



Hermantown Planning & Zoning Meeting – July 20, 2021

Because of attendance limitations at the regular meeting location due to the health pandemic, Hermantown’s July 20, 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
July 20, 2021
7:00 PM

1. ROLL CALL

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

3A. June 15, 2021 regular meeting.

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

5. PUBLIC HEARINGS

5A. An application by Meg Johnson for a Special Use Permit (SUP) for the purpose of starting a greenhouse/nursery including sales and production at their residence located at 4168 Lindahl Road. The property is located in a R-1, Residential zoning district.

5B. An application by JLG Enterprises for a Final Plat for a 10 lot and 1 outlot subdivision located at 3956 Stebner Road. The property is located in an R-3 zoning district.

5C. Zoning Ordinance text amendments by the City of Hermantown amending Chapter 11 – Planned Unit Development.

6. CONTINUING BUSINESS

7. NEW BUSINESS

7A. Discussion on an amendment to a Special Use Permit to add one twinhome to the property located at 4247 Stebner Road.

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
June 15, 2021 Meeting Summary
7:00 PM

1. ROLL CALL

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

Members Absent: Shannon Sweeney Jorgenson

Others Present: Eric Johnson, Community Development Director; James & Bonnie Langdon, 3733 Johnson Rd.; Tony Marino, 3760 Johnson Rd.; John & Janet Janson, 3743 Johnson Rd.; Lisa and Bart Smith, 3761 Johnson Rd.; Jay Zierden, 4571 Martin Rd.; Todd & Jennifer Jacobson, 3757 Alexander Rd.; Darren Weets; Jeff Anderson, MSA Professional Services; Tim Cleary, 3782 Okerstrom Rd.; Mike Maguire, 3770 Okerstrom Rd.; Bart Smith, 3761 Johnson Rd.; John Cox, 3767 Johnson Rd.; Josh Berstad, ARDC; Jim Samberg, 3789 Johnson Rd.; Craig Pilon, 3449 Johnson Rd.; Justin Otsea, ARDC; Carolyn Clark, 4744 Portland Rd.; Sue & Scott Abernethy; Rod Saline, 4749 Hermantown Rd.; Brad Johnson, 4958 Maple Grove Rd.; and Joe Pike, 3729 Johnson Rd.

2. APPROVAL OF AGENDA

Motion made by Corey Kolquist to approve the June 15, 2021 agenda as presented. Seconded by Valerie Ouellette. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Samuel Clark to approve the May 18, 2021 minutes as presented. Seconded by Buckley Simmons. Motion carried.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARING

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.

Eric Johnson, Community Development Director, shared with the Commission that the applicant, Benjamin Tessier 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.

Motion made by Valerie Ouellette to approve the 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. Seconded by Corey Kolquist. Motion carried.

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.

Eric advised the Commission that the applicant, Jay Zierden/Zierden Construction, 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.

The Public Hearing held June 15, 2021 regarding the 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 main issues were green spaces, traffic, road size, the connection to Carlson Rd., road safety, emergency vehicles, lot size, and water line. A number of residents spoke in regard to the proposed project:

Tony Marino, 3760 Johnson Rd.
Lisa Smith, 3761 Johnson Rd.
Carolyn Clark, 4744 Portland Rd.
Janet Janson, 3743 Johnson Rd.
Jim Samberg, 3789 Johnson Rd.
James Langdon, 3733 Johnson Rd.
Jennifer Jacobson, 3757 Alexander Rd.
Darren Weets, Chub Lake Rd.
Tim Cleary, 3782 Okerstrom Rd.
Joe Pike, 3729 Johnson Rd.

Motion made by Corey Kolquist to approve the 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. Seconded by Buckley Simmons. Motion carried 4-3 with Councilmember Geissler casting the deciding vote in order to break a 3-3 Planning Commission tie.

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.

Eric presented to the Commission that the applicant, Jay Zierden/Zierden Construction, 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.

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.

Motion made by Beth Wentzlaff to approve the 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. Seconded by Corey Kolquist. Motion carried 4-2.

6. CONTINUING BUSINESS

None.

7. NEW BUSINESS

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

Josh Bergstad and Justin Otsea, ARDC Planning, presented the Commission with their recommendations per the Planned Unit Development (PUD) Study.

Justin stated that the goal of their report, was to summarize the process; provide context on recommendations; and to provide specific recommendations (including language) for changes.

Josh discussed the purpose of the PUD. First, it should be flexible. Second would be conservation and natural features and resources. Third was encouraging efficiency of utilities. Fourth was improved housing and neighborhood options and housing affordability.

Using models from a few different cities' Planned Unit Developments, wording was used a guide to assist in the drafting recommendations for the City of Hermantown.

Motion made by Corey Kolquist to approve the Planned Unit Development (PUD) Study presented by ARCD. Seconded by Buckley Simmons. Motion carried.

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 – None.

Corey Kolquist – None.

Valerie Ouellette – None.

Samuel Clark – None.

Shannon Sweeney Jorgenson – Absent

Beth Wentzlaff – None.

Buckley Simmons – None.

John Geissler – None.

ADJOURN

Motion made by Samuel Clark to adjourn the meeting. Seconded by Valerie Ouellette. Meeting adjourned at 9:37 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant

5A. 4168 Lindahl Road– Special Use Permit - Greenhouse, nursery, sales and production in a R-1, Residential zoning district

Applicant: Charles Johnson
Case No.: 2021-50-SUP
Staff Contact: Eric Johnson, Community Development Director
Request: Special Use Permit for greenhouse/nursery, sales and production in a R-1, Residential zoning district

RECOMMENDED ACTION:

Approve a Special Use Permit for a greenhouse/nursery, sales and production at the applicants property in a R-1, Residential zoning district.

DESCRIPTION OF REQUEST:

The applicant is requesting a Special Use Permit for operating a greenhouse/nursery along with retail sales and production at their property located at 4168 Lindahl Road.

SITE INFORMATION:

Parcel Size: 18.85 acres total
Legal Access: 4168 Lindahl Road
Wetlands: Yes, not affected by the proposed use
Existing Zoning: R-1, Residential
Airport Overlay: None
Shoreland Overlay: None
Comprehensive Plan: Residential

Development Details

The applicant is proposing to utilize their existing property for a greenhouse/nursery, sales and production, which is a permitted use with a Special Use Permit in a R-1, Residential zoning district. The applicant is proposing to have three greenhouse ranging from 10' x 10' to 12' x 24' in size on the property along with a separate gravel parking lot and sales building. There will also be flower beds on the property used in the production of plant material. The applicant will continue to use the existing home as a residence.

