



## **Hermantown Planning & Zoning Meeting – May 17, 2022**

Because of attendance limitations at the regular meeting location due to the health pandemic, Hermantown's May 17, 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*  
May 17, 2022  
7:00 PM

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
  - 3A. April 12, 2022 regular meeting.
4. **PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.
5. **PUBLIC HEARINGS**
  - 5A. An application by Glen Rudolph for a Special Use Permit for the construction of 2400 sq. ft. storage garage to be located at 4282 Westwood Rd. The property is located in a R-3 Residential zoning district.
  - 5B. An application by Jay Zierden/Zierden Builders for a Preliminary and Final Planned Unit Development for 2 twinhomes (4 units total) located on lots 4 and 7 of the Red Tail Hawk Addition plat. The property is located in an R-3 zoning district.
  - 5C. An application by Jay Zierden/Zierden Builders for a Special Use Permit for grading and filling within a recreational shoreland area associated with an unnamed tributary for the purpose of constructing 2 twinhomes (4 units total) located on lots 4 and 7 of the Red Tail Hawk Addition plat. The property is located in an R-3 zoning district.
  - 5D. An application by Jay Zierden/Zierden Builders for a Preliminary Planned Unit Development for 8 lots of twinhomes (8 units total) and 21 single family lots for a total of 29 lots/units on a 33-acre site located at the northeast intersection of Morris Thomas Road and Okerstrom Road. The property is located in an R-3 zoning district.
  - 5E. An application by Jay Zierden/Zierden Builders for a Preliminary Plat for 8 lots of twinhomes (8 units total) and 21 single family lots for a total of 29 lots/units on a 33-acre site located at the northeast intersection of Morris Thomas Road and Okerstrom Road. The property is located in an R-3 zoning district.
  - 5F. An application by Jay Zierden/Zierden Builders for a Special Use Permit for grading and filling within a natural environment shoreland area associated with Keene Creek for the purpose of constructing 6 lots of twinhomes (6 units total) and 4 single family lots for a total of 10 lots/units on a portion of the overall 33-acre site located at the northeast intersection of Morris Thomas Road and Okerstrom Road. The property is located in an R-3 zoning district.

- 6. CONTINUING BUSINESS**
- 7. NEW BUSINESS**
- 8. COMMUNICATIONS**
- 9. COMMISSION MEMBER REPORTS**

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

**ADJOURN**

CITY OF HERMANTOWN  
PLANNING & ZONING COMMISSION  
April 12, 2022 Meeting Summary  
7:00 PM

**1. ROLL CALL**

Members Present: Joe Peterson; Corey Kolquist; Valerie Ouellette; Samuel Clark; Buckley Simmons; Beth Wentzlaff; Dante Tomassoni; and John Geissler (via Zoom).

Members Absent:

Others Present: Eric Johnson, Community Development Director; The Edstroms, 5195 Miller Trunk Highway; Karl Kallberg, 4662 Ugstad Rd.; Bart Porter, 3677 Okerstrom Rd.; Tony Marino, 3760 Johnson Rd.; Dennis Kachelmyer, 4355 Stebner Rd.; Harley Davidson representative, 4355 Stebner Rd.; James Orman, 4537 Lavaque Bypass; Ruth & Jamie Bird, 5385 & 5389 Miller Trunk; and Nate Rickard, 4878 Trails End Dr.

**2. APPROVAL OF AGENDA**

Motion made by Corey Kolquist to approve the April 12, 2022 agenda as presented. Seconded by Buckley Simmons. Motion carried.

**3. APPROVAL OF MINUTES**

Motion made by Valerie Ouellette to approve the March 15, 2022 minutes as presented. Seconded by Dante Tomassoni. Motion carried.

**4. PUBLIC DISCUSSION**

Tony Marino, 3760 Johnson Rd. Spoke on the Planned Unit Development by Jay Zierden.

