



Hermantown Planning & Zoning Meeting – September 21, 2021

Because of attendance limitations at the regular meeting location due to the health pandemic, Hermantown's September 21, 2021, Planning & Zoning Meeting will be conducted both remotely and with limited access to Council Chambers.

The Planning & 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 & 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=K2s5amwvbkJBSU52ZWdjemJDOXo0OQT09>

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
**September 21, 2021
7:00 PM**

- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES**
 - 3A. August 17, 2021 regular meeting.
- 4. PUBLIC DISCUSSION – Public comment on any item not otherwise listed on the agenda.**
- 5. PUBLIC HEARINGS**
 - 5A. An application by Luke and Trista Miner for a Special Use Permit for the construction of a two family home at 4012 Ugstad Road. The property is located in a R-3 Residential zoning district.
 - 5B. An application by Barb Struck for a Subdivision to create a 100-foot-wide parcel of 1.0 acres and a 4.0 acre lot accessed by way of a flag lot of 65 foot width at 3965 Haines Road. The property is located in an R-3 zoning district.
 - 5C. An application by Jesse Stokke for an amendment to the development plan associated with the Pine View development for the purpose of modifying the plan to accommodate a two family home
 - 5D. An application by BMAX, Inc. for a preliminary and final Plat of 32.3 acres for the creation of 7 lot land subdivision. The property is located at 5189 W Arrowhead Road, in a R-3 Residential zoning district.
 - 5E. An application by BMAX, Inc. for a preliminary and final Planned Unit Development of 32.3 acres for the creation of 7 lot land subdivision. The proposal is for 4 single family lots, 2 twinhome lots (2 units total) and 1 future development lot. The property is located at 5189 W Arrowhead Road in a R-3 Residential zoning district.
- 6. CONTINUING BUSINESS**
- 7. NEW BUSINESS**
- 8. COMMUNICATIONS**

PLANNING & ZONING COMMISSION
September 21, 2021

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
August 17, 2021 Meeting Summary
7:00 PM

1. ROLL CALL

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

Members Absent: Corey Kolquist.

Others Present: Eric Johnson, Community Development Director; Tony Marino, 3760 Johnson Rd.; Lisa Smith, 4761 Johnson Rd.; and Randy Blomquist, 3791 Alder Ave.

2. APPROVAL OF AGENDA

Motion made by Valerie Oullette to approve the August 17, 2021 agenda as presented. Seconded by Buckley Simmons. Motion carried.

3. APPROVAL OF MINUTES

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

4. PUBLIC DISCUSSION

Tony Marino, 3760 Johnson Road – presented an option where the Keene Creek Subdivision project could be accessed by way of the future City trail utilizing the Carlson Road right of way for a trail rather than a road. Asked P&Z to take it into consideration.

Lisa Smith, 4761 Johnson Road – echoed Tony Marino’s comments and stated concerns about the narrow conditions of Johnson Road.

Jim Samberg, 3789 Johnson Road – echoed Tony Marino’s comments and asked City to coordinate with developer on an alternative design to the project road design.

5. PUBLIC HEARING

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.

Eric Johnson, Community Development Director, presented the application of Russ Bradley, who 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.

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.

Motion made by Valerie Oulette to approve the 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. Seconded by Buckley Simmons. Motion carried 5-1.

6. CONTINUING BUSINESS

6A. Discussion on prohibited uses within Airport Zoning District 2.5.

Eric updated P&Z on the creation of Airport Safety Zone 2.5 and MNDot's requirement of prohibiting vulnerable populations within this zone. Proposed prohibited uses within the zone include:

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

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;

Corey Kolquist – Absent
Valerie Ouellette – None.
Samuel Clark – None.
Shannon Sweeney Jorgenson – None.
Beth Wentzlaff – None.
Buckley Simmons – None.
John Geissler – Invitation to the Boulder Trail grand opening on August 24.

ADJOURN

Motion made by Buckley Simmons to adjourn the meeting. Seconded by Samuel Clark. Meeting adjourned at 8:13 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant

5A. 4012 Ugstad Road– Special Use Permit - Construction of a two-family residential structure in a R-3, Residential Zoning District

Applicant: Luke and Trista Miner
Case No.: 2021-66-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: 2.2 acres total
Legal Access: 4012 Ugstad Road
Wetlands: Yes, approximately 175' east of Ugstad Road
Existing Zoning: R-3, Residential
Airport Overlay: None
Shoreland Overlay: No
Comprehensive Plan: Residential

BACKGROUND

The applicant plans to purchase the property located at 4012 Ugstad Road which is zoned R-3, Residential. This property was previously approved for a flag lot split which was approved in May 2021. This is a portion of the original 5.0 acre site.

The property currently has an existing house and two outbuildings located on it. The applicant is proposing to demolish the existing home and construct a two-family home in its place.

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	2.2 acre
Minimum lot width	150 feet	190 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.	1,830 sq. ft.

Utilities

The existing home on the property has utility connections from Ugstad Road. The applicant is required to provide new services to the proposed two family structure as well as being responsible for any connection or availability fees.

Wetlands

A wetland delineation was done by way of the National Wetland Inventory (NWI) map. The NWI shows a wetland approximately 175 feet east of Ugstad Road behind the existing structures. These wetlands will be required to be flagged prior to the start of construction and issuance of any building permits.