The applicant is estimating 25 – 30 customers a day with their season being from late spring to early fall and their anticipated hours of operation being from 8:00 – 5:00. The applicant will be seeking MN Department of Agriculture approval/licensing for the use as well.

The property is located in a rural part of the City with one adjacent property owner to the south. The property is located approximately 1,800 feet north of Maple Grove Road.

Wetlands

There are existing wetlands located on the south and western portions of the property. The proposed use of the property does not impact the wetlands.

Special Use Permit

The Special Use Permit is for a greenhouse/nursery, sales and production. 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 property with its proposed use is in a rural portion of the City on a large acreage property. There is one residence immediately to the south with the other surrounding properties being undeveloped large acreage properties. Wetland impacts are not permitted as part of this Special Use Permit.

- 2. The proposed use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the proposed development;**

The property with its proposed use is in a rural portion of the City on a large acreage property. There is one residence immediately to the south with the other surrounding properties being undeveloped large acreage properties.

- 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 property is located in a rural portion of the City with one adjacent neighbor to the south.

- 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.**

There is one residence immediately to the south with the other surrounding properties being undeveloped large acreage properties.

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

The applicant will utilize the existing upland area of the property for the greenhouse/nursery. No wetland impacts are permitted as part of this approval.

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 greenhouse/nursery, sales and production at the applicants property located at 4168 Lindahl Road.
2. The applicant shall sign a consent form assenting to all conditions of this approval.
3. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:

- Site Location Map
- Proposed site plan

Location Map





5B. 3956 Stebner Road - Peyton Acres Final Plat Phase 1B

Applicant: JLG Enterprises of Hermantown, LLP
Case No.: 2021-53-SUB-P
Staff Contact: Eric Johnson, Community Development Director
Request: Approval of a Final Plat

DESCRIPTION OF REQUEST:

Applicant is requesting approval of a Final Plat for construction of a ten lot, 1 outlot residential development at 3956 Stebner Road. The property is located in an R-3, Residential zoning district.

SITE INFORMATION:

Parcel Size: 75.0 acres
Legal Access: 3956 Stebner Road
Wetlands: Yes, delineation approved in 2019; Impacts approved in 2020
Existing Zoning: R-3, Residential (1/2 acre minimum)
Airport Overlay: None
Shoreland Overlay: None
Comprehensive Plan: Suburban

Development Details

JLG Enterprises (Applicant) is proposing to construct the second phase of the Peyton Acres development. In 2020, JLG proposed a preliminary plat of 19 lots and 2 outlots consisting of a phase 1A and 1B. The preliminary plat was recommended for approval by the Planning Commission and was ultimately approved by the City Council. The final plat for phase 1A was approved in July 2020 and consisted of six residential lots and 2 outlots was approved in July 2020.

JLG is proposing for the final plat of phase 1B which consists of ten single family residential lots and one outlot covering the remainder of the property to be reserved for future subdivision. Phase 1B will have access from Stebner Road via the extension of a new City street which has been under construction as part of phase 1A. Future additions to the subdivision will require an additional road connection on the eastern portion of the property connecting to Oak Ridge Drive for public safety, road maintenance, and traffic improvements.

Zoning Analysis:

The three western parcels are zoned R-3, Residential. The two eastern Parcels are zoned HM, Hermantown Marketplace. Only the two southerly R-3, Residential Parcels are currently being proposed for subdivision as part of the final plat under consideration. Development of the remaining property will

be considered under future proposed plats, and likely, a Planned Unit Development to allow single- or two-family homes in the HM zoning district.

Lot Size

The proposed final plat meets the R-3, Residential dimensional standards for single-family homes connected to City water and sanitary sewer of ½ acre in area with 100 feet wide frontage at lot line and at the 50’ building setback line of lots on cul-de-sacs.

Setbacks

The proposed site plan shows the building setbacks associated with the R-3, Residential dimensional standards for single-family homes.

Utilities

The project will connect to City water lines which have been installed previously as part of phase 1A. The water and sanitary sewer mains have been extended from Stebner Road. The new sewer and water lines will be a City main constructed to City standards. The applicant has provided engineered plans to the City Engineer for review, with utility connections occurring after City Engineer approval.

Stormwater

The applicant is proposing to treat stormwater in a separate retention treatment pond on a portion of Block 2, Lot 5 and a portion of the adjacent outlot. There will be a drainage and utility easement associated with the pond as well as an access drive. Final location, sizing, and design of permanent stormwater control will be subject to approval of final stormwater plans and MS4 Letter of Compliance by the City Engineer.

Roadway

The applicant will construct a +/-800’, 28’ wide curb face to curb face bituminous roadway with curb and gutter with a sidewalk on one side with a cul-de-sac in accordance with the City of Hermantown Urban Section design standards and City design speed standards as approved by the City Engineer. This road section will connect to the existing road installed as part of phase 1A.

Wetlands

There are 13.5 acres of wetlands on the 75 acre property. This final plat for this phase proposes 4,430 square feet of permanent wetland impacts, which brings the total wetland impacts to date to 5,776 square feet. The TEP and City Staff are supporting a project de minimis exemption up to 10,000 square feet of wetland impacts over the whole 65 acres of the property for a 1.7% permanent wetland impact.

Park Dedication Fees

The Applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. Park dedication fees will be paid according to the Hermantown Fee Schedule. Those fees currently are:

Development Type	Recommended
Single Family, Two Family, Three Family Residential Parcel/CIC Unit	\$1,100/lot
Per bedroom fee	\$150

Summary:

Staff recommends approval of the Final Plat based on the following findings:

1. The proposed final plat meets the intent of the R-3, Residential Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The proposed final plat meets the Comprehensive Plan criteria for residential development.
3. 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.
4. The development agreement shall prescribe either a:
 - a. Letter of Credit or other financial surety acceptable to the City Attorney for 125% of the construction value of the road and infrastructure improvements to be made at the time of approval of the Final Plat, or
 - b. Installation of road and infrastructure facilities prior to obtaining the Final Plat for the development.
 - c. Letter of Credit or other financial surety acceptable to the City Attorney for 125% of the construction value of the stormwater facilities to be made at the time of approval of the Final Plat.
5. Prior to starting any site work, the Applicant shall hold a preconstruction meeting with the appropriate development, construction, and City representatives.
6. Prior to issuance of a building permit:
 - a. All necessary permits shall be obtained.
7. 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.
8. 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.
9. 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.
 - e. 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.