**5. PUBLIC HEARING**

5A. An application by ATK Enterprises, Inc. for a Planned Unit Development for the construction of 60' x 202' storage building and a 40' x 104' storage building to be located at 4540 Norway Pine Place. The property is located in a C-1, Office/Light Industrial zoning district.

Eric Johnson, Community Development Director, presented the application of ATK Enterprises, Inc. In 2020, the applicant constructed two 60' by 160' cold ministorage buildings on a 6.5-acre lot in the Maple Hill subdivision with access off of Norway Pines Place. In addition to the buildings and the driving surface, the applicant constructed the stormwater detention system which accounted for these and future improvements. The project was approved as a Planned Unit Development (PUD) as that gave the applicant options on parceling out individual units within the development for sale at a future date. All of the previously constructed units are rental only at this time. The PUD approval also specified that any future additions to the development were required to go through the PUD process.

At this time, the applicant is now pursuing phase 2 of the development. Proposed work includes a 60' x 202' and a 40' x 104' cold ministorage buildings with 17 units total. There will be various sized units offered for rent on a monthly or annual basis.

The applicant will also be installing paving to access the two new buildings. The site's stormwater system has been designed for this additional development. The installation of private water and sanitary sewer may be involved in the future phases. Some form of plat, a traditional plat or CIC plat, may also be required. Staff has reviewed the potential phasing and is comfortable that the site can accommodate additional development, however, this PUD application does not convey future development approval.

Motion made by Corey Kolquist to approve the application by ATK Enterprises, Inc. for a Planned Unit Development for the construction of 60' x 202' storage building and a 40' x 104' storage building to be located at 4540 Norway Pine Place. Seconded by Beth Wentzlaff. Motion carried 7 to 0.

5B. An application by Porter Business Development LLC for a rezoning of a 2 acre parcel located at the SE intersection of Stebner Road and Arrowhead Road. The parcel is currently zoned P, Public with a proposed rezoning to C, Commercial.

Eric presented the application by Porter Business Development LLC who is requesting a change to the Hermantown Zoning Map by rezoning 2-acres in the northwest corner of Parcel: 395-0030-00010 and the approximately 12,400 square feet of adjoining right of way from P, Public to C, Commercial. The purpose of the rezoning is to facilitate the development of 2 – 1 acre building sites for future development.

The site is part of the 74-acre Sunrise Funeral Home, Cremation Services, and Cemetery located at 4798 Miller Trunk Highway. It has been owned and operated by the applicant for many years. The site is the 2-acres in the northwest corner of the property bound by Arrowhead Road to the north and Stebner Road to the west. The site measures 417.4 feet by 208.7 feet.

The property is bordered by R-3, Residential and C, Commercial zoning districts. Existing uses of the neighboring properties on the north side of Arrowhead Road are allowed in the C, Commercial district including an apartment building and medical clinic. Properties on the west side of Stebner Road are undeveloped.

Motion made by Valerie Ouellette to approve the application by Porter Business Development LLC for a rezoning of a 2 acre parcel located at the SE intersection of Stebner Road and Arrowhead Road. The parcel is currently zoned P, Public with a proposed rezoning to C, Commercial. Seconded by Buckley Simmons. Motion carried 7 to 0.

5C. A petition to change the street name of Eevee Drive to Stevie Drive. This road intersects Richard Avenue and Haines Road and is located in the Hermantown Marketplace.

Eric informed the commission members that the City has been received a petition to change the street name of Eevee Drive to Stevie Drive. This road intersects Richard Avenue and Haines Road and is located in the Hermantown Marketplace.

There are currently no businesses addressed off of Eevee Drive and in conversations with 911 addressing system, they have no issues with the proposed change of name.

Should this petition be granted by the City Council, the applicant would be responsible for the purchase of the new street signs, and any applicable invoices or fees incurred by the City for the work of the Public Works Department in the installation of the signs and the City Engineer and City Attorney for any review related work.

