



Hermantown Planning & Zoning Meeting – August 17, 2021

Because of attendance limitations at the regular meeting location due to the health pandemic, Hermantown's August 17, 2021, Planning & Zoning Meeting will be conducted both remotely and with limited access to Council Chambers.

The Planning and Zoning meeting will utilize the platform "Zoom," which allows the public to view and/or hear the meeting from their phone or computer. Interested parties can also choose to attend the Planning and Zoning meeting in person at City Hall. Current Minnesota Department of Health guidelines regarding the health pandemic will be observed during this meeting.

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 - AMENDED
August 17, 2021
7:00 PM

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
 - 3A. July 20, 2021 regular meeting.
4. **PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.
5. **PUBLIC HEARINGS**
 - 5A. An application by Russ Bradley for a Special Use Permit for the construction of a twinhome/duplex at 5106 Hermantown Road. The property is located in a R-3 Residential zoning district.
 - 5B. An application by Russ Bradley for a Variance of 6 feet to the rear yard setback for the construction of a twinhome/duplex at 5106 Hermantown Road. The property is located in a R-3 Residential zoning district.
6. **CONTINUING BUSINESS**
 - 6A. Discussion on prohibited uses within Airport Zoning District 2.5.
 - 6B. AMENDED ITEM - Update on Planned Unit Development Zoning Ordinance
7. **NEW BUSINESS**
8. **COMMUNICATIONS**
 - 21-124 Email from Bart & Lisa Smith regarding Carlson Road Extension.
 - 21-141 Email from Jake Perry regarding Carlson Road Extension.
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
July 20, 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; Megan Johnson, 4168 Lindahl Rd. (via Zoom); Bob and Linda Hakala, 4841 Oak Ridge Dr.; and Gary Gilbert, 3850 Old Midway Rd.

2. APPROVAL OF AGENDA

Motion made by Beth Wentzlaff to approve the July 20, 2021 agenda as presented. Seconded by Corey Kolquist. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Valerie Ouletette to approve the amended June 15, 2021 minutes as presented. Seconded by Buckley Simmons. Motion carried.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARING

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 the residence located at 4168 Lindahl Road. The property is located in a R-1, Residential zoning district.

Eric Johnson, Community Development Director, shared with the commission that the applicant, Meg Johnson, is proposing to utilize her 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. Ms. Johnson 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. Ms. Johnson will continue to use the existing home as a residence.

Ms. Johnson is estimating 25 – 30 customers a day with the season being from late spring to early fall and anticipate 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.

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.

Corey Kolquist asked why a Special Use Permit is being requested if it's already allowed.

According to Eric, it is being requested to ensure public input on the proposed project because of the large acreage property and proposed operations occurring.

Corey asked if going from a residential usage to a commercial usage, would there be an effect on the Johnson's taxes?

Eric stated that the property would still maintain its residential use zoning. He stated that St. Louis County may look at it differently for tax purposes, but the zoning in Hermantown would not change.

Joe Peterson asked what the process would be if the applicant were to come back at a later time with a request to expand the operations.

Eric stated that they would have to amend the Special Use Permit.

John Geissler asked if there was any signage proposed with the application.

Joe asked Ms. Johnson if there would be any signage at the site.

Megan Johnson, 4168 Lindahl Rd., stated that at this time, there is nothing.

Motion made by Valerie Oullette to approve the application by Meg Johnson for a Special Use Permit (SUP) for the purpose of starting a greenhouse/nursery including sales and production at the residence located at 4168 Lindahl Road. Seconded by Samuel Clark. Motion carried 6-0.

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.

Eric presented to the Commission that JLG Enterprises (Applicant) is proposing to construct the second phase of the Peyton Acres development. In 2020, JLG proposed a preliminary plat of phase 1A and 1B for a total of 19 lots and 2 outlots. In June 2020, JLG submitted for a final plat for phase 1A which included six residential lots and 2 outlots over five existing parcels totaling 75.0 acres. The initial preliminary plat and final plat were both recommended for approval by the Planning Commission and were ultimately approved by the City Council.

The proposed phase 1B consists of 10 single family residential lots and one outlot which contains the remainder of the overall property. The proposed phase 1B is consistent with the previously approved preliminary plat and meets the requirements associated with the R-3, Residential zoning district.

Applicant proposes to plat the five parcels for residential development, starting with six single family residential lots an Outlot (A) containing stormwater treatment facilities on approximately 2 acres with a large Outlot (B) covering the remaining 67 acres to be reserved for future subdivision. Phase 1 will have access from Stebner Road via a new City street to be constructed by the applicant. 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.

Corey asked about wetland credits when someone purchases a lot.

Eric stated that one of the elements in the Development Agreement is that there are GPS posts put into the ground of which there are GPS points associated with that. All of the credits (de minimus exemptions) are utilized for the development.

Bob Hakala, 4841 Oak Ridge Dr., asked for clarification of the two separate maps that were part of the agenda packet.

Eric explained to Mr. Hakala the difference noting that Phases 1 – A; 1 – B and midway through Phase 4 are all zoned residential. The other portion of Phase 4, Phase e and Phase 2, are part of the Hermantown Marketplace.

Mr. Hakala is concerned about the pond located approximately 100 feet from his property and wanted it on the record that he opposes this project.

Gary Gilbert, 3850 Old Midway Rd., stated that he believes the location to be approximately 200 feet off of Mr. Hakala's property. Gary noted that many engineers have been extremely involved in the project to ensure that the water at the pond will run to the east. He noted that by rule, they have to retain the water, treat it, and then release it to the east.

Sam Clark commented that based on his understanding, the concern is excess water on Mr. Hakala's property by the development being put in. His understanding of the conversation is unless there is any documentation of a water problem here, the development shouldn't cause a problem on the Hakala's property.

Mr. Hakala asked about a buffer between his property and the pond. He asked if the City had the resources to maintain retention ponds. He would appreciate a buffer between his property and the pond.

Sam stated to Eric that it was Sam's understanding that this development will not/should not cause a water problem on his (Mr. Hakala's) property, and that were to happen, it is documented that homeowner would have an opportunity for some kind of recourse.

Eric stated that per the City's Statute, the developer is required to design these to City requirements. Eric stated that water cannot be released which is greater than the existing conditions. Eric would not stand on the event of catastrophic events, and would not say never.

Sam suggested that the homeowner could work with the City Engineer or have a meeting just to review if they needed more clarification on that was there right now versus necessarily the developer.

Eric noted that something like that could happen.

Motion made by Corey Kolquist to approve the application by JLG Enterprises for a Final Plat for a 10 lot and 1 outlet subdivision located at 3956 Stebner Road. Seconded by Buckley Simmons. Motion carried 6-0.

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

Eric advised the Commission that City staff has taken the ideas associated with the recommendations by ARDC regarding the PUD study, and added them into specific sections in the new proposed ordinance. A marked-up version and a clean copy have been provided to the Commission members to review. Eric would like to have the Commission discuss the recommendations this evening and meet in August to finalize the proposed ordinance or if they were comfortable with staff working with the City Attorney on the ordinance revisions, then they could make a recommendation tonight.

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

Motion made by Corey Kolquist to approve the recommendations of the Zoning Ordinance text amendments by the City of Hermantown amending Chapter 11 – Planned Unit Development. Seconded by Valerie Oullette. Motion carried 6-0.

6. CONTINUING BUSINESS

None.

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.

Eric informed the commission members that the potential applicant has withdrawn his request.

8. COMMUNICATIONS

None.

9. COMMISSION MEMBER REPORTS

Joe Peterson – None.

Corey Kolquist – Asked if agenda packets were being mailed to members. Eric informed him they were not.

Valerie Ouellette – None.

Samuel Clark – None.

Shannon Sweeney Jorgenson – Absent.

Beth Wentzlaff – None.

Buckley Simmons – None.

John Geissler – Noted that the governor lifted the open meetings laws. After August 30, 2021, as council/commission member, you cannot attend a meeting via zoom. Also, that on August 24, 2021, there will be a ribbon cutting ceremony in connection with the new trail.

ADJOURN

Motion made by Samuel Clark to adjourn the meeting. Seconded by Corey Kolquist. Meeting adjourned at 8:17 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant



5A. 5106 Hermantown Road– Special Use Permit - Construction of a two-family residential structure in a R-3, Residential Zoning District

Applicant: Russ Bradley
Case No.: 2021-59-SUP
Staff Contact: Eric Johnson, Community Development Director
Request: Issue a special use permit for construction of a two-family residential structure in a R-3, Residential District

RECOMMENDED ACTION:

Approve a Special Use Permit for construction of a two-family residential structure in a R-3, Residential zoning district.

DESCRIPTION OF REQUEST:

The applicant requests a special use permit to construct a two-family dwelling unit in an R-3 Residential zone.