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 two family 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:

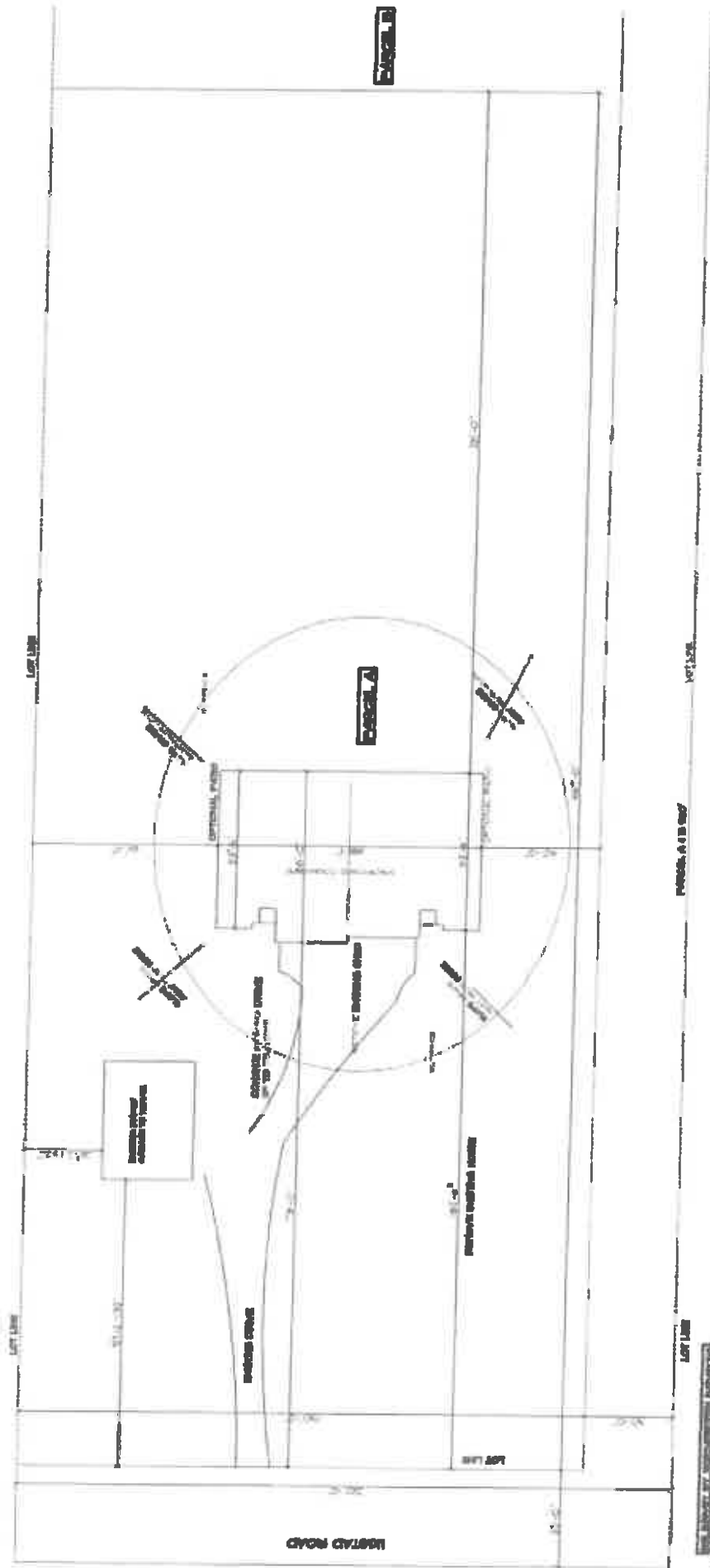
1. The applicant shall connect to public sewer and water services at their own cost.
2. Prior to issuance of a building permit, the applicant will submit a site plan showing the lot dimensions and location of the two-family residence relative to the side lot lines.
3. Erosion control measures shall be 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

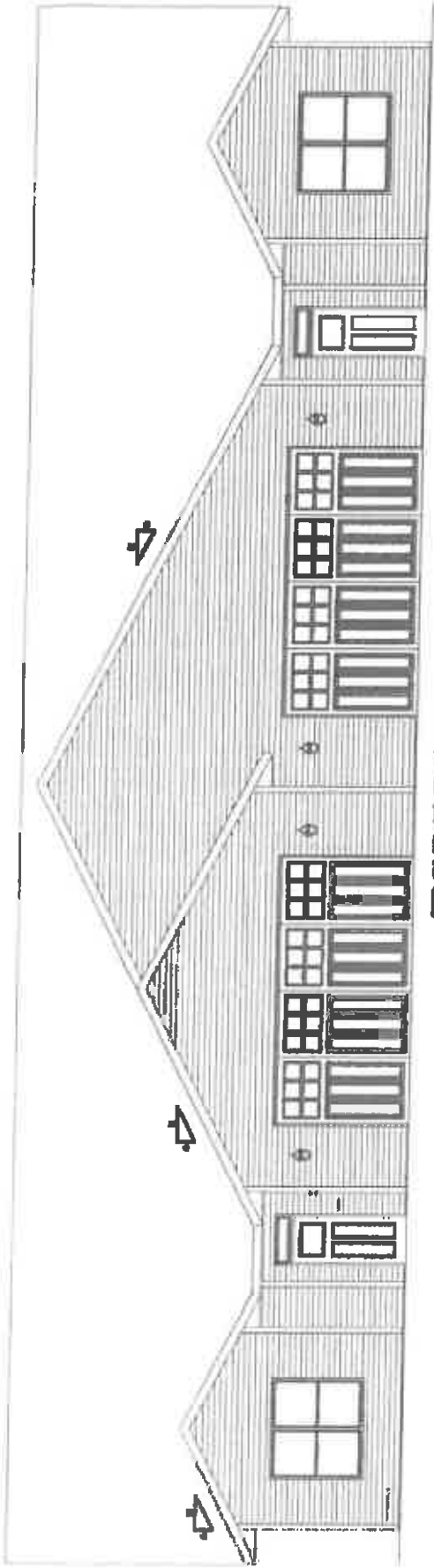
- Location Map
- Proposed Site Plan
- Proposed Building Elevation

