden Valley*

Section 11.XZ The City Council shall have the authority in approving any PUD to alter, improve, or create anew any provisions of the Hermantown Zoning Regulations or Subdivision Regulations as they apply to the proposed PUD.

- Setbacks.
  - a. The City may allow adjustments in setbacks. Requiring greater or allowing lesser setbacks may be based on uses on and off the site, natural site features, amenities and preservation, topography, density, building heights and other plan features. The rationale and justification for these setbacks shall be described in a narrative.
  - b. Principal building. Maximum building height of underlying zoning district shall be applied to all PUD's. An additional 25% of height may be allowed if providing additional setbacks and study of relationship to adjacent structures. No principal building shall be closer than its height to the rear or side lot line when such line abuts on a Residential Zoning District.

## Amenities

*Adapted from Golden Valley*

Section 11XX Public Amenities. All applications for new PUDs over 4 units/acre shall provide additional amenities that correlate with the size, density, land use type, and help integrate the PUD into the community. Amenities options include but are not limited to:

PUD Amenity Options	
Amenity	Standards
Public open space	Contiguous ground level outdoor open space that is provided beyond the amount of open space required in the underlying zoning district requirements. The space shall preserve the natural landscape while providing the opportunity for members of the public to interact with the natural habitat using walkways, benches, or other mechanisms.
Community garden	Permanent and viable growing space and/or facilities such as a greenhouse or a garden, which provides fencing, watering systems, soil, secured storage spaces for tools, solar access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development to minimize the visibility of mechanical equipment.
Public recreation area	An active, safe, and secure outdoor recreation area open and visible to the public that includes equipment or natural features suitable for recreational use.
Public plaza	Plazas shall be open to the public during daylight hours and provide opportunities for the public to interact with the space using outdoor furniture, art, or other mechanisms.

Enhanced bicycle and pedestrian facilities	Amenities and facilities that increase the convenience and encourage the use of public walkways and bikeways beyond what is otherwise required in the underlying zoning district.
Innovative stormwater management	The design must provide capacity for infiltrating stormwater beyond what is required by the City and the design must serve as a visual amenity to the property and be reflective of innovative techniques.
Enhanced landscaping	A landscaping plan prepared by a licensed landscape architect that provides exceptional design with a variety of pollinators and native trees, shrubs, and plant types that provide seasonal interest.
Preservation of natural systems	Preservation or restoration and protection of natural systems like wetlands, shorelands, waterways, wooded areas, and agricultural lands that beyond what is required by the City and other relevant agencies.

DRAFT



**PETITION TO STOP PROPOSED ACCESS ROAD TO NEW DEVELOPMENT BETWEEN  
OKERSTROM ROAD AND JOHNSON ROAD, NORTH OF MORRIS THOMAS ROAD**

MARCH, 2021

We, the undersigned, respectfully petition the City Council of Hermantown, MN, to reject the proposed access road on the city-owned easement between 3761 Johnson Rd and 3767 Johnson Rd. (proposed Carlson Road.)

We request this for the following reasons:

- \* An additional road/added intersection would substantially increase traffic to an otherwise quiet neighborhood.
- \* Johnson Road is 4' narrower than a typical classification of a rural road. Increased traffic, and the addition of another intersection would pose a hazard to walkers, joggers, bikers, parking, etc.
- \* Johnson & Portland Road residents were recently assessed \$9,750.00 per lot for the 2020 road improvement project. Increased traffic would cause additional wear and tear to the newly completed road bed.
- \* There is sufficient ingress/egress space on Morris Thomas Road to accommodate a new development
- \* The increased noise of additional traffic will negatively impact our neighborhood
- \* The proposed road would negatively impact the properties adjoining, and in the immediate vicinity of the proposed road.