SITE INFORMATION:

Parcel Size: 5.62 acres total
Legal Access: 5106 Hermantown Road
Wetlands: Yes, however not in developed area
Existing Zoning: R-3, Residential
Airport Overlay: None
Shoreland Overlay: No
Comprehensive Plan: Residential

BACKGROUND

The applicant has the option to purchase a portion of the property located at 5106 Hermantown Road which is zoned R-3, Residential. This property was previously proposed to have a 5 lot subdivision of it back in 2019, however the property owner chose not to move forward with that project.

The property currently has an existing house and two outbuildings located on it. The applicant is proposing to subdivide the property into 3 total lots and purchase two of the lots; one with the existing house and the other for the purpose of constructing a two-family home. The existing property owner will retain the lot with the existing outbuildings respectively, with this lot being slated to be developed in the future. The parcels have access onto Hermantown Road and the lot sizes range from 0.5 acres to 4.12 acres in size.

ZONING ANALYSIS

Two-family dwellings are allowed by Special Use Permit (SUP) in the R-3 – Residential Zoning District. There are specific conditions which apply to two-family dwellings in addition to the standard regulations in the zoning district. The existing property meets the minimum lot dimensions associated with the construction of a two-family dwelling.

Table 1. Twin Home Requirements	Requirement	Provided
Minimum lot area	1.0 acre	1.0 acre
Minimum lot width	150 feet	200 feet
Minimum depth of front yard	50 feet	50 feet minimum
Minimum side yard	40 feet	40 feet minimum
Minimum distance from nearest condominiums, town homes, two-family dwellings	200 feet	Greater than 200 feet.
Minimum living area per unit	792 sq. ft.	2,400 sq. ft.

Utilities

The existing home on the property has utility connections going through the proposed twinhome building envelope. The applicant is required to construct public sanitary sewer and public water lines by way of the existing sanitary sewer and water lines within the Hermantown Road right of way. The new sewer and water lines will be a City main and will be constructed by the applicant at his expense, based on the City standards. The applicant is proposing to extend the utility lines from the existing connections into his site on private property. The applicant will be required to provide a 30' wide public easement for these utilities. This easement will be included in the overall 50' minimum building setback associated with the front yard of each lot. The existing home will take utility access from these new utility mains.

The applicant will provide engineered plans for utility connections prior to beginning such work on the site. Preliminary plans have been prepared for this work in the past three years as part of an earlier project. The City Engineer will review these plans and provide comment to the applicant. Detailed plans for new public utilities will be reviewed and approved by the City Engineer prior to issuance of the building permits for the development. No new public utilities will be accepted by the City until reviewed by the City Engineer and accepted by resolution of the City Council. All new public utilities must be placed in a public utility easement or road right of way. The water main extension will need a MDH permit and the sanitary sewer will require both a WLSSD and MPCA sanitary sewer extension permit.

The applicant will be required to either present a Letter of Credit for 125% of the construction value of these utilities or install these utilities prior to obtaining a certificate of occupancy.

Wetlands

A wetland delineation was done by way of the National Wetland Inventory (NWI) map. The NWI shows a wetland near the Lavaque Road/Hermantown Road intersection on the proposed twinhome lot as well as a small wetland on the future development lot. Both of these wetlands are located within the building setback areas and will not be affected by construction. These wetlands will be required to be flagged prior to the start of construction and issuance of any building permits.

Lot Split

The applicant has proposed to divide the property into 3 lots comprising 5.62 acres. The property currently has an existing house and two outbuildings located on it. The applicant is proposing to subdivide the property into 3 total lots with one of the lots including the existing house, another lot for the twinhome and the third lot containing the two existing outbuildings respectively. The lot split can be performed administratively.

The applicant will be purchasing the residential home and constructing a twinhome on the corner lot. The existing property owner will be retaining the lot with the two outbuildings on it for future development. The City ordinance does not allow for the creation of a lot with an accessory structure on it as the sole structure. The resolution for this project will include the stipulation that these structures will either be removed within three years from time of administrative lot split or in the case of the purchase of the lot include the stipulation that a building permit needs to be applied for within one year of purchase in order to retain the accessory structure on the lot.

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/lot per additional lot (two) in lieu of dedicated park land. This fee will be paid at the time of administrative parcel split approval.

Special Use Permit

The Special Use Permit is for construction of a two-family residential structure in a R-3, Residential zoning district. Staff finds the following in regard to the criteria for Special Use Permits in the Zoning Ordinance:

No special use permit shall be approved unless positive findings are made with respect to each and every one of the following criteria:

- 1. The proposed development is likely to be compatible with development permitted under the general provisions of this chapter on substantially all land in the vicinity of the proposed development;**

The proposed use is compatible with development within the vicinity which is characterized by low and medium density residential and residential compatible uses.

- 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 proposed use will not interfere with the use and enjoyment of surrounding properties which consists of low density residential. The property and setbacks are of sufficient size to not interfere with neighboring 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 in an area marked for residential development in the Comprehensive Plan. A twin home is consistent with the density and purpose of the R-3 – Residential zoning district.

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

The proposed use is similar to uses of nearby properties in density and style.

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

The project will meet requirements for minimum distance from other two-family dwellings and minimum living area per unit. Refer to Table 1 for specifics of the zoning analysis.

Findings of Fact and Recommendations

Staff recommends approval of the special use application to construct a two-family dwelling, subject to the following:

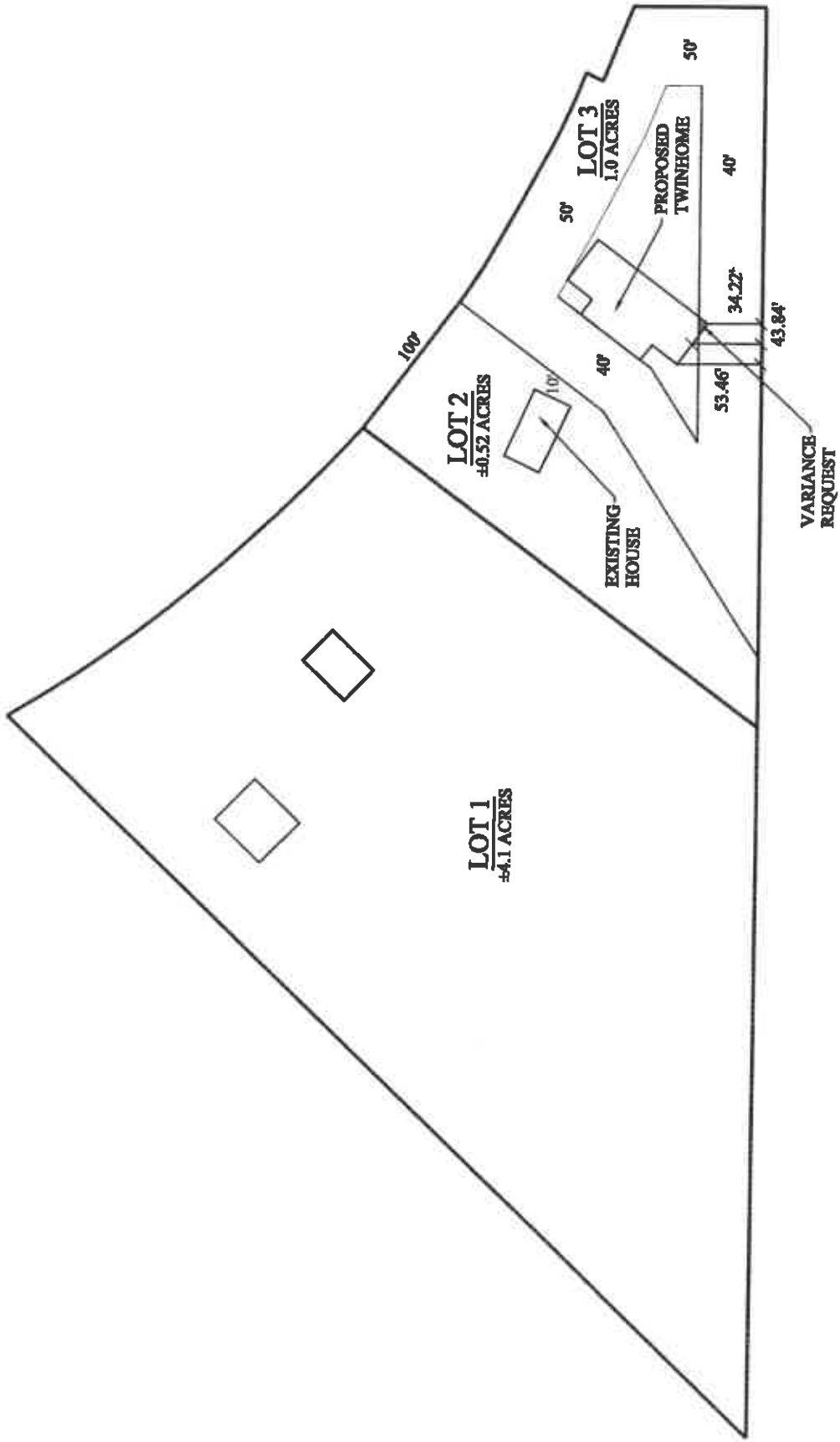
1. The applicant shall construct public sewer and water services at their own cost.
2. Prior to issuance of a building permit, the applicant will submit a site plan showing the lot dimensions and location of the two-family residence relative to the side lot lines.
3. Erosion control measures shall be utilized and remain in place throughout the construction period, and shall not be removed until vegetation is established on the site.
4. Prior to issuance of a building permit, all necessary permits shall be obtained.
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.