Location Map

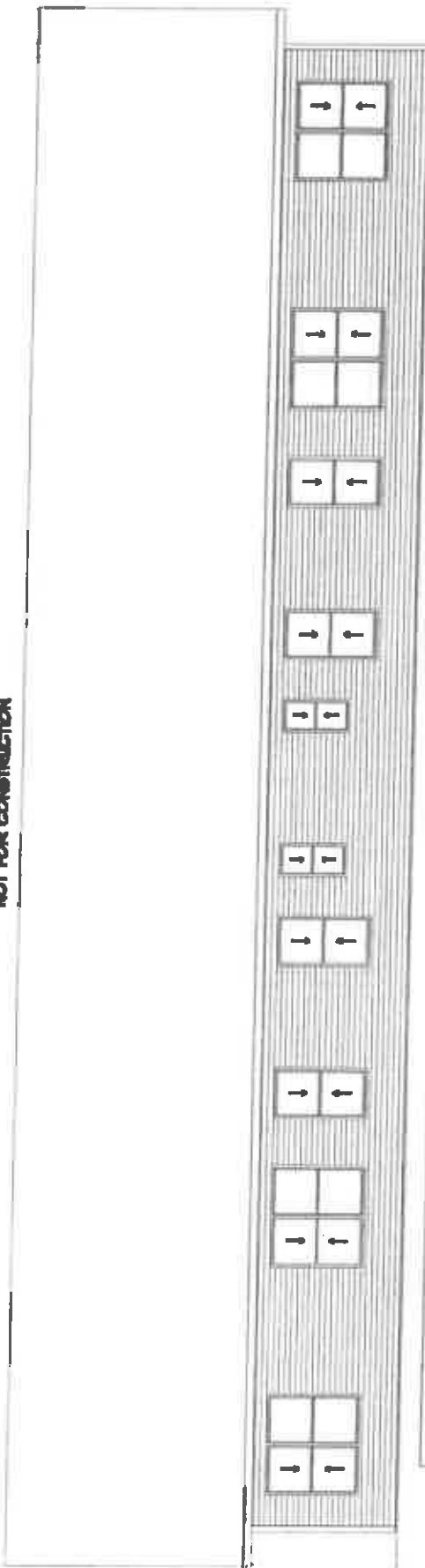




THE STATE OF MICHIGAN
 TOWER PROPOSAL, TOWN OF
 400 HAWTHORNE RD.
 HERRINGTOWN, MI



FRONT ELEVATION
 CONCEPT DRAWINGS,
 NOT FOR CONSTRUCTION



REAR ELEVATION
 CONCEPT DRAWINGS,
 NOT FOR CONSTRUCTION

NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL MATERIALS AND FINISHES TO BE DETERMINED BY THE ARCHITECT.
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES AND ALL APPLICABLE LOCAL ORDINANCES.
 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODES AND ALL APPLICABLE LOCAL ORDINANCES.
 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND SAFETY CODES AND ALL APPLICABLE LOCAL ORDINANCES.
 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ENERGY EFFICIENCY CODES AND ALL APPLICABLE LOCAL ORDINANCES.
 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SUSTAINABLE DESIGN AND CONSTRUCTION PRACTICES AND ALL APPLICABLE LOCAL ORDINANCES.
 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL QUALITY MANAGEMENT SYSTEMS AND ALL APPLICABLE LOCAL ORDINANCES.
 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PROJECT DELIVERY SYSTEMS AND ALL APPLICABLE LOCAL ORDINANCES.

M/S DESIGNS FOR ARCHITECTURAL WORKS CONSULTING ENGINEERS	PROJECT INFO. CONCEPT DRAWINGS, NOT FOR CONSTRUCTION
DRUMHURST TOWN DEVELOPMENT JOB TYPE: 1 LEVEL, 6/40	DATE: 8-20-24
100 NORTH WILSON AVENUE	REVISION:

5B. Subdivision Application to create a flag lot in an R-3 zoning district

Applicant: Barb Struck
Case No.: 2021-64-SUB
Staff Contact: Eric Johnson, Community Development Director
Request: Subdivision of an R-3 zoned property to create a flag lot.

DESCRIPTION OF REQUEST:

The property owner owns a five acre property at 3965 Haines Road. The property has a lot dimension of 165' x 1317'. A single family house and two accessory buildings are located on the property.

The property owner proposes to create a new flag lot along the northern border of the existing property. The property owner is proposing a 65 foot 'pole/driveway' connection to Haines Road for a distance of 403 feet with the 'flag' portion of the lot being approximately 165' x 914'. The proposed lot sizes for the two total parcels are:

Parcel A: 65' x 403' and 165' x 914' = 177,005/43,560 or 4.06 acres
Parcel B: 100' x 403' / 43,560 sf. or 0.93 acres

The property owner intends to sell parcel B with the new owner retaining the existing home. The applicant intends to demolish the existing structures on parcel A in order to either build in the future or sell the parcel. The applicant has discussed this proposal with the City Utility Clerk as well as St. Louis County in order to verify that utilities are available and that a new driveway cut would be permitted.

SITE INFORMATION:

Parcel Size: 5.0 acres
Legal Access: Haines Road
Wetlands: None per the National Wetland Inventory
Existing Zoning: R-3, Residential
Minimum Lot Area: 0.5 acres (city services are available)
Airport Overlay: No
Shoreland Overlay: No
Comprehensive Plan: Residential

BACKGROUND:

The City updated its regulations covering splitting of land and subdivisions in 2016. The update to the regulations created a process to allow flag lots in residential zoning districts. A flag lot is defined as a lot containing an area shaped like a “flag” which is the portion of the lot where all structures are to be located and an area shaped like a “pole” which is the portion of the lot where the vehicular access between the flag and its adjoining road shall be located. The regulations set ten standards for flag lots in Hermantown. These are listed in the Findings section. Flag lots require a public hearing by the Planning Commission and approval by the City Council.