10. Prior to the issuance of any temporary or permanent occupancy permit the following shall be completed:
 - a. All exterior building improvements shall be completed.
 - b. All disturbed areas on the site shall be seeded or sodded.
11. The Applicant shall pay a park dedication fee of \$11,000 (\$1,100/lot for 10 lots) in lieu of dedicated park land. This fee will be paid at the time of plat approval. The applicant/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.
12. The Applicant shall sign a consent form assenting to all conditions of this approval.
13. The Applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:

Location Map
Final Plat
Site Plan
Grading Plan

Location Map





NO.	DESCRIPTION	DATE
1	DESIGN	12/15/17
2	REVISED	1/22/18



GRADING LEGEND:

	SPOT ELEVATION
	PROPOSED GRADING
	PROPOSED WATER COURSE
	EXISTING WATER COURSE
	EXISTING WATER COURSE
	PROPOSED WATER COURSE

GENERAL GRADING AND DRAINAGE NOTES:

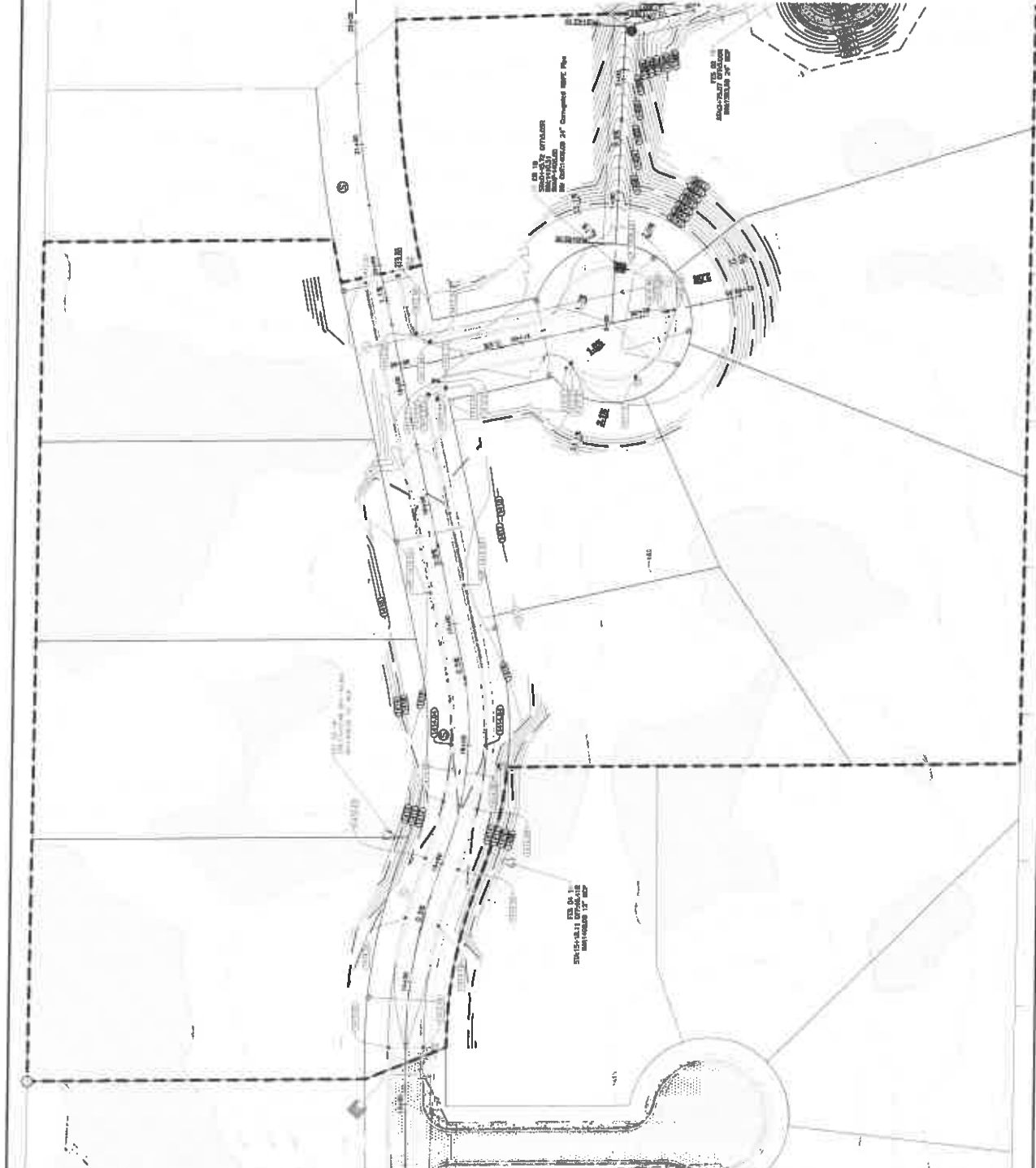
- ALL EXISTING AND PROPOSED CONDUITS, INCLUDING SMALL, 18" DIAMETER, SHALL BE PLACED WITHIN THE PROPOSED GRADE SURFACE.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING COORDINATES OF ALL EXISTING AND PROPOSED CONDUITS TO BE LOCATED, AND FOR THE PLACEMENT OF MARKERS TO BE USED FOR CONSTRUCTION.
- CONTRACTOR SHALL MAINTAIN EXISTING UTILITY LOCATIONS, INCLUDING ALL EXISTING CONDUITS, THROUGHOUT THE PROJECT. ALL EXISTING CONDUITS SHALL BE RELOCATED TO THE PROPOSED GRADE SURFACE, UNLESS OTHERWISE NOTED.
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BENCHMARK LIST

NO.	DESCRIPTION	ELEVATION
1	TOP OF SURFACE OF EXISTING CONCRETE CURB AT INTERSECTION OF 24th STREET AND 10th AVENUE	4238.45
2	TOP OF SURFACE OF EXISTING CONCRETE CURB AT INTERSECTION OF 24th STREET AND 11th AVENUE	4238.45

CUT / FILL SUMMARY

TOTAL CUT	0.00
TOTAL FILL	0.00
TOTAL CUT AND FILL	0.00



5C. Zoning Text Amendment to Chapter 11 – Planned Unit Development

<u>Case No.:</u>	2021-55-Zoning Text Amendment to Chapter 11 – Planned Unit Development
<u>Staff Contact:</u>	Eric Johnson, Community Development Director
<u>Request:</u>	Recommend zoning ordinance text amendments to Chapter 11 – Planned Unit Development

REQUESTED ACTION

Recommend zoning ordinance text amendments to Chapter 11 – Planned Unit Development.

BACKGROUND

The City Council passed a six month moratorium on new Planned Unit Developments (PUD) greater than 3 units/acre on December 21, 2020. The moratorium was put in place to allow staff to engage a consultant to research and update policies associated with Planned Unit Developments within the R-3, Residential zoning district. The City has received applications for multi-story residential buildings and multi-family Planned Unit Developments (PUD) in the months preceding the moratorium. These applications have come in as PUD requests and have been located in R-3, Residential zoning districts. There have been mixed results with these applications and a number of questions raised by both the Planning and Zoning Commission and City Council on these multi-story projects.