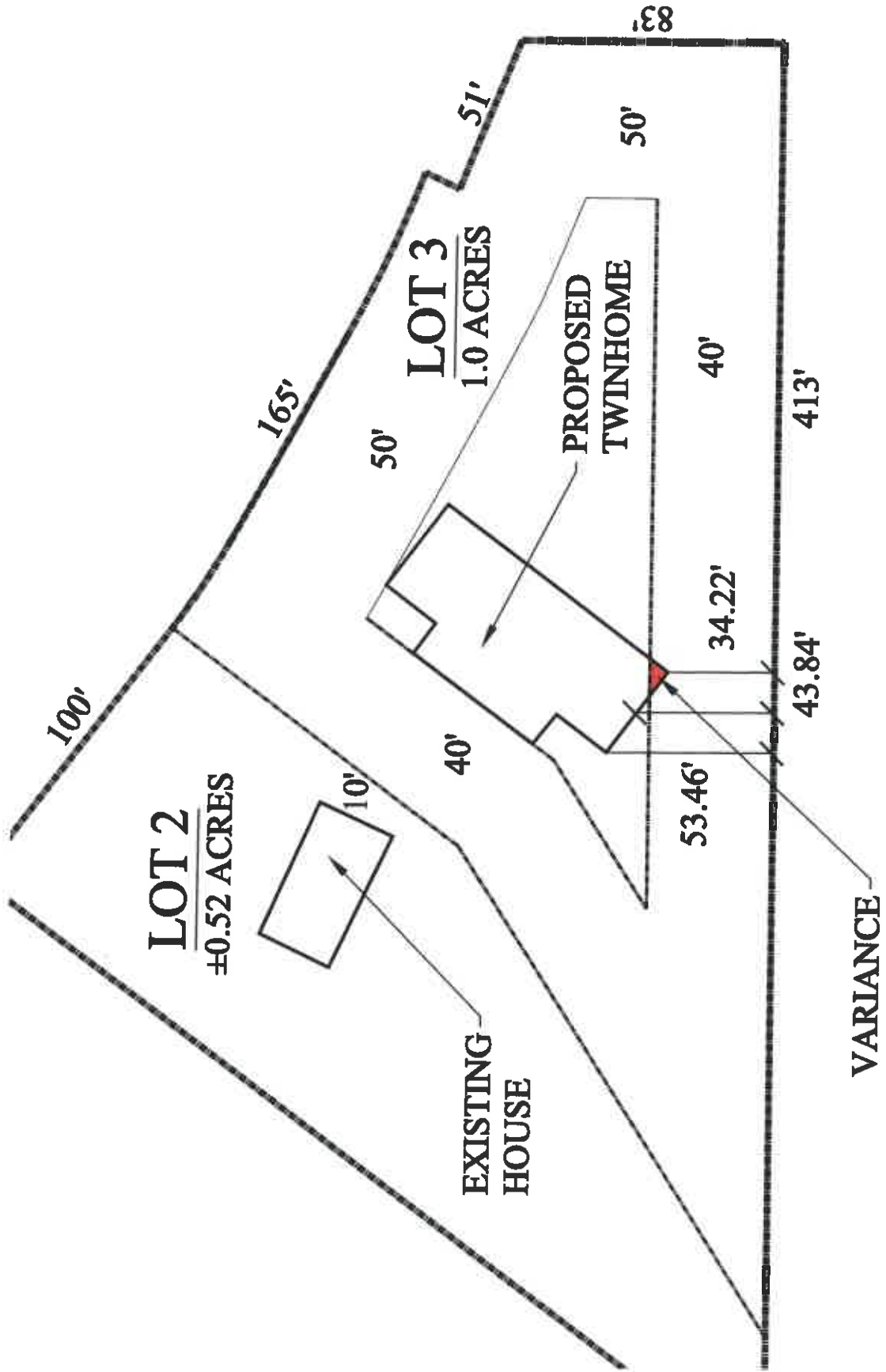
ATTACHMENTS

- Location Map
- Overall Lot Plan
- Proposed Site Plan
- Proposed Building Elevation

Location Map











5B. 5106 Hermantown Road– Variance Application for a 6 foot reduction of the 40 foot rear yard building setback in an R-3, Residential zoning district

Applicant: Russ Bradley
Case No.: 2021-59-VAR
Staff Contact: Eric Johnson, Community Development Director
Request: Request a 6 foot variance from the rear yard building setback in a R-3, Residential zoned property

RECOMMENDED ACTION:

Approve a variance request for a 6 foot variance from the 40 foot rear yard setback in a R-3, Residential zoning district.

DESCRIPTION OF REQUEST:

The applicant requests a variance for a 6 foot variance from the 40 foot rear yard setback in a R-3, Residential zoning district.

SITE INFORMATION:

Parcel Size: 5.62 acres total
Legal Access: 5106 Hermantown Road
Wetlands: Yes, however not in developed area
Existing Zoning: R-3, Residential
Airport Overlay: None
Shoreland Overlay: No
Comprehensive Plan: Residential

BACKGROUND

The applicant has the option to purchase a portion of the property located at 5106 Hermantown Road which is zoned R-3, Residential. This property was previously proposed to have a 5 lot subdivision of it back in 2019, however the property owner chose not to move forward with that project.

The subject parcel is a triangle shaped lot with frontage on Hermantown Road and Lavaque Road. The proposed parcel has approximately 220 feet of frontage along Hermantown Road with the parcel ranging in depth from 95 feet to 240 feet. In addition, due to the sloping of the topography from west to east, a building footprint generally running perpendicular to Hermantown Road works best with the site topography.

R-3, District Requirements

The site is in the R-3, Residential Zoning District. The project is an allowed use under Section 515.10 Requirements for Condominiums, Town Homes, and Dwelling, Two Family (Duplexes) Having No More than Two Dwelling Units in One Building. The District has the following lot requirements:

Dimensional Requirements	R-3, Residential	Proposed Project
Area	43,560 SF (1.0 acres)	43,560 SF (1.0 acres)
Lot width/frontage	150'	200'+
Front yard setback	50'	50'
Rear yard setback	40'	34' minimum – 43'-8" average
Side yard setback	40'	40' minimum

General Variance Requirements

Variance applications are considered by the Board of Appeals and can be appealed to the City Council by either an aggrieved applicant or by other citizens of the City who may be in opposition to the Board of Appeals action. In the case of a combined application, the Planning and Zoning Commission may act on variance requests.

A variance is requested from Section 515.10 Requirements for Condominiums, Town Homes, and Dwelling, Two Family (Duplexes) Having No More than Two Dwelling Units in One Building. The section states that the minimum depth of rear yard for the principal structure 40' from the property line.

Justification and Mitigation

1. (Justification) The applicant is proposing the future home to be located to the west of the existing wetland. The proposed house location requires a 6' variance from the rear yard building setback.

(Mitigation) By constructing the home generally perpendicular to Hermantown Road, the home is angled in relation to the rear yard. The closest point to the rear lot line is 34 feet with the farthest point being 53 feet. The midpoint(average) of the home in relation to the rear lot line is 43 feet.

Per Section 615 – Governing Criteria, Variances of the Hermantown Zoning Regulations variances may only be permitted when all of the following criteria are satisfied:

1. The variance is in harmony with the general purposes and intent of the Hermantown zoning code.
The purpose of the building setbacks is to provide a standard for housing construction within each zoning district. Other than the adjacent existing home, which is located 50 feet away from the proposed structure, the next nearest home is located to the south and is approximately 360 feet away. The property on the south side, where the variance is requested, has an existing stand of trees which will provide screening of the home from the adjacent property owner to the south.
2. The variance is consistent with the Comprehensive Plan.
The variance is consistent with the Goals of the Comprehensive Plan by creating residential home development within the City.

3. There are practical difficulties in complying with the Hermantown zoning code.
 - a. Property owner proposes to use the property in a reasonable manner permitted by the Hermantown Zoning Code.
The proposed use is similar in use and intensity to other existing uses in the zoning district.
 - b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
The triangular shape of the parcel with varying lot depths as well as the site topography makes it difficult to locate the home without a variance. The proposed home location minimizes the need for a variance at its closest point in relation to the rear yard setback.
 - c. The variance, if granted will not alter the essential character of the locality.
The proposed use is similar in use and intensity to other existing uses in the zoning district.