Administrative approvals and Flag Lot approvals require a certificate of survey, resulting legal descriptions, and review of any assessments. In addition, the City charges a fee in lieu of land dedication of \$1,100 for parks and recreation for every new residential lot created.

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

City wetland inventory maps and the National Wetland Inventory do not show the presence of any wetlands on the property.

There is an existing water line and sanitary sewer within the right of way of Haines Road. The property owner will need to submit for the proper required permits and pay any applicable connection fees in order to utilize these existing utility services.

FINDINGS:

Staff recommends the following findings of fact regarding the flag lot split application:

- 1. The resulting lots do not violate any provision of the Hermantown Zoning Regulations, Comprehensive Plan, or any other local ordinance.** The lot exceeds minimum standards in the R-3, Residential District, maintains the suburban residential development pattern identified in the Comprehensive Plan, and has access to water and sewer.
- 2. The width of the flag lot at the front yard setback line must meet the lot width requirements of the Hermantown Zoning Regulations.** The lot is 165’ wide at the front yard setback line which exceeds the requirement of 100’.
- 3. The pole portion of a flag lot shall not exceed 500 feet.** The pole is 403’ feet long.
- 4. The pole portion of a flag lot must have a minimum width of 30 feet, be of uniform width, be a platted part of the flag lot, and connect to a public street. The driveway shall be set back a minimum of 10 feet from the neighboring property that was not used to create the flag lot and five feet from the mother property.** The pole is 65’ wide. Approval of building permits will be conditioned on siting of the driveway to meet setback standards defined in Section 1010.04.04 of the Hermantown Zoning Regulations.
- 5. The pole portion of the flag lot will not be included in calculating the minimum lot area.** The lot area without the “pole” is 3.46 acres which exceeds the ½ acre minimum lot size of the R-3, Residential zoning district.
- 6. Only one flag lot may be created from an existing/mother property.** The city will record that no further flag lots can be created from PIN # 395-0010-06850.

7. **Must be used exclusively for single family dwelling and accessory uses.** The intended use of the new developable lot is for single family residential. The City will only issue building or zoning permits for single family residential and related uses.
8. **The City must determine that the creation of the flag lot will not interfere with future development of roads or interior lands.** The property abuts developable land to the west, however that parcel is proposed to have access from another existing parcel abutting Haines Road.
9. **The City must determine that the flag lot provides adequate accessibility of emergency responders.** The proposed pole meets minimum width and is less than the maximum length. Both standards were developed with emergency response vehicles in mind.
10. **All flag lots must display an address at their closest point of access to a public street for emergency responders.** The applicant will have to assent to displaying 911 addressing in a visible location at the entrance of the driveway.

RECOMMENDATION:

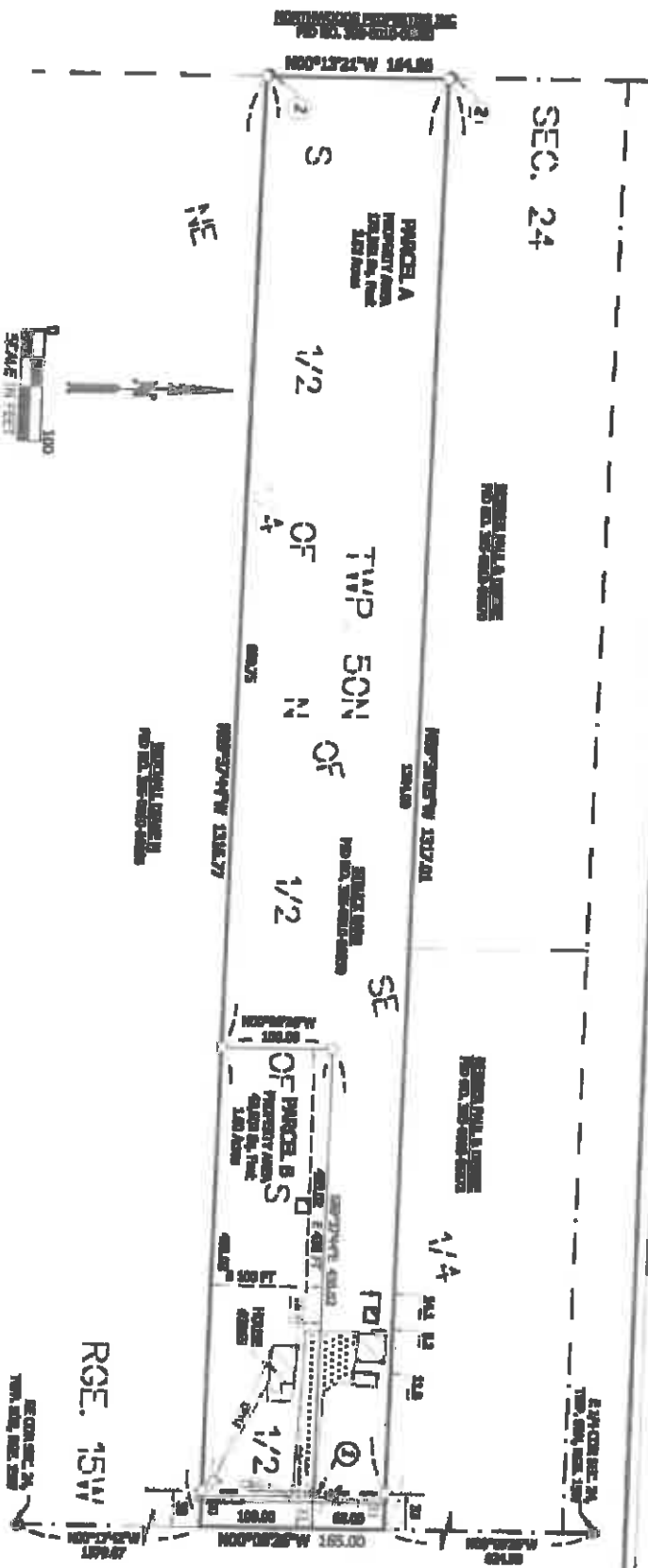
1. Recommend approval of the creation of a 165' by 914' flag lot with a 65' by 403' pole abutting Haines Road.
2. Adopt the stated Findings of Fact and other content of this report as the required findings identified in Section 1010.04.11.6 of the Hermantown Zoning Regulations.
3. Prior to recording of the flag lot the property owner shall pay a fee in lieu of land dedication for parks and recreation of \$1,100.
4. Prior to issuance of a City land alteration permit for site work on the flag lot the property owner of the land alteration permit will provide a site plan depicting the driveway and flag the location of the driveway for inspection to confirm that it meets setback requirements listed Section 1010.04 of the Hermantown Zoning Regulations.
5. The new flag lot will be required to utilize City sanitary sewer and water services and pay all applicable fees.
6. The property owner shall sign a consent form assenting to all conditions of this approval.
7. The property owner shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS

