



## **Hermantown Planning & Zoning Meeting – February 15, 2022**

Because of attendance limitations at the regular meeting location due to the health pandemic, Hermantown's February 15, 2022, Planning & Zoning Meeting will be conducted both remotely and with limited access to Council Chambers.

The meeting will utilize the platform "Zoom," which allows the public to view and/or hear the meeting from their phone or computer.

The 7:00 pm Planning & Zoning Meeting will be available at:

<https://us02web.zoom.us/j/89710487385?pwd=RFZYekswalBBNEluUjZXTXVQUEYydz09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 897-1048-7385 and the passcode of 122771.

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*  
February 15, 2022  
7:00 PM

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
  - 3A. January 19, 2022 regular meeting.
4. **PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.
5. **PUBLIC HEARINGS**
  - 5A. An application by A-lign Properties LLC for a Preliminary and Final Plat of 6 lots on a 4-acre site located at the NE intersection of Hermantown Road and Lavaque Road. The property is located in a R-3 zoning district.
6. **CONTINUING BUSINESS**
7. **NEW BUSINESS**
8. **COMMUNICATIONS**
9. **COMMISSION MEMBER REPORTS**

Joe Peterson  
Corey Kolquist  
Valerie Ouellette  
Samuel Clark  
Beth Wentzlaff  
Buckley Simmons  
John Geissler

**ADJOURN**

CITY OF HERMANTOWN  
PLANNING & ZONING COMMISSION  
January 19, 2022 Meeting Summary  
7:00 PM

**1. ROLL CALL**

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

Members Absent: Corey Kolquist.

Others Present: Eric Johnson, Community Development Director; Barbara Harris, 4017 Stebner Rd.; Arlene & Roger Halverson, 4006 Getchell Rd.; Shawna Jokinen, 5119 Cedar Ridge; and Paul Anderson, 4379 Lavaque Rd.

**2. APPROVAL OF AGENDA**

Motion made by Samuel Clark to approve the January 19, 2022 agenda as presented. Seconded by Buckley Simmons. Motion carried.

**3. APPROVAL OF MINUTES**

Motion made by Valerie Ouellette to approve the November 16, 2021 minutes as presented. Seconded by Beth Wentzlaff. Motion carried.

**4. PUBLIC DISCUSSION**

None.

**5. PUBLIC HEARING**

5A. An application by Soumis Construction, Inc. for a Special Use Permit for the construction of a twinhome/duplex at 436x Lavaque Road. The property is located in a R-3 Residential zoning district.

Eric Johnson, Community Development Director, presented the commission with the application of Soumis Construction, Inc., who purchased the property located at 437x Lavaque Road, which is zoned R-3, Residential, in 2021. The property consists of 5+ acres of wetland with a portion of upland located in the NE portion of the property. This parcel is known as Outlot A of the Evergreen Fourth Addition.

Eric noted that 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.

The following residents spoke about their concerns regarding this project. The main issues were, access, and covenants.

Shawna Jokinen of 5119 Cedar Ridge Drive spoke to the existence of a development covenant for Evergreen 4<sup>th</sup> Addition which prohibits twinhomes.

Paul Anderson of 4379 Lavaque Road was concerned about the proximity of the new structure to his property as well as the amount of wetland on the proposed site.

Jesse Soumis spoke to the background of the purchase of this lot and addressed the concerns about any covenants. He stated that after conversations with his attorney that there are no issues with any covenants.

Motion made by Valerie Ouellette to approve the application by Soumis Construction Inc. for a Special Use Permit for the construction of a twinhome/duplex at 436x Lavaque Road. Seconded by Buckley Simmons. Motion carried 5 to 0.

5B. An application by Jesse Stokke for an amendment to the development plan/PUD associated with the Pine View development for the purpose of modifying the plan/PUD to accommodate a two-family home.

Eric discussed with the commission the application by Jesse Stokke, who is requesting an amendment to the Development Plan to allow for the construction of a two-family residential structure.

Eric noted that the original 2005 development was envisioned as a two-family residential structure development with utilities being installed on each individual lot in order for each half of the two-family residential structure 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.

The applicant has since purchased the adjoining two lots, 21 and 22 and is requesting an amendment to the development plan which would allow for the construction of one two-family residential structure on lots 21 and 22, which is consistent with the original 2005 development plan.

Motion made by Buckley Simmons to approve the application by Jesse Stokke for an amendment to the development plan/PUD associated with the Pine View development for the purpose of modifying the plan/PUD to accommodate a two-family home. Seconded by Valerie Ouellette. Motion carried 5 to 0.

5C. An application by Titan Premier LLC for a preliminary and final plat for the subdivision of 5 acres into 6 lots. The property is located at 5015 Radar Road and is located in a R-3 Residential zoning district.

Eric advised the commission that the applicant, Titan Premier LLC, is proposing to subdivide the existing 5.0 acre parcel located at 5015 Radar Road into 6 residential lots, each being a minimum of 0.5 acres in size. The proposed lots directly abut Getchell Road and will take access from the existing right of way/road. There is an existing home located on the property which will be demolished prior to the selling of any lots.

Motion made by Beth Wentzlaff to approve the application by Titan Premier LLC for a preliminary and final plat for the subdivision of 5 acres into 6 lots. Seconded by Valerie Ouetette. Motion carried 5 to 0.

## **6. CONTINUING BUSINESS**

None.