Findings of Fact and Recommendations

Staff finds the application meets the requirements for a Variance and recommends approval of the Variance, subject to the findings of the Staff Report and the following conditions:

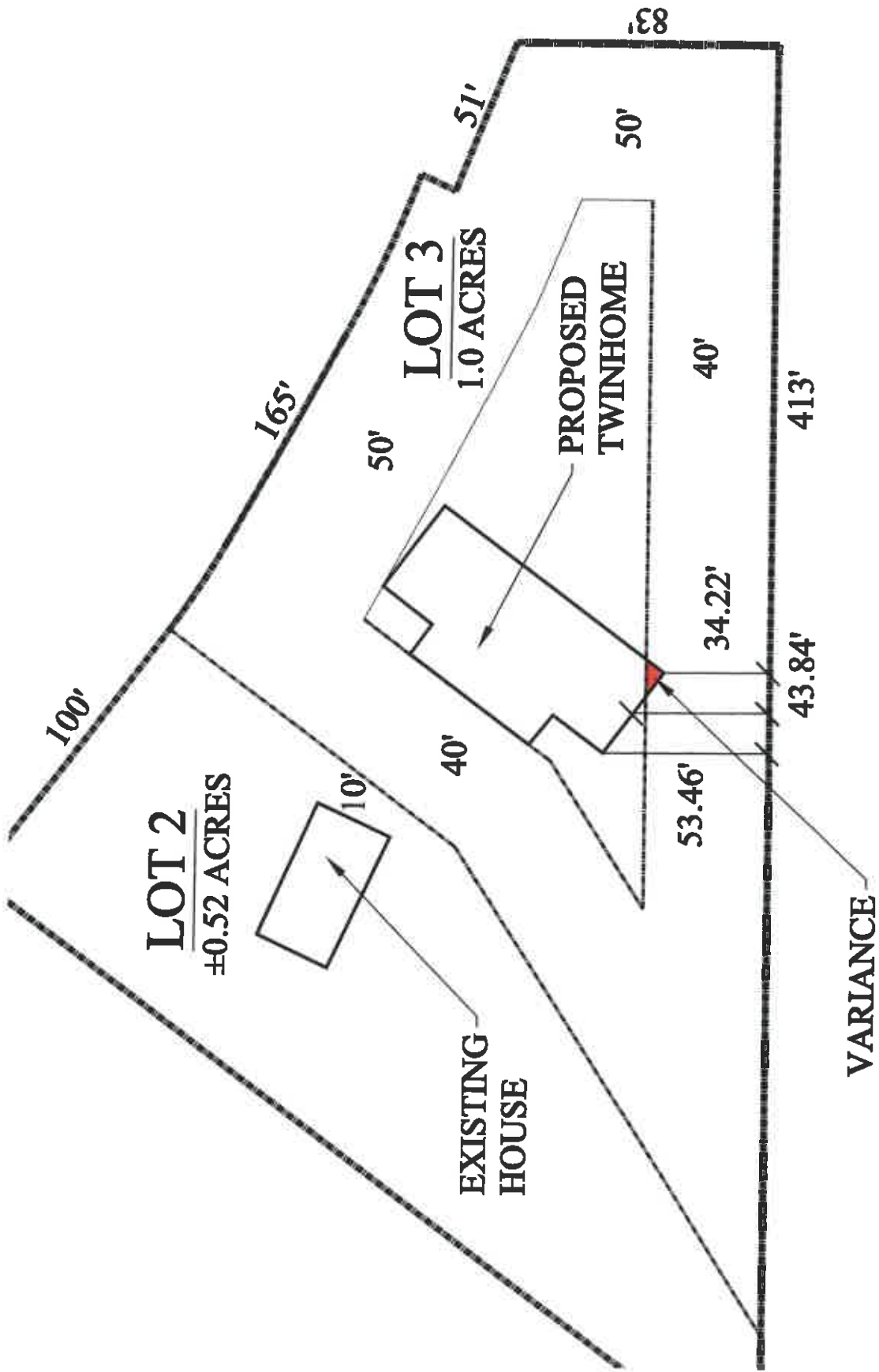
1. The 6' Variance from the 40' rear yard building setback is approved.
2. No wetland impacts are allowed in the building of the house nor for the creation of yard space.
3. The proposal meets the requirements of Section 515, "R-3, Residential" of the Hermantown Zoning Ordinance.
4. The proposal meets the requirements of Chapter 6, "Variances" of the Hermantown Zoning Ordinance.
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
- Proposed Site Plan

Location Map





Joint Airport Zoning Board
August 17, 2021

TO: Planning and Zoning
Commission

FROM: Eric Johnson, Community
Development Director

DATE: August 9, 2021

SUBJECT: JAZB Airport Zoning



City staff has been working with the Planning and Zoning Commission (P&Z) members, City Council and the Joint Airport Zoning Board (JAZB) on possible changes to the Airport Zoning Districts in Hermantown based on MN DOT's comments on proposed custom airport zoning for the Duluth Airport that were provided to us May 22, 2021 and emails from Steve Hanke, JAZB Attorney, dated May 21 and May 25.

City staff reviewed the emails, formulated a response and advised the City Council of the May 21 MnDOT comments and solicited comments at their meeting on June 7, 2021.

The Joint Airport Zoning Board (JAZB) held a public hearing on June 21, 2021 to present the proposed draft amendment for public comment. There was one public comment received asking if nursing homes would be prohibited within the Zone 2.5.

There was continued discussion between the City and JAZB regarding the prohibition of nursing homes within Safety Zone 2.5. City staff informed JAZB that any changes other than what had been previously discussed with the P&Z and City Council would need to be brought to each group in order to solicit comments and direction. The meeting dates are August 17, 2021 for P&Z and September 7, 2021 for City Council.

JAZB subsequently informed the City that they would revise the prohibited issues within Zone 2.5 to the following:

- 1.1.1. Childcare or daycare centers;
- 1.1.2. State licensed residential care facilities and housing with service establishments serving 6 or more persons;
- 1.1.3. State licensed adult daycare facility serving 12 or more persons;
- 1.1.4. State licensed group family daycare facility serving 12 or more children;
- 1.1.5. Public or private hospital;
- 1.1.6. Public or private school;

It was JAZB's opinion that by changing prohibited groups from a less than scenario to a more than scenario that it would prohibit nursing homes. Hermantown responded that by utilizing this language, that the prior users which were previously prohibited are now allowed. Furthermore, the City suggested that a definition

**Joint Airport Zoning Board
August 17, 2021**

of nursing home be established and agreed upon by JAZB in order to prohibit the use rather than utilizing modified language as the means to prohibit.

At the August 5, 2021 meeting, JAZB voted to utilize their language identifying prohibited uses for the draft zoning ordinance, with the understanding that each member community could enact more prohibitive language should they desire. JAZB then voted to submit the draft zoning ordinance with the prohibited language to MnDOT for their review.

Based on this decision by the JAZB it is the recommendation of City staff that we take no further action regarding this matter and await the decision by MnDOT regarding the draft submitted to it. Once MnDOT's response is provided then we will analyze the response and make recommendations to the Planning and Zoning Commission.

Safety Zone 2.5



- 36 parcels – currently no uses related to vulnerable populations
- No change to size/shape of the existing B zone
- Limitations from list of vulnerable populations uses.

6B. 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

As a follow up to the July 20, 2021 Planning and Zoning Commission (P&Z) meeting, staff has been working with the City Attorney on revisions to Chapter 11, Planned Unit Developments. At the July 20, 2021 meeting, the P&Z recommended the ordinance to the City Council and directed staff to work with the City Attorney as necessary on any revisions. Proposed revisions and clarifications include:

1. The Preliminary PUD and Final PUD can be combined in one review process for some PUD applications.
2. The review and consideration of plats and PUD's are combined.
3. Plats are not required for every PUD.
4. The determination of density bonus at the pre-application conference is only binding on the developer, not the P&Z or City Council.
5. Public hearings are required for the Preliminary PUD, combined Preliminary and Final PUD and Final PUD.
6. The review procedures are set out for the Preliminary PUD and combined Preliminary PUD and Final PUD and a separate review procedure set out for the Final PUD.

Changes to the 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 and Process, Amend Review Procedure; Adds density bonus language
- New Section 1120 – Design
- New Section 1125 – Project Amenities
- New Section 1130 – 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. 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 a mechanism for City officials to consider development proposals that do not meet the minimum requirements provided by the Zoning Code. 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 to the ~~proposed development 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:

- 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.

Section 1110– General Requirements

~~1110.01 Platting Required. The PUD must be platted.~~

- 1110.0~~1~~² Consistency with Comprehensive Plan. The PUD shall be consistent with the Hermantown Comprehensive Plan.
- 1110.0~~2~~³ Applicable Zoning Districts. A PUD may be allowed in any zoning district in the City of Hermantown.