- Location Map
- Proposed Survey and Legal Descriptions

Location Map





- LEGEND**
- CONCRETE SURFACE
 - EXISTING BUILDINGS
 - EXISTING UTILITIES
 - EXISTING POWER LINES
 - EXISTING FENCE
 - EXISTING ROAD
 - EXISTING WELL
 - EXISTING SPRING
 - EXISTING CISTERN
 - EXISTING TOWER
 - EXISTING SIGN
 - EXISTING MONUMENT
 - EXISTING CORNER
 - EXISTING BOUNDARY
 - EXISTING EASEMENT
 - EXISTING ENCUMBRANCE
 - EXISTING INTEREST
 - EXISTING LIABILITY
 - EXISTING OBLIGATION
 - EXISTING RIGHT
 - EXISTING TITLE
 - EXISTING INTEREST
 - EXISTING LIABILITY
 - EXISTING OBLIGATION
 - EXISTING RIGHT
 - EXISTING TITLE

LEGAL DESCRIPTION OF PARCEL A
 The East 1/2 of the South 1/2 of the South 1/4 of the Southwest Quarter of Section 24, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Missouri, except the East 1/2 of the South 1/2 of the South 1/4 of the Southwest Quarter of Section 24, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Missouri, and Parcel B contains 173.961 acres plus or minus.

LEGAL DESCRIPTION OF PARCEL B
 The East 1/2 of the South 1/2 of the South 1/4 of the South 1/2 of the Southwest Quarter of Section 24, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Missouri, and Parcel A contains 173.961 acres plus or minus.

CERTIFICATE OF SURVEY

Surveyed and approved by the Surveyor of the State of Missouri, under the authority of the Surveyor General of the State of Missouri, and the Surveyor of the County of St. Louis, Missouri.

Surveyed and approved by the Surveyor of the State of Missouri, under the authority of the Surveyor General of the State of Missouri, and the Surveyor of the County of St. Louis, Missouri.



NOTICE TO THE PUBLIC
 This plat is a true and correct copy of the original survey as shown on the ground, and the same is subject to the provisions of the Act of the General Assembly of the State of Missouri, passed at the Session of the General Assembly at St. Louis, Missouri, in the year 1892, and to the provisions of the Act of the General Assembly of the State of Missouri, passed at the Session of the General Assembly at St. Louis, Missouri, in the year 1901, and to the provisions of the Act of the General Assembly of the State of Missouri, passed at the Session of the General Assembly at St. Louis, Missouri, in the year 1913, and to the provisions of the Act of the General Assembly of the State of Missouri, passed at the Session of the General Assembly at St. Louis, Missouri, in the year 1921, and to the provisions of the Act of the General Assembly of the State of Missouri, passed at the Session of the General Assembly at St. Louis, Missouri, in the year 1929, and to the provisions of the Act of the General Assembly of the State of Missouri, passed at the Session of the General Assembly at St. Louis, Missouri, in the year 1937, and to the provisions of the Act of the General Assembly of the State of Missouri, passed at the Session of the General Assembly at St. Louis, Missouri, in the year 1945, and to the provisions of the Act of the General Assembly of the State of Missouri, passed at the Session of the General Assembly at St. Louis, Missouri, in the year 1953, and to the provisions of the Act of the General Assembly of the State of Missouri, passed at the Session of the General Assembly at St. Louis, Missouri, in the year 1961, and to the provisions of the Act of the General Assembly of the State of Missouri, passed at the Session of the General Assembly at St. Louis, Missouri, in the year 1969, and to the provisions of the Act of the General Assembly of the State of Missouri, passed at the Session of the General Assembly at St. Louis, Missouri, in the year 1977, and to the provisions of the Act of the General Assembly of the State of Missouri, passed at the Session of the General Assembly at St. Louis, Missouri, in the year 1985, and to the provisions of the Act of the General Assembly of the State of Missouri, passed at the Session of the General Assembly at St. Louis, Missouri, in the year 1993, and to the provisions of the Act of the General Assembly of the State of Missouri, passed at the Session of the General Assembly at St. Louis, Missouri, in the year 2001, and to the provisions of the Act of the General Assembly of the State of Missouri, passed at the Session of the General Assembly at St. Louis, Missouri, in the year 2009, and to the provisions of the Act of the General Assembly of the State of Missouri, passed at the Session of the General Assembly at St. Louis, Missouri, in the year 2017, and to the provisions of the Act of the General Assembly of the State of Missouri, passed at the Session of the General Assembly at St. Louis, Missouri, in the year 2025.