The City engaged the ARDC to perform a PUD Study in concert with a City led survey of selected stakeholders in order to understand the range and views on the use of PUD's. The ARDC conducted a best practice review of literature and peer communities, evaluated the City's PUD ordinance and comprehensive plan, as it related to the use of a PUD and met with the Planning and Zoning Commission on multiple occasions to discuss and engage them on their thoughts relating to PUD's.

The ARDC focused on six areas in order to improve the PUD ordinance as it relates to residential development:

- Rewrite and combine purpose and public benefit statements to focus on flexibility and site-based design, conservation of natural features and resources, efficiency in streets and utilities, improved housing and neighborhood options, and housing affordability.
- Establish a density bonus with a goal of achieving a moderate suburban density in the R-3 zone. The density bonus is dependent on-site specific review and the amount and quality of amenities and mitigating factors provided. The density will be set at the pre-application meeting.

- City can alter, improve, or create anew any provisions of the Hermantown Zoning Regulations or Subdivision Regulations as they apply to the proposed PUD. Alterations are evaluated site-by-site. Maximum height increase is 25 percent.
- All 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. A list of possible amenities is provided.
- PUD will be reviewed for their 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.
- Amend the application process including requiring a preliminary and final PUD process for projects over 4 units per acre or five acres in size and encouraging the applicant to hold a neighborhood meeting.

PROPOSED AMENDMENTS

Staff is recommending amendments to the City Code that will improve the PUD process from a submittal, review and approval standpoint. These new procedures will work to define the purpose of PUD's; better define the application process and what is required for a preliminary PUD submission and final PUD submission; redefine the review procedure; define density bonus; and identify potential design amenities associated with the proposed PUD's.

Zoning text amendments include:

- Overall renumbering of sections;
- Section 1100 – Purpose; New definition of PUD
- Section 1105 – Public Benefit; Eliminated
- Section 1115 – Application Procedure; Add language regarding neighborhood meeting, Amend Preliminary and Final PUD Plans, Amend Review Procedure
- New Section 1120 – Density Bonus
- New Section 1125 – Design
- New Section 1130 – Project Amenities
- New Section 1135 – Adequate Public Facilities

FINDINGS AND RECOMMENDATIONS:

Staff recommends the following findings and amendments to the Hermantown Zoning Ordinance:

1. The Hermantown Planning and Zoning Commission finds that the proposed amendments are consistent with the Hermantown Zoning Regulations Purpose and Objectives to ensure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities, and to promote the public health, safety and general welfare. (This is the same finding used in Section 1 of the Zoning Code to establish the purpose of the Zoning Code.)
2. Zoning text amendments include:
 - Overall renumbering of sections;
 - Section 1100 – Purpose; New definition of PUD
 - Section 1105 – Public Benefit; Eliminated
 - Section 1115 – Application Procedure; Add language regarding neighborhood meeting, Amend Preliminary and Final PUD Plans, Amend Review Procedure
 - New Section 1120 – Density Bonus

- **New Section 1125 – Design**
- **New Section 1130 – Project Amenities**
- **New Section 1135 – Adequate Public Facilities**

ATTACHMENTS:

- **Draft Chapter 11 Planned Unit Development – Mark-up version**
- **Draft Chapter 11 Planned Unit Development – Clean version**

CHAPTER 11. PLANNED UNIT DEVELOPMENT

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Section 1100 - Purpose

~~1100. Purpose.—A Planned Unit Development, hereafter referred to as 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 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

1105. Public Benefit. A PUD must provide public benefits ~~the residents of the proposed development~~, 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. ~~Public benefit can be achieved through project related amenities as outlined in Section 1130 as well as the following:~~ ~~The nature and scale of public benefit shall be determined by the City and include, but not be limited to:~~

1105.01 Preservation and enhancement of natural systems and resources, topography, vegetation, and other natural features.

1105.02 Provision of a variety of housing and community types.

1105.03 Provision of recreational amenities including trails and parks.

1105.04 Provisions of pedestrian and non-motorized travel facilities.

1105.05 Use of design, landscape, or architectural features to create pleasing environment or other special development features.

1105.06 Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.

1105.07 Improved business and commercial development to enhance the local economy and strengthen the tax base.

1105.08 Enhanced efficiency in the provision of utility services, public infrastructure, or public services.

1105.09 Provision of green infrastructure or enhancement of energy efficiency and environmental design, operation, and maintenance of buildings and properties.

1105.10 Preservation and enhancement of historical or cultural resources that contribute significantly to the character of the city.

1105.11 Provision of mixed-use development.

The nature and scale of public benefit shall be determined by the City at the tie pre-application meeting.

Section 1110 – General Requirements

1110.01 Platting Required. The PUD must be platted.

11.02 Consistency with Comprehensive Plan. The PUD shall be consistent with the Hermantown Comprehensive Plan.

1110.03 Applicable Zoning Districts. A PUD may be allowed in any zoning district in the City of Hermantown.

1110.04 Uses Allowed. All permitted and conditional uses listed in the underlying specific district are allowed in a PUD.

1110.04.1 Residential Units. Where residential units are provided as part of the PUD, regardless of underlying district, they may be single-family, two-family, multi-family dwellings, or any other type and arrangement of dwelling permitted in the city. The development of multiple types of residential development is strongly encouraged.

1110.04.2 Neighborhood non-residential. Where the underlying district is a residential zoning district, a PUD may integrate commercial, institutional, and services uses designed and intended to serve the residents of the PUD and surrounding neighborhood.

1110.05 Ownership. The tract of land to be developed as a PUD must be under single ownership or control. The property included in the PUD shall be planned and developed as a single unit.

1110.06 Minimum Area. There is no minimum land size requirement for a PUD, except in the S-1 and R-1 zoning districts where the minimum shall be 5 acres of contiguous land. Applicants must demonstrate that the PUD is of sufficient size and scope for the size or the property to achieve the public benefits described in section 1105.

1110.07 Multiple Uses. The inclusion of mixed uses and multiple uses within a PUD is strongly encouraged.

1110.08 Site Layout. A PUD must achieve a greater site design and public benefit. A PUD may not be simply used as a method to avoid zoning regulations or subdivision regulations such as required setbacks, minimum lot size or public frontage requirements.

1110.09 Authority to Modify Regulations. 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.

1110.10 Site and Building Design.

1110.10.1 The PUD shall be designed to create a unified environment within the PUD boundaries by ensuring compatibility of all structures, efficient vehicular and pedestrian circulations, aesthetically pleasing landscape and site features, and design and efficient use of utilities.