1110.034 ~~1110.03~~ **Uses Allowed.** All permitted and conditional uses listed in the underlying specific district are allowed in a PUD.

1110.0403.1 ~~1110.0403~~ **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~~ City. The development of multiple types of residential development is strongly encouraged.

1110.043.2 ~~1110.043~~ **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.

1110.06-04 ~~1110.06~~ **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.

1105.06-05 ~~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.

1110.07-06 ~~1110.07~~ **Multiple Uses.** The inclusion of mixed uses and multiple uses within a PUD is strongly encouraged.

1110.08-07 ~~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.

1110.09-08 ~~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~~ **1110.9** **Site and Building Design.**

~~1110.10~~ **1110.9.1** 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~~ **1110.9.2** More than one building may be placed on one lot in a PUD.

~~1110.10~~ **1110.9.3** 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 cityCity staff. The purpose of the pre-application conference is to allow cityCity staff to review and provide comments on the suitability of the development concept as a PUD, as well as to provide guidance to application-applicant on the procedures and standards for PUD approval. Density bonus targets and amenities will ~~begin being set~~ be discussed pursuant to Section 1115.02 during the pre-application conference. ~~Once agreed upon, the density bonus target shall not exceed the set amount at any point during the process.~~ A determination of whether a plat will be required as part of the PUD will be made at the pre-application conference. If a plat is required, the application for the plat and the PUD shall be considered at the same time.

1115.02 Density Bonus. All density bonuses listed below are maximums 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 Zoning Code requirements may be considered. Maximum density and required amenity targets identified in Section 1125 will be discussed at the pre-application conference. Once identified, the site specific bonus density shall not increase, but may be decreased or otherwise modified by the Planning Commission or City Council.

1115.02.01 S-1 and R-2 zoning district – Double density bonus (2 per 5 acres) and (4 per five acres)

1115.02.02 R3 – PUDs in an R3 (or residential) zone shall not exceed a moderate suburban density

1115.02.03 Hermantown Marketplace – 50 units per acre for multi-family housing (35 units is max density)

1115.02.04 Commercial and Industrial Zones – Not applicable

1115.03 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.

1115.03-04 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:

1115.04.01 Site plan showing applicant's land and uses in adjoining property and physical features.

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1115.04.02 A description of the proposed density, types of uses, and general location of uses.

1115.04.03 Concept utility plan.

1115.04.04 Concept grading and stormwater plan.

1115.04.05 Concept building elevations.

1115.04.06 Concept landscape/screening plan (if over 4 units/acre).

1115.04.07 Narrative stating how the proposed development complies with the goals and policies of the Comprehensive Plan and PUD ordinance.

1115.04.08 General description of provided amenities.

1115.04.09 Other criteria as requested by Community Development Director.

1115.04.10 Wetland impacts.

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1115.04.11 Shoreland impacts.

1115.04.12 Identification of proposed density ~~bonus~~ discussed at the preapplication meeting and factors justifying the requested ~~bonus~~ density.

~~1115.04.13 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, Fire Departments and Hermantown school 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.~~

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1115.04-05 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:

1115.05.1 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.

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1115.05.2 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; ~~wedland areas; shoreland areas~~; 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.

1115.05.3 Drainage plan indicating catch basins and underground improvements and all other stormwater improvements.

1115.05.4 Detailed description and calculation of areas devoted to amenities and open space.

1115.05.5 Designation of ownership of stormwater improvements upon completion of construction.

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1115.05-06 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.

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1115.06.1 ~~Preliminary PUD plan or combined Preliminary and Final PUD.~~

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1115.06.1.1 Upon receipt of a complete application for a preliminary PUD, ~~or a combined Preliminary and Final PUD~~, the application shall be reviewed by ~~city~~City staff and a report concerning the application shall be submitted to the planning commission for its consideration.

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1115.06.1.2 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

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recommendation to the City Council, the City Council may then consider the preliminary PUD without the Planning Commission's recommendation.

1115.06.1.2.1 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 Preliminary PUD plan or combined Preliminary and Final PUD 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 Preliminary PUD plan or combined Preliminary and Final PUD 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.

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1115.06.1.2.2 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.

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1115.06.1.2.3 Plat. ~~If a Plat is required with respect to the proposed PUD, any public hearing required for any Plat may be combined with a the public hearing on the Preliminary Plat or combined Preliminary and Final PUD. A combined action on the Plat and PUD may be taken following the public hearing.~~

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1115.06.1.2.4 Required Applications. Sign notice postings shall be required for all ~~Subdivision applications for Preliminary PUD Plan or combined Preliminary and Final PUD plan.~~ The creation and posting of the signs shall be the responsibility of the applicant.

1115.06.1.2.5 Content of Notice. Each required notice shall include the following information:

1115.06.1.2.5.1 The name of the applicant;

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1115.06.1.2.5.2 The address of the property;

1115.06.1.2.5.3 A narrative description of the ~~Preliminary PUD plan or combined Preliminary and Final PUD Plan - project~~ including the proposed land uses, size (in square feet) and height (in feet and stories) of any proposed buildings or building expansions;

1115.06.1.2.5.4 The type of permit or approval being sought;

1115.06.1.2.5.5 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);

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1115.06.1.2.5.6 ~~Police, Fire Department and school information;~~

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1115.06.1.2.5.7 Contact information for the assigned ~~city~~City staff member;

1115.06.1.2.5.8 The date, time and place of the public hearing;

1115.06.1.2.5.9 ~~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, Fire Departments and Hermantown school during the Preliminary PUD or combined Preliminary and Final PUD Plan planning process and be given a chance~~

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to submit written or oral comments or to meet with the City and Applicant.

1115.06.2 Final PUD Order

1115.06.2.1 Upon receipt of a complete application for a Final 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.

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1115.06.2.2 The Planning Commission shall hold a public hearing and make a recommendation to the City Council after a complete application for a Final PUD 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 Final PUD without the Planning Commission's recommendation.

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1115.06.2.2.1 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.

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1115.06.2.2.2 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 property affected by the Final PUD Plan 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.

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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.

1115.06.2.2.3 If a Plat is required with respect to the proposed PUD, any public hearing required for any Plat may be combined with a the public hearing on the Preliminary Plat or combined Preliminary and Final Plat. A combined action on the Plat and PUD shall be taken in the action.

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1115.06.2.2.4 Required Applications. Sign notice postings shall be required for all Final PUD applications. The creation and posting of the signs shall be the responsibility of the applicant.

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1115.06.2.2.5 Content of Notice. Each required notice shall include the following information:

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1115.06.2.2.5.1 The name of the applicant;

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1115.06.2.2.5.2 The address of the property;

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1115.06.2.2.5.3 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;

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1115.06.2.2.5.4 The type of permit or approval being sought;

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1115.06.2.2.5.5 Contact information where additional information can be obtained from the applicant (which may be an address, telephone number, web

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~~site or e-mail address of other electronic site or method);~~

~~1115.06.2.2.5.6 Contact information for the assigned city staff member;~~

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~~1115.06.2.2.5.7 The date, time and place of the public hearing.~~

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~~1115.06.3 The City Council, by resolution, may approve the Preliminary PUD plan or combined Preliminary and Final PUD plan or Final PUD preliminary PUD plan in whole or in part, may approve the Preliminary PUD plan or combined Preliminary and Final PUD plan or Final PUD preliminary PUD plan in whole or in part, may approve subject to conditions, may deny, or may defer consideration of the Preliminary PUD plan or combined Preliminary and Final PUD plan or Final PUD plan preliminary PUD plan for further study to a later date.~~

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~~1115.06.4 When a Preliminary PUD plan or combined Preliminary and Final PUD plan preliminary PUD plan or Final 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.~~

~~1115.06.5 The Final PUD plan final PUD development plan shall may be submitted for approval within 365 days after the City Council approval of the Preliminary PUD plan preliminary PUD plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.~~

~~The final PUD shall be considered according to the following procedure:~~

~~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.~~

~~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.~~

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~~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.~~

~~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.~~

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

1115.06-07 Development Agreement.

1115.07.1 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, stormwater impacts and other infrastructure as a condition to approval of a final PUD.

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1115.07.2 The development agreement will specify who will own and maintain any project amenities.

1115.07.3 The development agreement may require the developers to provide an irrevocable letter of credit or performance bond in favor of the City to insure completion of the required infrastructure improvements and stormwater facility.