5C. Amendment to the Development Plan associated with the Pine View development

Applicant: Jesse Stokke
Case No.: 2021-65 PUD
Staff Contact: Eric Johnson, Community Development Director
Request: Amend the Development Plan to allow for the construction of a two family residential structure

RECOMMENDED ACTION:

Staff recommends approval of the amendment to the Development Plan to allow for the construction of a two family residential structure.

DESCRIPTION OF REQUEST:

Requested is an amendment to the Development Plan to allow for the construction of a two family residential structure.

BACKGROUND:

The Pine View development was originally platted in 2005. At that time the development was envisioned as a twinhome development with utilities being installed on each individual lot in order for each half of the twinhome to have its own utility connection.

In 2010, the developer requested an amendment to the development plan to allow for single family homes on specific lots within the development. At the time, twinhome sales were extremely slow so the amendment was envisioned as a way to spur lot sales within the development. To date, 7 single family homes have been constructed within the development. The underlying plat for the development did not change, rather the development plan specified which lots that single family homes could be constructed on.

Lots 19-22, Block 2 of the development fall under the single family home designation per the 2010 amendment. Each lot has its own utility services, but the amendment allows for one single family home on lots 19 and 20 and one single family home on lots 21 and 22. In the summer of 2021, the applicant, Jesse Stokke purchased lots 19 and 20 for the purpose of constructing a twinhome structure. He was unaware of the amended development plan which limited these lots to one single family structure. The applicant is requesting an amendment to the development plan which would allow for the construction of one twinhome on lots 19 and 20, which is consistent with the original 2005 development plan.

SUMMARY:

The proposed amendment to the Development Plan is consistent with the City's development goals for residential housing in the affected area of the City. By amending the 2010 Development Plan to now allow

for the construction of a twinhome on lots 19 and 20, the proposed amendment now aligns with the original plan for the Pine View development.

RECOMMENDATION:

Staff recommends approval of the amendment to the PUD Development Plan, subject to the following:

1. Prior to building permit issuance:
 - a. All professional fees incurred by the City in connection with the Amendment must be paid.
 - b. All necessary permits, including but not limited to stormwater, erosion control, and driveways, shall be issued.
2. All conditions of prior approvals shall be met in the construction of the twinhome structure.
3. The applicant shall sign a consent form assenting to all conditions of this approval.
4. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS

- Letter Requesting PUD Amendment
- Location Map
- 2005 Plan
- 2010 Revised Development Plan

4914 Tralls End Drive
Hermantown, MN 55811
jss11_8@hotmail.com
218-310-4013

Eric Johnson
City of Hermantown
Community Development Director
5105 Maple Grove Road
Hermantown, MN 55811
218-729-3600

Mr. Johnson,

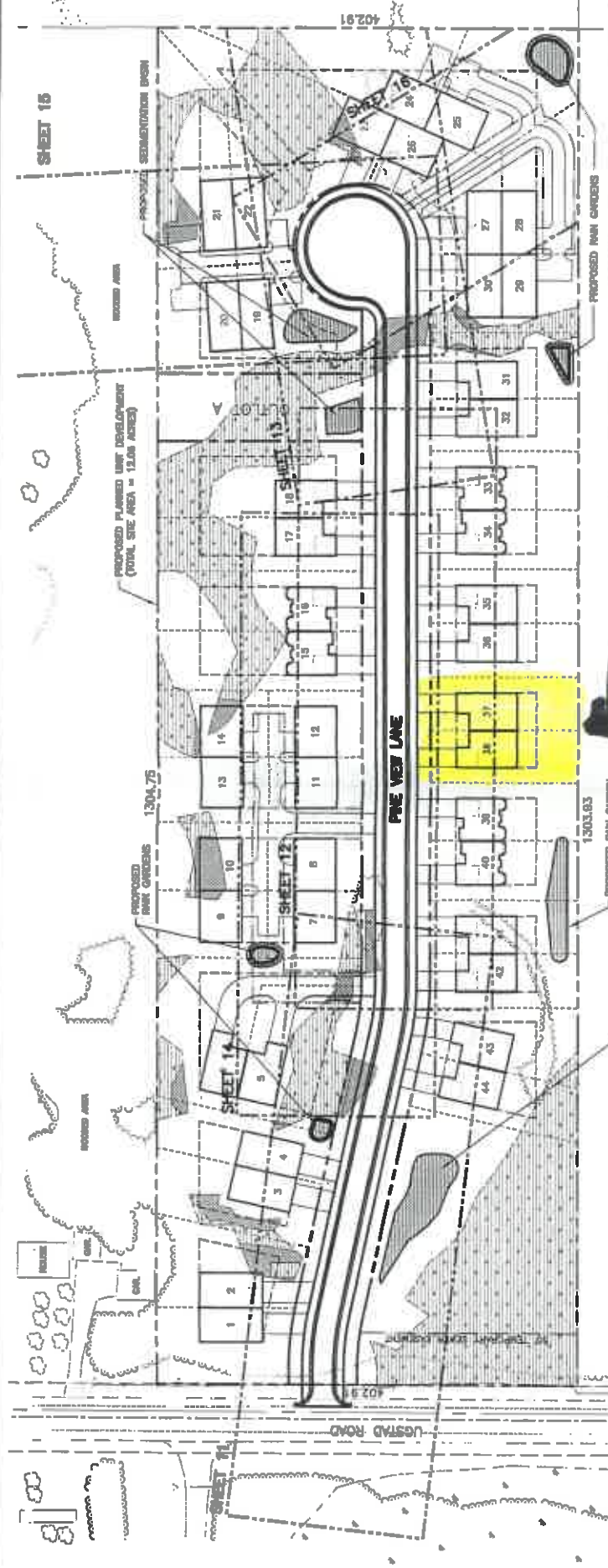
I am writing to you in regards to a piece of property I recently purchased in Hermantown, MN in the Pineview Development on Twin Pines Street. The parcel's in question are 395-0115-00380 and 395-0115-00370 which are combined to form one lot. The development has a mixture of twin homes and single family homes, with my specific lot being designated as a single family lot. The revised development plan has been very confusing and I have reached out and have not received concrete confirmation as to why my lot is designated as only a single family lot. To the best of my knowledge, the original development was designed to be a twin home development until changes were made with a revised plan. I am reaching out to you and the City of Hermantown to seek an addendum to the revised development plan which would allow me to build a twin home. The property I own was originally built for a twin home as I have duplicates of sewer, water, and electricity already stubbed to the lot. I appreciate you considering my request and look forward to working with the City of Hermantown.