Motion made by Corey Kolquist to approve the petition to change the street name of Eeve Drive to Stevie Drive. This road intersects Richard Avenue and Haines Road and is located in the Hermantown Marketplace. Seconded by Dante Tomassoni. Motion carried 6 to 0. Joe Peterson abstained.

5D. Zoning Ordinance text amendments by the City of Hermantown amending the text of the Hermantown Zoning Code and adopting zoning maps establishing an airport zoning overlay safety zone within the City of Hermantown.

Eric presented to the commission that the City has been in discussions with the Duluth International Airport (DIAP) and the Joint Airport Zoning Board (JAZB) regarding the creation of and adoption of a Custom Zoning ordinance addressing safety zones associated with the runways at DIAP. In October 2021, the MN DOT approved the JAZB Zoning Ordinance which creates safety zones within the following communities:

- Hermantown (Zones 1,2,2.5 and 3)
- Duluth (Zones 1,2,2.5 and 3)
- Rice Lake (Zones 1,2,2.5 and 3)
- Canosia Township (Zone 3)
- St. Louis County ((Zone 3)

The state law enacted in 2019 allowing custom zoning better integrates airport zoning with the local zoning and planning processes. Custom zoning allows for increased flexibility for an airport to enact airport zones that are appropriately sized for the airport's needs. The JAZB Airport Zoning Ordinance reflects custom zoning.

The JAZB Airport Zoning Ordinance contemplated that the City of Hermantown would adopt amendments to its Zoning Ordinance that incorporates the applicable provisions of the Airport Zoning Ordinance. The purpose and intent of the Hermantown Airport Zoning Overlay Ordinance” or “HAZ00” is to protect the public health, safety, order, convenience, prosperity, and general welfare, and for the promotion of the most appropriate use of land and to prevent the creation or establishment of airport hazards for the citizens residing in the City of Hermantown.

The JAZB Airport Zoning Ordinance restricts those uses which may be hazardous to the operational safety of aircraft operating to and from the DIAP, and, to limit population and building density in the runway approach areas.

Certain properties within the City of Hermantown are subject to the requirements of the JAZB Airport Zoning Ordinance as they fall within one of 4 safety zones associated with runways 3 and 9 of the JAZB Airport Zoning Ordinance. The 4 safety zones and their restrictions as well as other applicable provisions/sections of the JAZB Airport Zoning Ordinance are included in the City's proposed ordinance.

The City will require that the City enters into an indemnification agreement with the City of Duluth whereby the City of Duluth, as the owner of the DIAP, indemnifies Hermantown from any liability for takings or crashes related to the adoption of the HAZOO as a condition to HAZOO becoming effective.

The following residents spoke about their concerns regarding this project. The main issues were, event gathering size and no change in C zone.

Dennis Kachelmyer, 4355 Stebner Rd., and Nate Rickard, 4878 Trails End Dr.

Motion made by Beth Wentzlaff to approve the Zoning Ordinance text amendments by the City of Hermantown amending the text of the Hermantown Zoning Code and adopting zoning maps establishing an airport zoning overlay safety zone within the City of Hermantown. Seconded by Corey Kolquist. Motion carried 7 to 0.

**6. CONTINUING BUSINESS**

None.

**7. NEW BUSINESS**

None.

**8. COMMUNICATIONS**

None.

**9. COMMISSION MEMBER REPORTS**

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

**ADJOURN**

Motion made by Samuel Clark to adjourn the meeting. Seconded by Valerie Ouellette. Meeting adjourned at 7:50 pm.

Officiated by:

Transcribed by:

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Joe Peterson, Chairman

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Mary Melde, Administrative Assistant

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**5A. Subdivision Application to construct a 2,400 square foot accessory structure in an R-1 zoning district**

<b><u>Applicant:</u></b>	Glen Rudolph
<b><u>Case No.:</u></b>	2022-18-SUP
<b><u>Staff Contact:</u></b>	Eric Johnson, Community Development Director
<b><u>Request:</u></b>	Special Use Permit for construction of a 2,400 square foot accessory building in a R-1 zoning district

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**RECOMMENDED ACTION:**

Staff recommends that the Planning Commission recommend approval of the proposed Special Use Permit for the construction of a 2,400 (40' x 60') square foot accessory building for City Council consideration subject to the attached conditions.