**7. NEW BUSINESS**

Eric commented that city staff is looking at updating some ordinances. Two relate to the Airport Commission; one will be regarding the shoreland ordinance; and lastly, the subdivision ordinance.

**8. COMMUNICATIONS**

21-211 - Shannon Sweeney Resignation from Planning & Zoning Commission

**9. COMMISSION MEMBER REPORTS**

- Joe Peterson – None
- Corey Kolquist – Absent
- Valerie Ouellette – None
- Samuel Clark – None
- Beth Wentzlaff – None
- Buckley Simmons – None
- John Geissler – None

**ADJOURN**

Motion made by Buckley Simmons to adjourn the meeting. Seconded by Samuel Meeting adjourned at 7:51pm.

Officiated by:

Transcribed by:

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Joe Peterson, Chairman

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Mary Melde, Administrative Assistant

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**5A. 508x Hermantown Road– Preliminary and Final Plat**

**Applicant:** A-lign Properties, LLC  
**Case No.:** 2021-05 SUB-P Crystal Estates  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Approval of a Preliminary and Final Planned Plat

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**DESCRIPTION OF REQUEST:**

Applicant is requesting approval of a Preliminary and Final Plat for the subdivision of a 4.1 acre lot into 6 lots for a two-family home development at 508x Hermantown Road. The property is located in an R-3 zoning district.

**SITE INFORMATION:**

**Parcel Size:** 4.1 acres  
**Legal Access:** 508x Hermantown Road  
**Wetlands:** Yes, delineation approved in 2020; no proposed impacts  
**Existing Zoning:** R-3, Residential  
**Airport Overlay:** None  
**Shoreland Overlay:** None  
**Comprehensive Plan:** Suburban

**Development Details**

The applicant has been in the process of constructing three two-family homes (6 units total) on an existing 4.1 acre lot. To date, the two buildings along Hermantown Road have been built with the structure along Lavaque Road being planned for later in 2022. The applicant is now proposing to subdivide the 4.1 acre parcel into 6 total lots (1 for each unit) with lot sizes ranging from 0.51 to 1 acre in size. The project received preliminary and final PUD approval in March 2021.

**Zoning Analysis:**

The property is zoned R-3, Residential. The applicant applied for a Planned Unit Development (PUD) for the property in February 2021 for the construction of three two-family structures (6 units total). The PUD was approved in March 2021 by the City Council.

**Setbacks**

City Code allows a PUD to have standards that meet the City's goals for each proposed development. These standards include building height, density, roadway widths and setbacks. The project consists of three two-family structures (6 units total) and the design meets the underlying front and rear yard setback

requirements of the R-3 zoning district. The approved PUD allowed a minimum 20' foot side yard setback as the PUD allows for the setting of site specific setbacks.

### Plat

The applicant is proposing to divide the property into six lots to reflect the dividing wall of each two-family home structure. The lots range in size from 0.51 to 1.0 acres in size.

### Utilities

The applicant has connected the two Hermantown Road structures to the existing City sewer and water systems. The applicant is finalizing a Utility Extension Agreement with the City for the extension of public sewer and water approximately 270 feet to the north from Hermantown Road. These utilities would be installed within the Lavaque Road right of way and upon acceptance by the City be deeded to the City for their ownership and maintenance.

There is an existing utility easement running from Hermantown Road to the property located at 3810 Lavaque Road. The location of the townhome building and proposed driveway on Tract B do not conflict with this easement.

### Stormwater

The applicant is proposing the creation of six individual lots on which to build the two-family home units. Each lot is responsible for its own erosion control measures per Section 1060 of the City's Zoning Ordinance. Post construction stormwater treatment per Section 1080 of the City's Zoning Ordinance is not required as each lot is proposing less than 15,000 square feet of impervious surface area.

### Access

Each townhome building has a shared driveway to the respective City streets. The shared driveway then flairs out to provide individual driveway surfaces to each townhome unit.

### Wetlands

A wetland delineation was performed in the fall of 2020. The proposed townhome locations are located on upland portions of the property with no wetland impacts being proposed as part of the project.

### Park Dedication Fees

The developer will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per lot/unit will be paid at the time of Plat approval.

### Summary

Staff recommends approval of the Preliminary and Final Plat based on the findings of this report and the following 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 the construction costs and any connection of availability fees.
4. The applicant will be required to enter into a Utility Extension Agreement with the City in order to extend utilities along Lavaque Road within a proposed 30 foot wide easement.
5. The preliminary and final Plat 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 Plat.
  - 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.
  - e. Prior to issuance of a building permit, all necessary permits shall be obtained, including, without limitation, any stormwater permits required by the Minnesota Pollution Control Agency.
6. 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 Plat approval. The applicant/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.
7. Final plat approval will be void if: (1) a final plat is not recorded with St. Louis County within one calendar year of preliminary plat approval; and (2) the City has not received and approved a written request for a time extension within one calendar year of final plat approval.
8. The title of the land underlying the plat shall be approved by the City Attorney.
9. The previously approved PUD allowed for site specific lot sizes and setbacks. The proposed plat meets the setbacks approved as part of the PUD.
10. The Applicant shall sign a consent form assenting to all conditions of this approval.
11. The Applicant is responsible for payment of all City Engineer and City Attorney fees incurred by the City in the review and approval of the plat/project.
12. The Applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.



**ATTACHMENTS:**

- Location Map
- Preliminary Plat