1110.10.2 More than one building may be placed on one lot in a PUD.

1110.10.3 Common open space must be used for amenity or recreational purposes. Parking areas and traffic corridors shall not be considered an approved use of common open space. The uses authorized for common open space must be appropriately scaled to the size and use of the PUD.

Section 1115- Application Procedure

1115.01 Pre-Application Conference. Prior to submitting an application for a PUD, the applicant shall participate in a pre-application conference with city staff. The purpose of the pre-application conference is to allow city staff to review and provide comments on the suitability of the development concept as a PUD, as well as to provide guidance to application on the procedures and standards for PUD approval. Density bonus targets and amenities will begin being set during the pre-application conference. Once agreed upon, the density bonus target shall not exceed the set amount at any point during the process.

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 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.

1115.02 Preliminary PUD Plan. ~~An application for a PUD shall be filed with the City on forms provided by the City. All formal applications for a PUD shall include at least the following information:~~

~~—a. General information:~~

- ~~i. Applicant's name, address, information and interest in the property.~~
- ~~ii. Owner's name, address, contact information, if different than the applicant, and the owner's signed consent to filing the application.~~
- ~~iii. Street address and legal description of the property.~~
- ~~iv. Zoning classification and present use of the property.~~
- ~~v. Proposed title of the project and the names, addresses, contact information of the architect, landscape architect, planner or engineer on the project.~~

~~— b. Development Plan. A professionally prepared development site plan shall be drawn at sufficient scale to show required details and contain at least the following information, unless determined not applicable by the Zoning Administrator.~~

- ~~— i. Location, dimensions, and total area of the site.~~
- ~~— ii. Site conditions and existing development on the site and adjacent properties.~~
- ~~— iii. Wetlands, streams, and other significant natural features.~~
- ~~— iv. Proposed density, type, use, and size of all proposed buildings and structures.~~
- ~~— v. Proposed use of all areas of the site.~~
- ~~— vi. All public streets, entrance and exit drives, and walkways, and trails.~~
- ~~— vii. Parking areas.~~
- ~~— viii. Landscaped areas and landscaped types.~~
- ~~— ix. Parks and open spaces and common areas.~~
- ~~— x. Generalized drainage and utility plans.~~
- ~~— xi. Location and intensity of lighting.~~
- ~~— xii. Location and purpose of rights of way or easements.~~

~~— c. Utility Plan completed by a Professional Engineer showing the location and size of all on-site utilities and proposed connections to city water and sewer mains and any required extensions to city water and sewer mains and easements as well as stormwater runoff calculations for both the predevelopment and post development conditions of the site.~~

~~— d. Information sheets of the following:~~

- ~~— i. Proposed densities.~~
- ~~— ii. Total area of each type of land use.~~
- ~~— iii. All proposed modifications of requested zoning district requirements.~~

~~— e. A statement showing how the PUD will meet the stated purposes and objectives of the Comprehensive Plan and this section of the Zoning Regulations.~~

~~— f. A staging plan showing how, when and where development will occur and the number of dwelling units and square footage of non-residential structures to be constructed in each stage.~~

~~— g. Any deed restrictions, covenants, agreements, and articles of incorporation and bylaws of any proposed homeowners' association or other documents or contracts which control the use of maintenance of property covered by the PUD.~~

~~— h. At the discretion of the Zoning Administrator, the applicant shall submit a traffic study containing, at the minimum, the total and peak hour trip generation for site at full development, the effect of such traffic on the level of service of nearby and adjacent streets and intersections, and total parking requirements.~~

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

~~**1115.03 Final PUD Plan.** The final development for a PUD shall contain the following:~~

- ~~— a. Final site plan drawn to scale showing the location of all structures including their placement, size and type as well as streets, parking areas and stall arrangement, pedestrian facilities, parking calculations, designed outdoor recreation areas, and common areas.~~
- ~~— b. Landscape plan showing the location, size and species of plant materials and all non-vegetative landscape features.~~
- ~~— c. Building plans at a level of detail sufficient to allow parking calculations to be made and building elevation drawings showing architectural details and proposed building materials.~~
- ~~— d. Final staging plan, if staging is proposed, indicating the geographical sequence and timing of development of the PUD or portions thereof, including the estimated date of beginning and completion of each stage.~~
- ~~— e. Any other information which the City, in its sole discretion, may require to fully present the intention and character of the PUD.~~

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.

~~1115.04 Review Procedure. Each PUD shall require preliminary and final approval. At the City's discretion, the preliminary and final PUD approvals may be processed concurrently.~~

1115.05 Review Procedure. 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.

- a. Upon receipt of a complete application for a preliminary PUD, the application shall be reviewed by city staff and a report concerning the application shall be submitted to the planning commission for its consideration.
- b. The Planning Commission shall hold a public hearing and make a recommendation to the City Council after a complete application is received by the City. If the Planning Commission fails to deliver a timely recommendation to the City Council, the City Council may then consider the preliminary PUD without the Planning Commission's recommendation.
- i. Notice of the time, date, and Notice of the time, place and purpose of the public hearing shall be published in the official newspaper at least ten days prior to the day of the hearing. Notice shall also be mailed at least ten days before the day of the hearing to each owner of affected property and the owners of property situated wholly or partly within 1000 feet of the property affected by the PUD. For purposes of giving mailed notice, owners shall be those as show to be such on the records of the St. Louis County Auditor. The failure to give mailed notice to individual property owners or defects in notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this notice provision has been made. Notice of a hearing for any special use permit affecting any property in a Shoreland or Floodplain District shall be mailed to the Commission of Natural Resources of the State of Minnesota at least 15 days prior to any such hearing.