Sincerely,

Jesse Stokke

Location Map





LOT #	PROPOSED LOT AREA (SQUARE FEET)	PROPOSED LOT AREA (SQUARE FEET) PER ACRE	PROPOSED LOT AREA (SQUARE FEET) PER ACRE	PROPOSED LOT AREA (SQUARE FEET) PER ACRE	PROPOSED LOT AREA (SQUARE FEET) PER ACRE	PROPOSED LOT AREA (SQUARE FEET) PER ACRE	PROPOSED LOT AREA (SQUARE FEET) PER ACRE	PROPOSED LOT AREA (SQUARE FEET) PER ACRE	PROPOSED LOT AREA (SQUARE FEET) PER ACRE
1	7,318	168.00	168.00	168.00	168.00	168.00	168.00	168.00	168.00
2	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
3	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
4	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
5	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
6	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
7	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
8	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
9	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
10	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
11	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
12	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
13	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
14	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
15	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
16	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
17	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
18	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
19	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
20	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
21	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00
22	10,827	240.00	240.00	240.00	240.00	240.00	240.00	240.00	240.00

PARCEL

SEE SHEETS 17 AND 18 FOR THE FOREMAN PLAN & PROFILE SHEETS

Legend

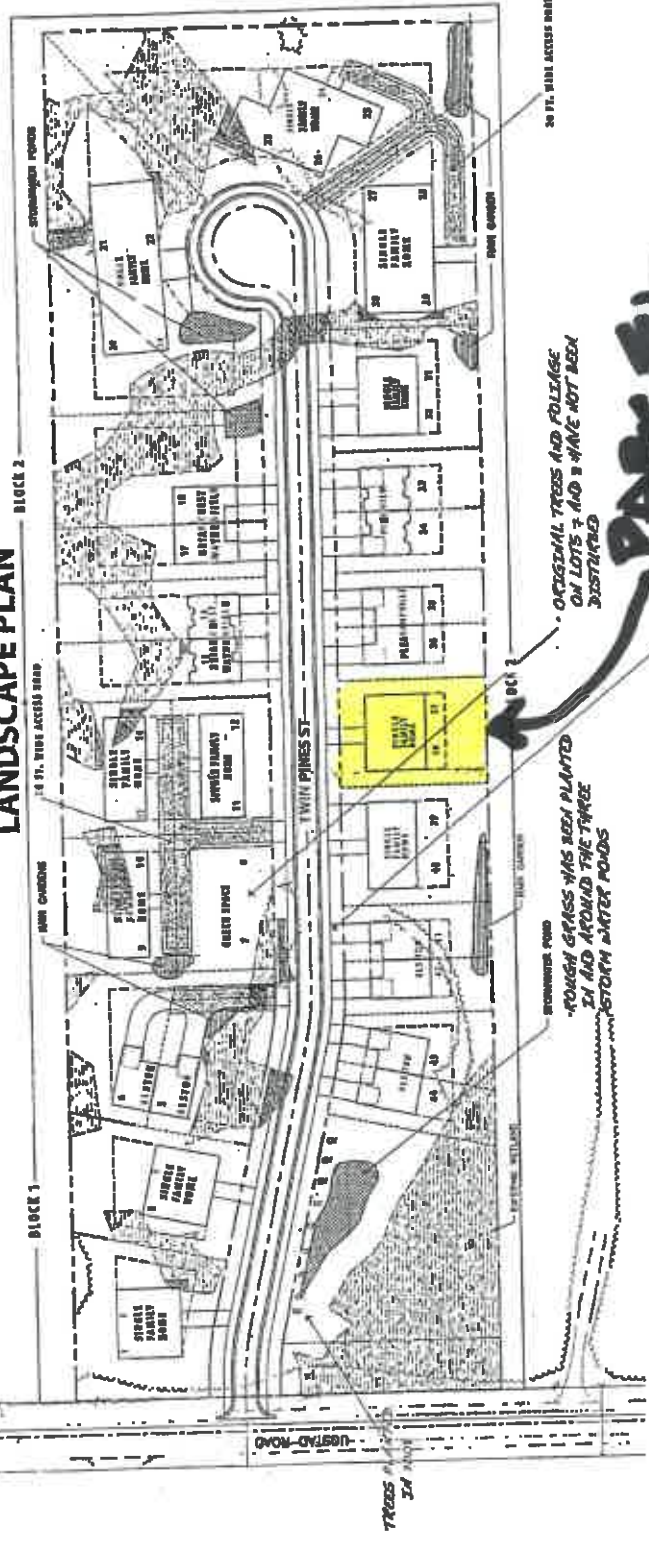
- Building Setback Lines
- Road Right-of-Way
- Edge of Road
- Lot Line
- Access/Utility Easement (30' min. width)
- Existing Wetland Area (Do Not Disturb)
- Impacted Wetland Area
- Sedimentation Basin/Rain Garden

TOTAL IMPACTED AREA = 9,113 S.F.

