

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 Oullette 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:

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Joe Peterson, Chairman

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Mary Melde, Administrative Assistant