- ii. **Sign Notice.** Sign notice means a sign with minimum dimensions of 24 in. by 30 in. posted as close as reasonable possible to each street frontage on the applicant's property with the text between 3 ft. and 5 ft. above grade level, with a title line reading 'Planning and Zoning Commission Notice' in letters at least 3 in. tall and with the remainder of the text in letters at least ½ in. tall. Each sign must be posted at least two weeks before the date of the public hearing and must remain in place and legible through the date of the public hearing as shown on the sign. If the sign will not be legible at the stated height due to snow accumulations it may be placed higher, but at the lowest elevation that will be legible to the public. If snow obscures the sign during the posting period, the snow shall be removed and/or the sign shall be relocated so as to be legible within 24 hours after snowfall ends. Evidence produced at or before the public hearing that one or more of the required signs were not in place or legible throughout that period shall be grounds for postponement of the public hearing and a requirement to repost the property. Required signs may not be posted in any portion of the public right-of-way.
- iii. **Required Applications.** Sign notice postings shall be required for all Subdivision applications. The creation and posting of the signs shall be the responsibility of the applicant.
- iv. **Content of Notice.** Each required notice shall include the following information:
- (a) The name of the applicant;
 - (b) The address of the property;
 - (c) A narrative description of the project including the proposed land uses, size (in square feet) and height (in feet and stories) of any proposed buildings or building expansions;
 - (d) The type of permit or approval being sought;
 - (e) Contact information where additional information can be obtained from the applicant (which may be an address, telephone number, web site, or e-mail address of other electronic site or method);
 - (f) Contact information for the assigned city staff member;
 - (g) The date, time and place of the public hearing.
- c. The City Council, by resolution, may approve the preliminary PUD plan in whole or in part, may approve the preliminary PUD plan in whole or in part, may approve subject to conditions, may deny, or may defer consideration of the preliminary PUD plan for further study to a later date.
- d. When a preliminary PUD plan has been denied by the City Council, the owner or applicant may not reapply for the same or similar development on the same property for the six-month period following the date of denial.
- e. The final PUD development plan shall be submitted for approval within 365 days after the City Council approval of the preliminary PUD plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.

- f. The final PUD shall be considered according to the following procedure:
- i. City staff shall review the final PUD plan and make a report of its findings recommendations to the Planning Commission for its consideration following receipt of the final PUD plan.
 - ii. The Planning Commission shall consider the staff report, other applicable data, and testimony and shall submit its recommendation to the City Council. If the Planning Commission recommends approval of the final PUD plan, it shall find that the final PUD plan is in substantial compliance with the preliminary PUD plan and the comprehensive plan.
 - iii. The Planning Commission shall refer its recommendation on the final PUD to the City Council. If the Planning Commission fails to deliver a recommendation to the City Council, the City Council may then consider the preliminary PUD without the Planning Commission's recommendation.
 - iv. The City Council shall consider the final PUD plan. If the City Council deems it necessary, it may set a public hearing for consideration of the final PUD plan. The City Council may deny the final PUD plan or may approve by resolution the final PUD plan in whole or in part.

(Am. Ord. 2016-50, passed 7-18-16)

1115.06 06 Development Agreement.

- a. The City may, at its sole discretion, require the owner and developer of a proposed PUD to execute a development agreement which may include, but not be limited to, all requirements of the final PUD plan, agreements on utilities, roads, and other infrastructure as a condition to approval of a final PUD.
- b. The development agreement may require the developers to provide an irrevocable letter of credit or performance bond in favor of the City.

Section 1120 - Density Bonus

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 is appropriate for that site. In determining the reasonableness of the authorized-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 will be established early on in the development process. Once identified, the site specific bonus density shall not increase from the agreed upon amount.

1120.01 S-1 and R-2 zoning district -- Double density bonus (2 per 5 acres) and (4 per five acres)

1120.02 R3 -- PUDs in an R3 (or residential) zone shall not exceed a moderate suburban density

1120.03 Hermantown Marketplace -- 50 units per acre for multi-family housing (35 units is max density)

1120.04 Commercial and Industrial Zones -- Not applicable

Section 1125 -- Design

1125. 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 PUD1 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. 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.

Format: Normal, Space Before: Auto, After: Auto, No bullets or numbering, Tab stops: 0.44", Left

Section 1130 -- Project 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.

Section 1135 – 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 1120 40 – Changes and Amendments

112040.01 Minor changes that do not substantively alter the approved Final PUD in terms of density, land usage, height, parking and loading, provision of open space, or the physical

relationship of the elements of the development may be authorized by the Planning Commission. Minor changes include minor changes in the following:

- a. Location of buildings
- b. Open space
- c. Parking
- d. Reconfiguration of the footprint or massing of buildings
- e. Realignment of minor streets

1120 40.02 Major changes that do substantively change individual elements of the Final PUD, such as the exact use, square footage or height of individual buildings, the location and size of parking and loading facilities, the location, size and configuration of open spaces, and design or roadways, of the phasing elements of the project. Major changes shall require a public hearing before the Planning Commission and approval by the City Council.

1120 40.03 Substantial deviations from the Final PUD are such changes that considerably alter the character of the PUD as a whole, including but not limited to significant changes to the land included within the PUD, the total amount of development within the PUD, the balance of residential and non-residential uses, the amount of open space provided, or the conceptual layout of buildings, public spaces, and circulation systems, and phasing. Substantial deviations shall require a new PUD application.

Section 1125 45 – Time Limit on Approved Planned Unit Development

1125 45. Time Limit on Approval Planned Unit Development. No PUD approval shall be valid for a period longer than 365 days unless a Building Permit is issued. However, upon written request of the applicant, the 365 day period may be extended by the City Council for such time as it shall be determined and for good cause shown, without further hearing.

Section 1130 50 – Effect of Approval of a Planned Unit Development

1130-50. Effect of Approval of a Planned Unit Development. The approval of a final PUD by the City Council shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for such permits or approvals as may be required by the regulation of the City, including, but not limited to a building permit and a Certificate of Occupancy.








Section 1135 55 – Zoning Map Designation

1135 55. Zoning Map Designation. Upon approval of the final PUD, the PUD boundaries shall be noted on the official zoning map as it is amended from time to time. The map shall include a numbered reference to the final PUD on file with the City.

(Am. Ord. 2015-01, passed 2-2-2015)

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Section 1100 - Purpose

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

1105. Public Benefit. A PUD must provide public benefits the residents of the proposed development, 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. Public benefit can be achieved through project related amenities as outlined in Section 1130 as well as the following:

1105.01 Preservation and enhancement of natural systems and resources, topography, vegetation, and other natural features.

1105.02 Provision of a variety of housing and community types.

1105.03 Provision of recreational amenities including trails and parks.

1105.04 Provisions of pedestrian and non-motorized travel facilities.

1105.05 Use of design, landscape, or architectural features to create pleasing environment or other special development features.

1105.06 Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.

1105.07 Improved business and commercial development to enhance the local economy and strengthen the tax base.

1105.08 Enhanced efficiency in the provision of utility services, public infrastructure, or public services.

1105.09 Provision of green infrastructure or enhancement of energy efficiency and environmental design, operation, and maintenance of buildings and properties.

1105.10 Preservation and enhancement of historical or cultural resources that contribute significantly to the character of the city.

1105.11 Provision of mixed-use development.

The nature and scale of public benefit shall be determined by the City at the tie pre-application meeting.