DATE: 06/10/05
 DRAWN BY: LAR
 PROJECT NO: 0100279

2005 PLAN

REVISED PINEVIEW DEVELOPMENT LANDSCAPE PLAN



PARCEL

ORIGINAL TREES AND FOLIAGE ON LOTS 7, 10 & 11 HAVE NOT BEEN DISTURBED

ROUGH GRASS HAS BEEN PLANTED IN AND AROUND THE THREE BETWEEN WATER PONDS

ROUGH GRASS HAS BEEN PLANTED ON BOTH SIDES OF TWIN PINES ST. IN THE RIGHT-OF-WAY AREA

- LEGEND**
- Building Setback Lines
 - Road Right-of-Way
 - Edge of Road
 - Center Line
 - Lot Line
 - Access Easement
 - Wetland Area



2010 DEVELOPMENT PLAN



5D and E. Keene Creek Trail Subdivision – Preliminary Plat

Applicant: BMAX, Inc.
Case No.: 2020-67-SUB-P
Staff Contact: Eric Johnson, Community Development Director
Request: Approval of a Preliminary and Final Plat and Preliminary and Final PUD

DESCRIPTION OF REQUEST:

Applicant is requesting approval of a Preliminary and Final Plat and a preliminary and Final PUD for the subdivision of a 32.3 acre parcel into 7 residential lots. The property is located at 5189 West Arrowhead Road and is in a R-3 zoning district.

SITE INFORMATION:

Parcel Size: 32.3 acres
Legal Access: 5189 West Arrowhead Road and 4371 Grouse Ridge Drive
Wetlands: Yes, per the National Wetland Inventory
Existing Zoning: R-3, Residential
Airport Overlay: None
Shoreland Overlay: None
Comprehensive Plan: Suburban

Development Details

The applicant is proposing to /reconfigure the properties at 5189 West Arrowhead Road and 4371 Grouse Ride Drive into a 7 lot land subdivision. 4 lots will have frontage off of West Arrowhead Road and 3 lots will have access off of Grouse Ridge Drive.

There is an existing home at 5189 West Arrowhead and 4371 Grouse Ridge Drive. The application will reconfigure these two parcels into a 0.57 acre parcel for 5189 W Arrowhead Road (Lot 6) and a 0.67 acre parcel for the 4371 Grouse Ridge Drive (Lot 3) property. The other 5 lots range in size from 0.5 acres to 23.6 acres in size.

Lots 4 and 7 take frontage from West Arrowhead Road and may have future twinhomes proposed for the property; Lots 2 and 5 are new single family lot meeting the R-3 requirements and Lot 1 being a residential lot that may see development in the future.

Zoning Analysis:

The property is zoned R-3, Residential. At this time, this application is for a land subdivision and no new development is proposed. Any future applications for further land subdivision or development will go

through a public hearing process at the Planning and Zoning meeting and City Council review and action. Property owners will be notified by mail of any future development applications.

Plat

The applicant is proposing to divide the property into 7 lots. A preliminary plat has been provided as part of the application. A final plat prepared by a registered land surveyor will be required for the project.

Planned Unit Development (PUD)

A PUD is a permitted use in an R-3 zone district. Section 11 of the zoning ordinance explains that: 'A PUD is intended to encourage a more efficient and creative use of land and development, more efficient and effective use of streets, utilities and public services; protection of natural resources; and more efficient and effective provision of recreational, public and open space than can be achieved through conventional development procedures.

The applicant has applied for a Planned Unit Development (PUD) for the property as Lots 1, 4 and 7 have less than the 100 feet of road frontage as part of the R-3 zoning requirements.

Utilities

City utilities are available in W Arrowhead Road and Grouse Ridge Drive. Any new homes will be required to be hooked into City utilities and pay any applicable connection or availability fees.

Stormwater

These are single family lots and as such are not required to have an additional stormwater requirements. Each lot will incur a monthly stormwater utility fee once they are developed. Any future development plans will be required to be submitted to and reviewed by the City Engineer.

Access

Lots 4, 5, 6 and 7 have access to West Arrowhead Road with Lots 1, 2 and 3 having access to Grouse Ridge Drive.

Wetlands

The applicant will be required to delineate each property for wetland limits. The wetland delineations and any impacts will be reviewed and acted upon by the Hermantown Technical Evaluation Panel. Wetlands will be required to be delineated prior to any new construction.

Park Dedication Fees

The applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per lot/unit will be paid at the time of final PUD/Plat approval. Bedroom fees at the rate of \$150/bedroom will be paid at the time of building permit.

Summary

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

1. The proposed preliminary plat meets the intent of the R-3, Residential Zoning District and the overall goals and policies of the Zoning Ordinance.

2. The preliminary plat is in accordance with and conformity to the Hermantown Comprehensive Plan and Hermantown Zoning Ordinance.
3. The lots will be served by public water and sewer which will be constructed by the applicant. The applicant/builder will be responsible for any connection of availability fees.
4. The preliminary and final PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 – Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.
5. The preliminary and final PUD meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing variety in the community.
6. The preliminary and final PUD hereby approved is hereby expressly subject to the following conditions:
 - a. Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
 - b. Trees and brush cannot be burned on the Land, but may be chipped and shredded.
 - c. Erosion control measures must be in place prior to any construction on the Final PUD.
 - d. The Property Owner shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.
7. The Applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per lot/unit will be paid at the time of final PUD/Plat approval. The applicant/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.
8. The Applicant shall sign a consent form assenting to all conditions of this approval.
9. The Applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:

- Location Map
- Preliminary Plat

Location Map