Date	Address	Phone	Signature
3/28/21	3704 Johnson	218-461-5061	Sandra E. Hendrickson Sandra Hendrickson
3-28-21	3715 Johnson	218-940-1474	 CHARLES WIPSON
3-28-21	3718 Johnson	628-3998	Robert Pagano Robert Pagano
3/27/21	3719 Johnson	218-461-2416	 Hien Nguyen
3-27-2021	3721 Johnson	722-3515	Phyllis Seafolk Phyllis Seafolk
4/22/2021	3799 Alexander Rd	269.1935	Windy Markel Windy Markel

3-27-21 3736 Johnson

*[Signature]*

Nicholas Beach

3-27-21 3722 Johnson 218 340 9098

*[Signature]*

James Ellis

3726 Johnson 218 390-4018

*[Signature]*

Margaret Ferguson

3/21/21 3729 Johnson 218-940-3369

*[Signature]*

Megan Pike

4/10/21 3730 Johnson 218-889-9743

*[Signature]*

Sheryl Hildebrand

4/10/21 3733 Johnson

*[Signature]*

Bonnie Langdon

3/31/21 3739 Johnson 218-269-9777

*[Signature]*

Gerald MARCESKI

3/29/21 3742 Johnson 218 940 6601

*[Signature]*

Dannon Walker

4/16/21 3743 Johnson 218-576-5437

*[Signature]*

John Jansen

3/28 3749 Johnson 214-5665

*[Signature]*

Craig Pilon

3750 Johnson

3-27-21 3755 Johnson 218 310 8436

*[Signature]*

Reed Kolquist

3/25/21 3760 Johnson 218 348 5735

*[Signature]*

Tony Marino

3/25 3761 Johnson 218 726 0559

*[Signature]*

Lisa Smith

3/25 3762 Johnson

*[Signature]*

Tim Anderson

3/25 3767 Johnson 218-590-1324

*[Signature]*

John Cox

3/28 3770 Johnson 218-666-2110

*[Signature]*

JANE MAVEC

3-26-21 3772 Johnson 218-206-1642

Deborah Duprey  
Heather Malmstrom

3/25/21 3771 Johnson 218-348-5225

Deborah Duprey  
Heather Malmstrom

3/25/21 3775 Johnson 218-391-0115

Georgianne Kuberra

3/26/21 3779 Johnson 218-969-8480

Jake Perry

3/27/21 3780 Johnson 218-343-3789

Steven Ross

3/26/21 3782 Johnson 218-605-7180

Penny Dee

3-25-21 3785 Johnson 218-766-4636

Joel Hopps

3-26-21 3789 Johnson 218-428-3598

JAMES E. SUSAN SAMBERG

3-25-21 3799 Johnson 218-727-1047

ROBERT CARLSON

3/27/21 4701 Portland 218-393-8639

Steven Pederson

3-27-21 4704 Portland 218-393-0000

Jake Postal

3/29/21 4705 Portland 218-591-6734

JAMES LESAR

3/27/21 4715 Portland

Kyle Powers

3/27/21 4718 Portland 218-727-2644

JAMES WALLACE

3-27-21 4721 Portland Kathleen Johnson 733-1365

KATHLEEN JOHNSON

4729 Portland 218-393-0252

JAMES MURRAY

3/25/21 4731 Portland 218-722-3377

DAWN LaPointe

Deborah Duprey  
Heather Malmstrom  
Georgianne Kuberra  
Jake Perry  
Steven Ross  
Penny Dee  
Joel Hopps  
James E. Susan Samberg  
Robert Carlson  
Steven Pederson  
Jake Postal  
James Lesar  
Kyle Powers  
James Wallace  
Kathleen Johnson  
James Murray  
Dawn LaPointe

3/25/21	4735 Portland	Hilary Brook	218-626-7726	Hilary Brooks
3-22-21	4741 Portland	Fred Uokouan	218-724-6235	Fred Uokouan
3/31/21	4744 Portland	Carolyn Clark	763-933-2308	Carolyn Clark
3/25/21	4749 Portland	Steven Leppala	218 590 3415	Steven Leppala

*[Handwritten signature/initials]*