Section 1120—Density Bonus

~~**1115.06 Density Bonus.** All density bonuses listed below are maximums 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 Zoning Code requirements may be considered. Maximum density and required amenity targets identified in Section 1130 will be discussed or otherwise modified by the Planning and Zoning Commission or the City Council and early on in the development process. Once identified, the site specific bonus density shall not increase from the agreed upon amount, but may be discussed at the preapplication conference.~~

~~1115.06.01 S-1 and R-2 zoning district—Double density bonus (2 per 5 acres) and (4 per five acres)~~

~~1115.06.02 R3—PUDs in an R3 (or residential) zone shall not exceed a moderate suburban density~~

~~1115.06.03 Hermantown Marketplace—50 units per acre for multi-family housing (35 units is max density)~~

~~1115.06.04 Commercial and Industrial Zones—Not applicable~~

Section 11205 – Design

~~1120. 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 Zoning Code.~~

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~~1120.1 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.~~

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~~1120.2 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 1130-1125 – Project Amenities

~~1125.1 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:~~

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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.

1125.1 The Final PUD plan shall identify the party who will own and maintain the PUD amenities.

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Section ~~1135~~-1130 – Adequate Public Facilities

1130. An Applicant shall demonstrate that the PUD will not have an undue or adverse impact upon existing public facilities including streets and roads, ~~city~~City water and sanitary sewer utilities, stormwater utility, police and fire services, parks and recreation facilities, and the Hermantown School District.

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1130.1 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.

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1130.2 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.

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1130.3 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:

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1130.3.1 The estimated impact to the water, sewer, stormwater, streets or roads.

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1130.3.2 The design capacity of existing water, sewer, stormwater, streets or roads.

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1130.3.4 Planned (or Programmed) improvements to public facilities.

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1130.3.5 The cumulative impact of other approved development in the ~~city~~ City.

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1130.4 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.

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1130.5 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.

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1130.6 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.

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~~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~~1135 – Changes and Amendments

~~1140~~1135.01 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:

1135.01.1 Location of buildings

1135.01.2 Open space

1135.01.3 Parking

1135.01.4 Reconfiguration of the footprint or massing of buildings

1135.01.5 Realignment of minor streets

~~1140~~1135.02 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~~1135.03 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 11450 – Time Limit on Approved Planned Unit Development

~~1145~~1140. 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 ~~1150–1145~~ – 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

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*SCO Revisions
August 13, 2021*

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)~~

CHAPTER 11. PLANNED UNIT DEVELOPMENT

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Section 1100 - Purpose

1100. Purpose. The Planned Unit Development (PUD) process provides for a mechanism for City officials to consider development proposals that do not meet the minimum requirements provided by the Zoning Code. 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 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:

- 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.

Section 1110– General Requirements

- 1110.01** Consistency with Comprehensive Plan. The PUD shall be consistent with the Hermantown Comprehensive Plan.
- 1110.02** Applicable Zoning Districts. A PUD may be allowed in any zoning district in the City of Hermantown.
- 1110.03** Uses Allowed. All permitted and conditional uses listed in the underlying specific district are allowed in a PUD.
 - 1110.03.1 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.

1110.03.2 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.

1110.04 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.

1105.05 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.

1110.06 Multiple Uses. The inclusion of mixed uses and multiple uses within a PUD is strongly encouraged.

1110.07 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.

1110.08 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.

1110.9 Site and Building Design.

1110.9.1 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.

1110.9.2 More than one building may be placed on one lot in a PUD.

1110.9.3 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

applicant on the procedures and standards for PUD approval. Density bonus targets and amenities will be discussed pursuant to Section 1115.02 during the pre-application conference. A determination of whether a plat will be required as part of the PUD will be made at the pre-application conference. If a plat is required, the application for the plat and the PUD shall be considered at the same time.

1115.02 Density Bonus. All density bonuses listed below are maximums 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 Zoning Code requirements may be considered. Maximum density and required amenity targets identified in Section 1125 will be discussed at the pre-application conference. Once identified, the site specific bonus density shall not increase, but may be decreased or otherwise modified by the Planning Commission or City Council.

1115.02.01 S-1 and R-2 zoning district – Double density bonus (2 per 5 acres) and (4 per five acres)

1115.02.02 R3 – PUDs in an R3 (or residential) zone shall not exceed a moderate suburban density

1115.02.03 Hermantown Marketplace – 50 units per acre for multi-family housing (35 units is max density)

1115.02.04 Commercial and Industrial Zones – Not applicable

1115.03 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.

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

1115.04.01 Site plan showing applicant's land and uses in adjoining property and physical features.

1115.04.02 A description of the proposed density, types of uses, and general location of uses.

1115.04.03 Concept utility plan.

1115.04.04 Concept grading and stormwater plan.

1115.04.05 Concept building elevations.

1115.04.06 Concept landscape/screening plan (if over 4 units/acre).

1115.04.07 Narrative stating how the proposed development complies with the goals and policies of the Comprehensive Plan and PUD ordinance.

1115.04.08 General description of provided amenities.

1115.04.09 Other criteria as requested by Community Development Director.

1115.04.10 Wetland impacts.

1115.04.11 Shoreland impacts.

1115.04.12 Identification of proposed density bonus discussed at the preapplication meeting and factors justifying the requested bonus density.

1115.05 Final PUD Plan. An application for a Final PUD shall be filed with the City on forms provided by the City. All applications for a Final PUD shall include at least the following information:

1115.05.1 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.

1115.05.2 A detailed Site plan 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; wetland areas; shoreland areas; 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.

1115.05.3 Drainage plan indicating catch basins and underground improvements and all other stormwater improvements.

1115.05.4 Detailed description and calculation of areas devoted to amenities and open space.

1115.05.5 Designation of ownership of stormwater improvements upon completion of construction.

1115.06 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.

1115.06.1 Preliminary PUD plan or combined Preliminary and Final PUD.

1115.06.1.1 Upon receipt of a complete application for a preliminary PUD, or a combined Preliminary and Final 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.

1115.06.1.2 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.

1115.06.1.2.1 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 Preliminary PUD plan or combined Preliminary and Final 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 Preliminary PUD plan or combined Preliminary and Final PUD 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.

1115.06.1.2.2 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.

1115.06.1.2.3 Plat. If a Plat is required with respect to the proposed PUD, any public hearing required for any Plat may be combined with a the public hearing on the Preliminary Plat or combined Preliminary and Final PUD. A combined action on the Plat and PUD may be taken following the public hearing.

1115.06.1.2.4 Required Applications. Sign notice postings shall be required for all applications for Preliminary PUD Plan or combined Preliminary and Final PUD plan. The creation and posting of the signs shall be the responsibility of the applicant.

1115.06.1.2.5 Content of Notice. Each required notice shall include the following information:

1115.06.1.2.5.1 The name of the applicant;

1115.06.1.2.5.2 The address of the property;

1115.06.1.2.5.3 A narrative description of the Preliminary PUD plan or combined Preliminary and Final PUD Plan including the

proposed land uses, size (in square feet) and height (in feet and stories) of any proposed buildings or building expansions;

1115.06.1.2.5.4 The type of permit or approval being sought;

1115.06.1.2.5.5 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);

1115.06.1.2.5.6 Police, Fire Department and school information;

1115.06.1.2.5.7 Contact information for the assigned City staff member;

1115.06.1.2.5.8 The date, time and place of the public hearing;

1115.06.1.2.5.9 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, Fire Departments and Hermantown school during the Preliminary PUD or combined Preliminary and Final PUD Plan planning process and be given a chance to submit written or oral comments or to meet with the City and Applicant.

1115.06.2 Final PUD Order

1115.06.2.1 Upon receipt of a complete application for a Final 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.

1115.06.2.2 The Planning Commission shall hold a public hearing and make a recommendation to the City Council after a complete application for a Final PUD 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 Final PUD without the Planning Commission's recommendation.

1115.06.2.2.1 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.

1115.06.2.2.2 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 property affected by the Final PUD Plan 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.

1115.06.2.2.3 If a Plat is required with respect to the proposed PUD, any public hearing required for any Plat may be combined with a the public hearing on the Preliminary Plat or

combined Preliminary and Final Plat. A combined action on the Plat and PUD shall be taken in the action.

1115.06.2.2.4 Required Applications. Sign notice postings shall be required for all Final PUD applications. The creation and posting of the signs shall be the responsibility of the applicant.

1115.06.2.2.5 Content of Notice. Each required notice shall include the following information:

1115.06.2.2.5.1 The name of the applicant;

1115.06.2.2.5.2 The address of the property;

1115.06.2.2.5.3 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;

1115.06.2.2.5.4 The type of permit or approval being sought;

1115.06.2.2.5.5 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);

1115.06.2.2.5.6 Contact information for the assigned city staff member;

1115.06.2.2.5.7 The date, time and place of the public hearing.

1115.06.3 The City Council, by resolution, may approve the Preliminary PUD plan or combined Preliminary and Final PUD plan or Final PUD in whole or in part, may approve the Preliminary PUD plan or combined Preliminary and Final PUD plan or Final PUD in whole or in part, may approve subject to conditions, may deny, or may defer consideration of the Preliminary PUD plan or combined Preliminary and Final PUD plan or Final PUD plan for further study to a later date.

1115.06.4 When a Preliminary PUD plan or combined Preliminary and Final PUD plan or Final 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.