**SITE DATA**

<b>Address:</b>	4282 Westwood Road
<b>Comprehensive Plan:</b>	Residential
<b>Zoning:</b>	R-1, Residential
<b>Lot Size:</b>	+/-2.5 acres
<b>Wetlands:</b>	No
<b>Shoreland Overlay:</b>	No
<b>Airport Zoning:</b>	N/A

**DESCRIPTION OF REQUEST:**

Requested is a Special Use Permit to allow construction of an accessory structure over 1,600 square feet in size per Section 505.03.1 of the Zoning Ordinance. The applicant is requesting approval for construction of a 2,400 square foot accessory structure.

**BACKGROUND:**

Accessory structures over 1,600 square feet in size are permitted only with a Special Use Permit in the R-1, Residential Zoning District. The applicant is requesting approval to construct a 2,400 square foot accessory building. The accessory building would be 40 feet by 60 feet in size, with 16-foot sidewalls. The overall height of the proposed building is approximately 24 feet. The construction type would be slab-on-grade, with steel siding and roof. The building will be used to house the applicant's vehicles and personal belongings. No business activity is proposed as part of this use.



The proposed property is located along Getchell Road with the lot dimensions being approximately 300' x 350' for a total of +/-2.5 acres. The proposed accessory structure is approximately 250 feet from the nearest neighboring structure and approximately 24 feet from Arrowhead Road and 80 feet from Westwood Road.

Section 505.06.5 of the Zoning Ordinance lists the dimensional requirements for accessory structures in excess of 1,600 square feet. They are:

<b>Table 1. Dimensional requirements for accessory structures in excess of 1,600 square feet</b>	<b>R-1 Requirement</b>	<b>Provided</b>
Minimum depth of front yard from R.O.W.	Equal to or greater than the building line of the primary structure	80 feet – Westwood Road
Minimum side yard setback	Equal to the height of the accessory structure	24 feet – Arrowhead Road
Minimum rear yard setback	40 feet	120 feet
Minimum setback from primary structure	10 feet	120 feet
Maximum building height	35 feet	24 feet
Maximum sidewall height	17 feet	16 feet

The accessory structure as proposed either meets or exceeds these requirements.

There are several requirements that must be satisfied in order to qualify for a Special Use Permit, from Section 725 “Governing Criteria” of the Zoning Ordinance.

1. *Is the development compatible with development permitted under the general provisions of the Zoning Ordinance for lands in its vicinity?*  
 There are no significant accessory structures in the vicinity of the property. However, the Zoning Ordinance allows for 35% lot coverage for structures on a property. With the addition of a 2,400 square foot structure, the property would be at approximately 5.9%.
  
2. *Is the proposed use injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in its vicinity?*  
 The proposed accessory structure will not impact adjacent properties or the community in general. The accessory structure will allow the owner to improve their property by providing storage for vehicles and personal property.
  
3. *Is the use consistent with the Comprehensive Plan and the spirit and intent of the Zoning Ordinance?*  
 The proposed accessory structure is consistent with Comprehensive Plan recommendations for residential areas of the City. The Zoning Ordinance allows for up to 35% lot coverage for structures with the proposed property being at 5.9% coverage after the construction of the proposed accessory structure. The proposed use meets the performance standards set in Section 505.06.5 regulating accessory structures in excess of 1,600 square feet.

4. *Will the use result in a random pattern of development, or cause negative fiscal and environmental effects upon the community?*

The Zoning Ordinance allows for 35% lot coverage for structures on a property. With the addition of a 2,400 square foot structure, the property would be at approximately 5.9%.

5. *Are there other criteria of the Zoning Ordinance that should be considered?*

No.