Section 1110– General Requirements

1110.01 Platting Required. The PUD must be platted.

1110.02 Consistency with Comprehensive Plan. The PUD shall be consistent with the Hermantown Comprehensive Plan.

1110.03 Applicable Zoning Districts. A PUD may be allowed in any zoning district in the City of Hermantown.

1110.04 Uses Allowed. All permitted and conditional uses listed in the underlying specific district are allowed in a PUD.

1110.04.1 Residential Units. Where residential units are provided as part of the PUD, regardless of underlying district, they may be single-family, two-family, multi-family dwellings, or any other type and arrangement of dwelling permitted in the city. The development of multiple types of residential development is strongly encouraged.

1110.04.2 Neighborhood non-residential. Where the underlying district is a residential zoning district, a PUD may integrate commercial, institutional, and services uses designed and intended to serve the residents of the PUD and surrounding neighborhood.

1110.05 Ownership. The tract of land to be developed as a PUD must be under single ownership or control. The property included in the PUD shall be planned and developed as a single unit.

1105.06 Minimum Area. There is no minimum land size requirement for a PUD, except in the S-1 and R-1 zoning districts where the minimum shall be 5 acres of contiguous land. Applicants must demonstrate that the PUD is of sufficient size and scope for the size or the property to achieve the public benefits described in section 1105.

1110.07 Multiple Uses. The inclusion of mixed uses and multiple uses within a PUD is strongly encouraged.

1110.08 Site Layout. A PUD must achieve a greater site design ~~and public benefit~~. A PUD may not be simply used as a method to avoid zoning regulations or subdivision regulations such as required setbacks, minimum lot size or public frontage requirements.

1110.09 Authority to Modify Regulations. 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.

1110.10 Site and Building Design.

1110.10.1 The PUD shall be designed to create a unified environment within the PUD boundaries by ensuring compatibility of all structures, efficient vehicular and pedestrian circulations, aesthetically pleasing landscape and site features, and design and efficient use of utilities.

1110.10.2 More than one building may be placed on one lot in a PUD.

1110.10.3 Common open space must be used for amenity or recreational purposes. Parking areas and traffic corridors shall not be considered an approved use of common open space. The

uses authorized for common open space must be appropriately scaled to the size and use of the PUD.

Section 1115– Application Procedure

1115.01 Pre-Application Conference. Prior to submitting an application for a PUD, the applicant shall participate in a pre-application conference with city staff. The purpose of the pre-application conference is to allow city staff to review and provide comments on the suitability of the development concept as a PUD, as well as to provide guidance to application on the procedures and standards for PUD approval. Density bonus targets and amenities will begin being set during the pre-application conference. Once agreed upon, the density bonus target shall not exceed the set amount at any point during the process.

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 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.

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.

1115.05 Review Procedure. 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.

- a. Upon receipt of a complete application for a preliminary PUD, the application shall be reviewed by city staff and a report concerning the application shall be submitted to the planning commission for its consideration.
- b. The Planning Commission shall hold a public hearing and make a recommendation to the City Council after a complete application is received by the City. If the Planning Commission fails to deliver a timely recommendation to the City Council, the City Council may then consider the preliminary PUD without the Planning Commission's recommendation.
 - i. Notice of the time, date, and Notice of the time, place and purpose of the public hearing shall be published in the official newspaper at least ten days prior to the day of the hearing. Notice shall also be mailed at least ten days before the day of the hearing to each owner of affected property and the owners of property situated wholly or partly within 1000 feet of the property affected by the PUD. For purposes of giving mailed notice, owners shall be those as show to be such on the records of the St. Louis County Auditor. The failure to give mailed notice to individual property owners or defects in notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this notice provision has been made. Notice of a hearing for any special use permit affecting any property in a Shoreland or Floodplain District shall be mailed to the Commission of Natural Resources of the State of Minnesota at least 15 days prior to any such hearing.

ii. **Sign Notice.** Sign notice means a sign with minimum dimensions of 24 in. by 30 in. posted as close as reasonable possible to each street frontage on the applicant's property with the text between 3 ft. and 5 ft. above grade level, with a title line reading 'Planning and Zoning Commission Notice' in letters at least 3 in. tall and with the remainder of the text in letters at least ½ in. tall. Each sign must be posted at least two weeks before the date of the public hearing and must remain in place and legible through the date of the public hearing as shown on the sign. If the sign will not be legible at the stated height due to snow accumulations it may be placed higher, but at the lowest elevation that will be legible to the public. If snow obscures the sign during the posting period, the snow shall be removed and/or the sign shall be relocated so as to be legible within 24 hours after snowfall ends. Evidence produced at or before the public hearing that one or more of the required signs were not in place or legible throughout that period shall be grounds for postponement of the public hearing and a requirement to repost the property. Required signs may not be posted in any portion of the public right-of-way.

iii. **Required Applications.** Sign notice postings shall be required for all Subdivision applications. The creation and posting of the signs shall be the responsibility of the applicant.

iv. **Content of Notice.** Each required notice shall include the following information:

- (a) The name of the applicant;
 - (b) The address of the property;
 - (c) A narrative description of the project including the proposed land uses, size (in square feet) and height (in feet and stories) of any proposed buildings or building expansions;
 - (d) The type of permit or approval being sought;
 - (e) Contact information where additional information can be obtained from the applicant (which may be an address, telephone number, web site, or e-mail address of other electronic site or method);
 - (f) Contact information for the assigned city staff member;
 - (g) The date, time and place of the public hearing.
- c. The City Council, by resolution, may approve the preliminary PUD plan in whole or in part, may approve the preliminary PUD plan in whole or in part, may approve subject to conditions, may deny, or may defer consideration of the preliminary PUD plan for further study to a later date.
- d. When a preliminary PUD plan has been denied by the City Council, the owner or applicant may not reapply for the same or similar development on the same property for the six-month period following the date of denial.
- e. The final PUD development plan shall be submitted for approval within 365 days after the City Council approval of the preliminary PUD plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.

- f. The final PUD shall be considered according to the following procedure:
- i. City staff shall review the final PUD plan and make a report of its findings recommendations to the Planning Commission for its consideration following receipt of the final PUD plan.
 - ii. The Planning Commission shall consider the staff report, other applicable data, and testimony and shall submit its recommendation to the City Council. If the Planning Commission recommends approval of the final PUD plan, it shall find that the final PUD plan is in substantial compliance with the preliminary PUD plan and the comprehensive plan.
 - iii. The Planning Commission shall refer its recommendation on the final PUD to the City Council. If the Planning Commission fails to deliver a recommendation to the City Council, the City Council may then consider the preliminary PUD without the Planning Commission's recommendation.
 - iv. The City Council shall consider the final PUD plan. If the City Council deems it necessary, it may set a public hearing for consideration of the final PUD plan. The City Council may deny the final PUD plan or may approve by resolution the final PUD plan in whole or in part.