1115.06.5 The Final PUD plan may 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.

1115.07 Development Agreement.

1115.07.1 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, stormwater impacts and other infrastructure as a condition to approval of a final PUD.

1115.07.2 The development agreement will specify who will own and maintain any project amenities.

1115.07.3 The development agreement may require the developers to provide an irrevocable letter of credit or performance bond in favor of the City to insure completion of the required infrastructure improvements and stormwater facility.

Section 1120 – Design

1120. The City Council shall have the authority in approving any PUD to alter, improve, or create anew any provisions of the Zoning Code.

1120.1 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.

1120.2 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 1125 – Project Amenities

1125.1 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.

1125.1 The Final PUD plan shall identify the party who will own and maintain the PUD amenities.

Section 1130 – Adequate Public Facilities

1130. 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.

1130.1 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.

1130.2 PUD's greater than 4 units per acre and/or five acres or more in size shall provide a traffic study. The scope of the analysis shall be determined by the Community Development Director and City Engineer.

1130.3 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:

1130.3.1 The estimated impact to the water, sewer, stormwater, streets or roads.

1130.3.2 The design capacity of existing water, sewer, stormwater, streets or roads.

1130.3.4 Planned (or Programmed) improvements to public facilities.

1130.3.5 The cumulative impact of other approved development in the City.

1130.4 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.

1130.5 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.

1130.6 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.

Section 1135 – Changes and Amendments

1135.01 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:

1135.01.1 Location of buildings

1135.01.2 Open space

1135.01.3 Parking

1135.01.4 Reconfiguration of the footprint or massing of buildings

1135.01.5 Realignment of minor streets

1135.02 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.

1135.03 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 1140 – Time Limit on Approved Planned Unit Development

1140. 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 1145 – 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.

CH-Mary Melde

From: CH-Eric Johnson
Sent: Friday, July 23, 2021 8:21 AM
To: ljs bds
Cc: CH-John Mulder; CH-Joseph Wicklund; CH-Mary Melde; CH-Wayne Boucher; marino_tony@hotmail.com
Subject: RE: New proposal for development of Carlson Rd

Hello Bart and Mary, thank you for the email. We will log this in as correspondence, which in turn will be included in the Planning and Zoning Commission packet for their August 17, 2021 meeting.

Regarding the project, there is an approved preliminary Plat and Planned Unit Development (PUD) which had been approved at the July 6, 2021 City Council meeting. As is traditional during this portion of the process, there is no further City action planned/required until there is a final Plat and PUD submission by the developer. At that time the City will engage the developer further on his plans.

Thank you
Eric

Eric Johnson
Community Development Director

City of Hermantown

Working together to serve and build our community.

Hermantownmn.com - 218.729.3618

Eric.johnson@hermantownmn.com

From: ljs bds <ljsbds@gmail.com>
Sent: Thursday, July 22, 2021 11:04 AM
To: CH-Eric Johnson <eric.johnson@hermantownmn.com>
Cc: Tony Marino <marino_tony@hotmail.com>; CH-John Mulder <jmulder@hermantownmn.com>; CH-Mary Melde <mmelde@hermantownmn.com>; CH-Wayne Boucher <mayorboucher@hermantownmn.com>
Subject: New proposal for development of Carlson Rd

Caution: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Eric,

I am attaching two photos as well as text from a FB message that was sent out on the Hermantown Neighbors FB page yesterday. At this time, I am requesting that you send this information on to all members of the Planning and Zoning Commission, as well as Jay Zierden, Developer, for their immediate review.

We believe that this is a very strong argument, and viable positive option for alternate development of the Carlson Rd, as part of the Keene Creek Trail Subdivision.

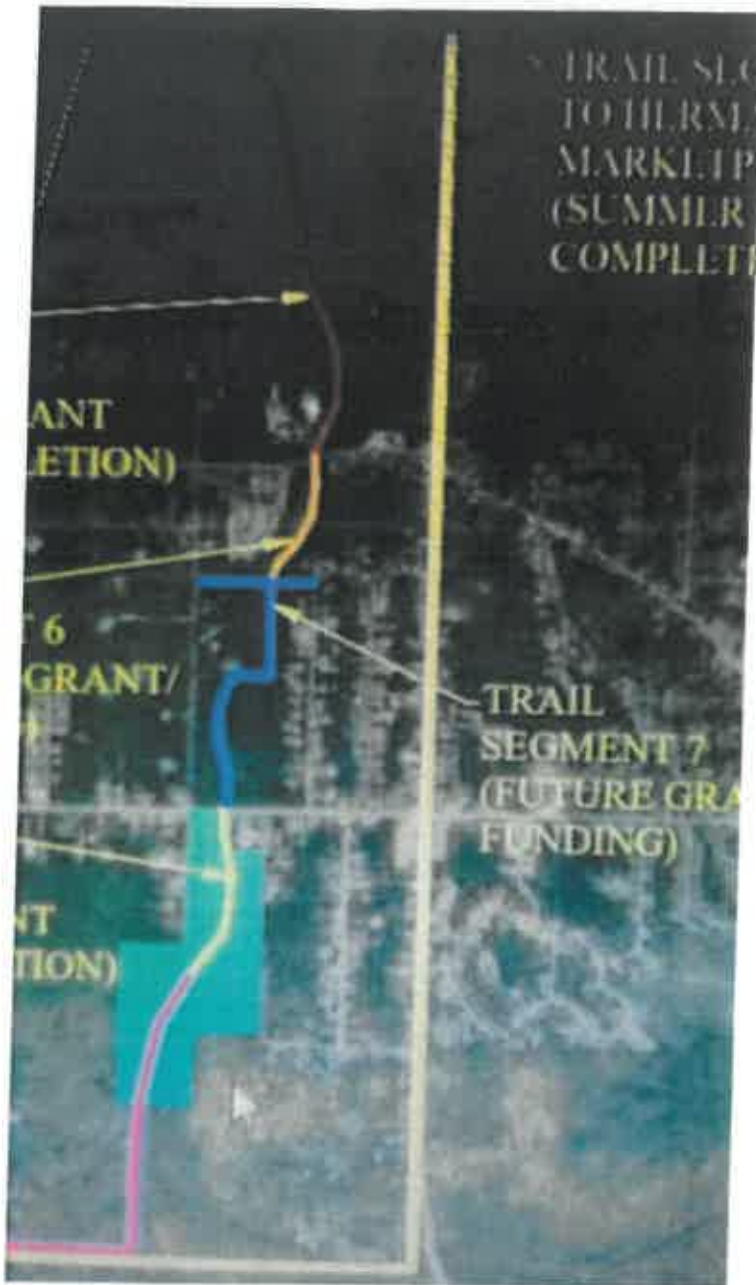
As the development had not reached its final phase, we implore you to consider this option, or even a scaled down option to preliminarily just develop the proposed Carlson Rd with a trail spur which has a breakaway gate for emergency vehicles.

Please respond, and share your thoughts on this idea. Also, I would like confirmation that this information has been emailed to the planning commission and Jay Zierden, as developer.

Kind Regards,

Bart and Lisa Smith





"The photo I attached is a plan I've discussed with John Mulder and Jay Zlerdon as an alternative to the proposed for the new Valley View Development off Morris Thomas road. All lines I will describe are approximate.

The Red lines are the proposed roads in the development.

The purple lines are approximate route for the Munger Trail Spur (MTS) planned by the city.

There are two double lines numbered 1 & 2. #1 (purple and blue is MTS). #2 (red & yellow are Carlson Rd extension and preferred location for MTS connection to Johnson Rd.)

All the yellow pins are access points (emergency ingress/egress) that would be created by connecting the MTS to the Johnson Rd instead of utilizing the easement for a full blown Carlson Rd.

By simply moving #1 to the #2 location, full emergency access can be achieved to the Valley View development in 4 new locations while preserving the quiet nature of the existing neighborhood. This is just plain common sense approach to maintaining and even improving the quality of life in the old and new neighborhoods. All of the yellow pin access points would have emergency

accessibility by way of breakaway gates just like the ones already installed at the Maple Grove and Anderson Road access points.

I also believe it would reduce the cost to the developer and the city by utilizing higher ground for the MTS connection through the Carlson Rd easement rather than the sewer line to the north.

Thoughts? Please share them here and if so inclined, contact our mayor, city administrator and councilors and request they present this as an alternative design.

Thank you for taking the time to read this."

Sent from my iPhone

CH-Bonnie Engseth

From: JAKE E PERRY <jake_perry89@hotmail.com>
Sent: Friday, August 6, 2021 11:17 AM
To: CH-Joseph Wicklund; CH-Bonnie Engseth; CH-John Mulder
Cc: Tony Marino; sambergjim79@gmail.com; ljs bds (via Google Docs); Kelly Manney
Subject: Request for Agenda Item Addition for Upcoming Hermantown Planning and Zoning Committee August Meeting
Attachments: Petition by the Residents of Johnson and Portland Road.pdf

Caution: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom it May Concern:

Please see the attached document/petition. We humbly request that this be added as an agenda item in the upcoming Hermantown Planning and Zoning committee meeting held in August.

We will begin collecting signatures between now and the meeting, but we already have the Samberg's, Smith's, Perry's, and Marino's on board (copied them in the email as well). Just wanted to make sure we gave you all plenty of time to get this onto the agenda.

Thanks and have a wonderful weekend!

Jake Perry
3779 Johnson Road
Hermantown, MN 55811

Petition for Alternate Secondary Egress

Carlson Road Expansion

Residents of Johnson and Portland Road

To the City of Hermantown:

The residents of Johnson and Portland Road please ask that you consider putting forth and approving a motion to amend the current egress onto Johnson Road (Carlson Road Expansion), while also approving the planned development and allowing it to continue moving forward as to not delay any of the plans of Jay Zierden and Zierden Construction or the city itself. This can be conditional on the technical details of the amended egress being submitted by the developer and accepted by the city planner and engineer (if required).

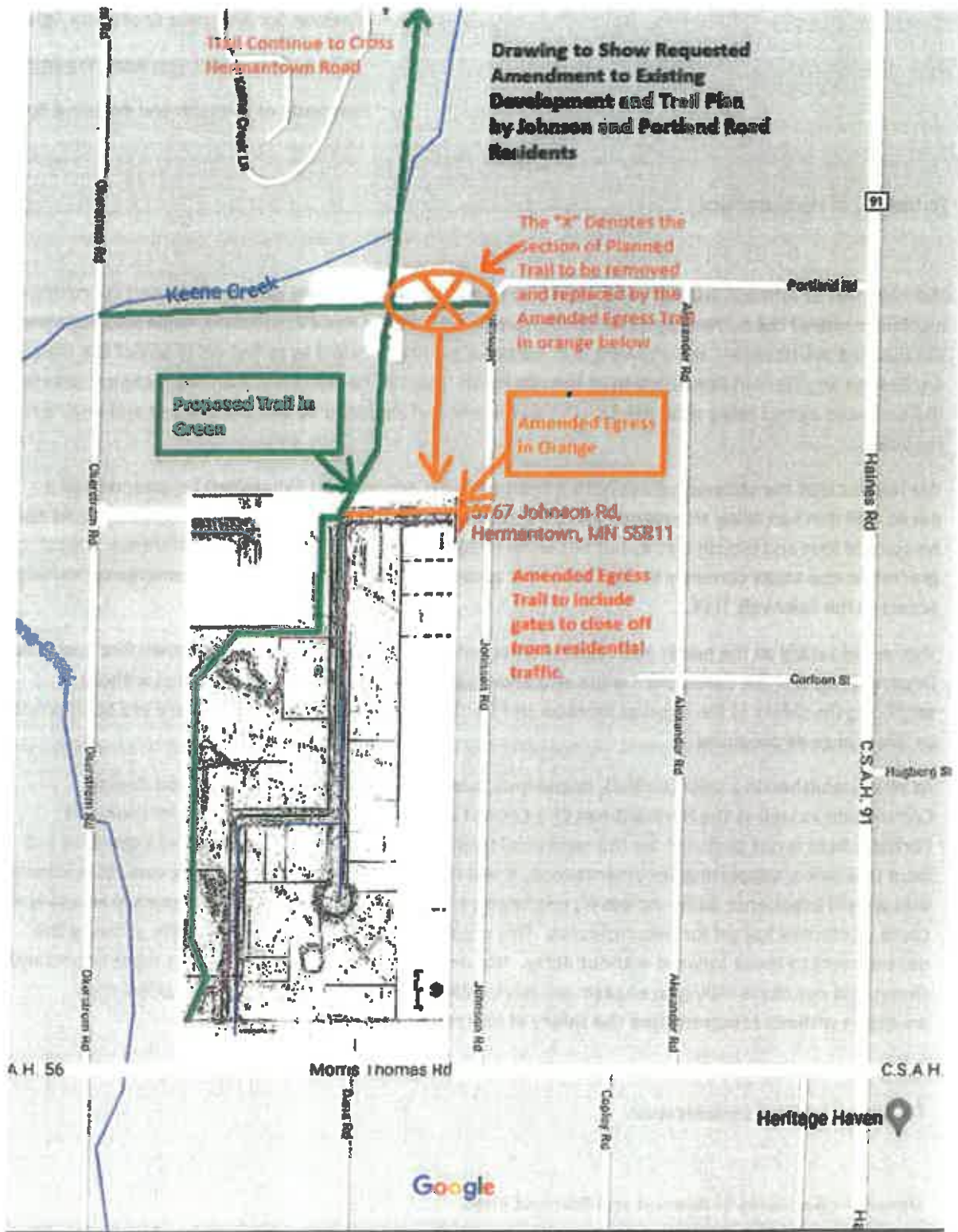
We request that the planned egress onto Johnson Road (Carlson Road Expansion) be amended to a paved trail that can allow emergency vehicle access as shown in the below image. This trail would also be open to foot and bicycle traffic, but not allow residential vehicles to use it. For reference, a local precedent also exists currently in the Canal Park area of Duluth which has gates for emergency vehicle access to the Lakewalk Trail.

This would satisfy all the needs and requirements put forth by the city, the Hermantown Fire and Police Departments, and the developer - while also allowing trail access for existing residents without sacrificing the safety of the existing Johnson and Portland Road neighborhoods. There are no downsides to this change as proposed.

As was established in a prior petition, documents, and meetings with the Planning and Zoning Commission as well as the Hermantown City Council and Mayor, the current size of Johnson and Portland Road is not sufficient for the additional traffic that the planned Carlson Road Expansion will incur (see below supporting documentation). It will create a major safety hazard for current residents that we will experience daily. However, not having a second form of egress for emergency access will cause a potential hazard for new residents. This proposal removes both hazards while allowing the development to move forward without delay. Not only is it the right thing to do, but more importantly shows that our city is willing to engage and work with residents to solve issues that affect their wellbeing without compromising the safety of *any* residents - current or future.

Thank you for your consideration,

Signed the Residents of Johnson and Portland Road



Trail Continue to Cross
Hermantown Road

Drawing to Show Requested
Amendment to Existing
Development and Trail Plan
by Johnson and Portland Road
Residents

The "X" Denotes the
Section of Planned
Trail to be removed
and replaced by the
Amended Egress Trail
in orange below

Proposed Trail in
Green

Amended Egress
Trail in Orange

3167 Johnson Rd,
Hermantown, MN 55811

Amended Egress
Trail to include
gates to close off
from residential
traffic.

Google

Heritage Haven

Supporting Documentation for the Petition

Below is reasoning given from both the city and residents that support the petitioned changes:

Reasons for Secondary Egress (from developer and city):

- Allows current residents access to the planned multi-use trail and sidewalks in the new development for recreation.
- Does not require a second roundabout which will make plowing more difficult.
- It is best practice (agreed upon by the Hermantown Police and Fire Department) to have a secondary form of egress in case the primary is blocked for emergency vehicle access.

Residents Reasons for Petitioned Egress vs Planned:

- At 20' wide (not including 2' shoulders on each side), the Johnson Road is designed for serve 21-30 lots according to St. Louis County website. Currently, the Johnson Road is at the maximum lots for its construction. The addition of up to 29 lots (37 Housing Units) more than doubles the rating for the road as it is designed to handle. We disagree with the City' assessment that only a handful of units will utilize the Carlson Road extension (*see below map of likely traffic flow*).
 - Traffic coming back from the north (where Walmart, Target, Home Depot, Fleet Farm, Miller Hill Mall, etc. are located) for a large part of the new development will be utilizing Portland to Johnson to the proposed Carlson Road Expansion as a matter of convenience and time.
 - This safety hazard exists whether some of the current residents wanted the road size to stay the same size or not (during reconstruction in 2020).
- Johnson Rd and Portland Rd are heavily used by residents from their respective roads as well as neighboring roads. With the narrow construction of the road and increased traffic there would be serious safety concerns for pedestrians, bicyclists, joggers, etc. Blacktop surface is a mere 20' wide with narrow 2' shoulders bordering steep ditches.
- Johnson & Portland residents were recently assessed \$9750.00 per for road improvements. Increased traffic would cause excessive wear to the newly repaired road surface.
- The safety gain for future residents is minimal to non-existent while the negative safety impact to the current neighborhood is very significant if a residential vehicle egress is added.
- The new development will benefit from having one form of egress for residential vehicles – makes for a quieter and safer neighborhood with no outside traffic.
- Going with the petitioned trail egress will make the construction cost cheaper for the developer.

The proposed amendment to the development plan as stated in the petition would satisfy the needs of both groups while also allowing the development to move forward without delay. There are no valid reasons to oppose such a change. More importantly it does not compromise the safety of ANY residents, current or future.