(Am. Ord. 2016-50, passed 7-18-16)

1115.06 Development Agreement.

- a. The City may, at its sole discretion, require the owner and developer of a proposed PUD to execute a development agreement which may include, but not be limited to, all requirements of the final PUD plan, agreements on utilities, roads, and other infrastructure as a condition to approval of a final PUD.
- b. The development agreement may require the developers to provide an irrevocable letter of credit or performance bond in favor of the City.

Section 1120 – Density Bonus

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 is appropriate for that site. In determining the reasonableness of the authorized-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 will be established early on in the development process. Once identified, the site specific bonus density shall not increase from the agreed upon amount.

1120.01 S-1 and R-2 zoning district – Double density bonus (2 per 5 acres) and (4 per five acres)

1120.02 R3 – PUDs in an R3 (or residential) zone shall not exceed a moderate suburban density

1120.03 Hermantown Marketplace – 50 units per acre for multi-family housing (35 units is max density)

1120.04 Commercial and Industrial Zones – Not applicable

Section 1125 – Design

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 PUD1 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. 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.

Section 1130 – Project 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.

Section 1135 – 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 1140 – Changes and Amendments

1140.01 Minor changes that do not substantively alter the approved Final PUD in terms of density, land usage, height, parking and loading, provision of open space, or the physical relationship of the elements of the development may be authorized by the Planning Commission. Minor changes include minor changes in the following:

- a. Location of buildings
- b. Open space
- c. Parking
- d. Reconfiguration of the footprint or massing of buildings
- e. Realignment of minor streets

1140.02 Major changes that do substantively change individual elements of the Final PUD, such as the exact use, square footage or height of individual buildings, the location and size of parking and loading facilities, the location, size and configuration of open spaces, and design or roadways, of the phasing elements of the project. Major changes shall require a public hearing before the Planning Commission and approval by the City Council.

1140.03 Substantial deviations from the Final PUD are such changes that considerably alter the character of the PUD as a whole, including but not limited to significant changes to the land included within the PUD, the total amount of development within the PUD, the balance of residential and non-residential uses, the amount of open space provided, or the conceptual layout of buildings, public spaces, and circulation systems, and phasing. Substantial deviations shall require a new PUD application.

Section 1145 – Time Limit on Approved Planned Unit Development

1145. Time Limit on Approval Planned Unit Development. No PUD approval shall be valid for a period longer than 365 days unless a Building Permit is issued. However, upon written request of the applicant, the 365 day period may be extended by the City Council for such time as it shall be determined and for good cause shown, without further hearing.

Section 1150 – Effect of Approval of a Planned Unit Development

1150. Effect of Approval of a Planned Unit Development. The approval of a final PUD by the City Council shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing, and

processing of applications for such permits or approvals as may be required by the regulation of the City, including, but not limited to a building permit and a Certificate of Occupancy.

Section 1155 – Zoning Map Designation

1155. Zoning Map Designation. Upon approval of the final PUD, the PUD boundaries shall be noted on the official zoning map as it is amended from time to time. The map shall include a numbered reference to the final PUD on file with the City.

(Am. Ord. 2015-01, passed 2-2-2015)

7A. 4247 Stebner Road– Discussion on the Amendment of a Special Use Permit

<u>Applicant:</u>	David Rauschenfels
<u>Case No.:</u>	2021-54-SUP
<u>Staff Contact:</u>	Eric Johnson, Community Development Director
<u>Request:</u>	Discussion on the Amendment of a Special Use Permit

DESCRIPTION OF REQUEST:

Disuss a possible amendment to a Special Use Permit in order to construct a twinhome building (2 units total) at 4247 Stebner Road.

SITE INFORMATION:

Parcel Size:	2.83 acres
Legal Access:	4247 Stebner Road
Wetlands:	Yes, not affected by the proposed use
Existing Zoning:	R-3, Residential
Airport Overlay:	None
Shoreland Overlay:	None
Comprehensive Plan:	Residential

Development Details

In 2012, a Special Use Permit was approved for the construction of a six-plex apartment building along with two garage structures. The property is abutted by a twinhome development to the south, single family residential to the east, a single family home to the north and common greenspace, primarily wetland, to the west.

The Findings of Fact associated with the resolution approving the Special Use Permit references that the three single family homes located on the east side of Stebner Road are buffered from the Project by way of a 150 foot vegetated setback area on the Property and a 50 foot front yard setback associated with those single family homes.

Furthermore, the Special Use Permit states that the developer must preserve existing trees and vegetation in the front, side and rear lot line setback areas.

The applicant approached City staff to inquire about the ability to construct a twinhome building within this existing vegetated buffer area. The twinhome would have access from the existing six-plex driveway/parking area and would be setback 50 feet from the Stebner Road property line (83 feet from centerline of Stebner Road). The applicant proposes to maintain the 50 foot vegetated area between the

twinhome and Stebner Road as well as the 150 foot vegetated area to the north and south of the proposed building.

The applicant wishes to create a separate lot for the twinhome building, which could be accomplished by way of an administrative subdivision.

Potential Process/Steps

Assuming the Planning and Zoning Commission has a comfort level with the proposal, the following process/steps would be applied:

- Submission of a request to amend the existing Special Use Permit (SUP) to allow for the construction of a twinhome;
- Submission of a request to amend the existing SUP to allow for the modification of the property lines in order to create the twinhome lot;
- Submission of a new SUP application for the construction of a twinhome in a R-3, Residential zoning district;
- Application of a Variance request to reduce the lot associated with the twinhome from 1 acre to approximately 0.5 acres;
- Concurrence by the Planning and Zoning Commission and ultimate approval by the City Council for the amended SUP and new SUP;
- Staff approval of an Administrative Lot Split in order to create the new twinhome lot.

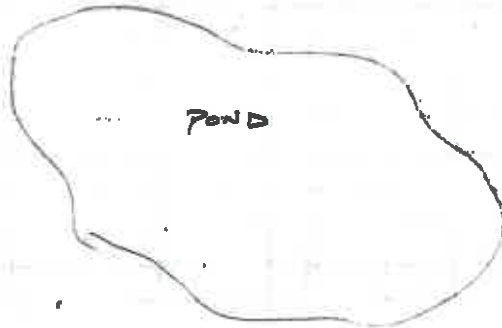
ATTACHMENTS:

- Site Location Map
- Proposed site plan

Location Map



280'



POND

24x48
Garage

16 units 10x50
Foyer

24x48
Garage

General Office
A B

EXISTING

PROPOSED

50' SETBACK

UNDISTURBED

STEBNER RD

4247

280'

400'

400'