### **Wetlands**

The National Wetland inventory does not show the presence of wetlands on this property.

### **Summary**

The applicant meets the requirements for a Special Use Permit. Staff recommends a motion to recommend approval of the application to the City Council, subject to included conditions.

### **Recommendation**

Staff recommends approval of the Special Use Permit, subject to the following conditions:

1. The approval is for a 2,400 square foot accessory structure on the property at 4282 Westwood Road.
2. The proposed accessory structure shall meet all setback requirements for Accessory Structures in the R-1 Zoning District.
3. The proposed accessory structure location is depicted on the approved site plan. If approved by the Community Development Director, the accessory structure may be placed in other locations on the site, however the 1,700 square foot accessory building will need to meet the minimum setback requirements per Section 515.06.5 of the Zoning Ordinance.
4. 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.
5. Accessory structures shall not be utilized for any use or activity not otherwise allowed in the zone district in which such accessory building is to be located.
6. No business activity is allowed in association with the accessory structure approval.
7. The applicant shall sign a consent form assenting to all conditions of this approval.
8. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

### **Attachments**

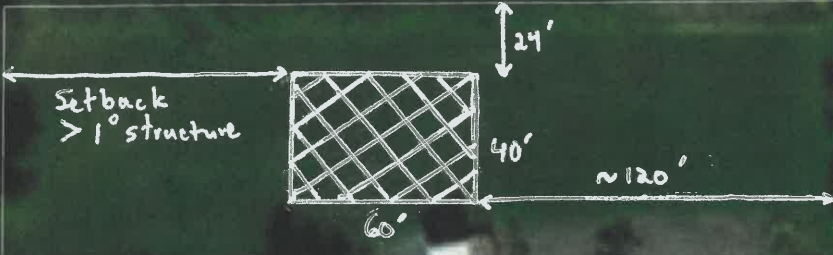
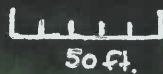
- Location Map
- Structure Location Map
- Proposed Structure Images

# Location Map





W Arrowhead Rd



5506 W ARROWHEAD RD

HERMANTOWN

4282 WESTWOOD RD



4287 LINDAHL RD

4278 WESTWOOD RD





United Rentals

THE COIN



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**5B. Red Tail Hawk – Preliminary and Final Planned Unit Development**

<b><u>Applicant:</u></b>	Jay Zierden/Zierden Builders
<b><u>Case No.:</u></b>	2021-67-SUB-P
<b><u>Staff Contact:</u></b>	Eric Johnson, Community Development Director
<b><u>Request:</u></b>	Approval of a Preliminary and Final PUD

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**DESCRIPTION OF REQUEST:**

Applicant is requesting approval of a Preliminary and Final Planned Unit Development (PUD) for the purpose of constructing 2 twinhome buildings (4 units total) on lots 4 and 7 of the Red Tail Hawk Addition plat. The property is approximately 5.6 acres in size and is located at 518x West Arrowhead Road. The property is located in an R-3 zoning district.

**SITE INFORMATION:**

<b>Parcel Size:</b>	5.6 acres
<b>Legal Access:</b>	518x West Arrowhead Road
<b>Wetlands:</b>	Yes, per the National Wetland Inventory
<b>Existing Zoning:</b>	R-3, Residential
<b>Airport Overlay:</b>	None
<b>Shoreland Overlay:</b>	Recreation
<b>Comprehensive Plan:</b>	Suburban

**Development Details**

The applicant is proposing to construct 2 twinhome buildings (4 units total) on lots 4 and 7 of the Red Tail Hawk Addition plat. The property is approximately 5.6 acres in size and is located at 518x West Arrowhead Road. The property is located in an R-3 zoning district. In addition to the lots, there will be grading and utility work associated with the driveway and public utilities work for the project.

At the time of the Red Tail Hawk PUD approval in August 2021, it was envisioned that lots 4 and 7 would have twinhomes proposed for the property. At that time, the thought was to have two separate lots having access to West Arrowhead Road via a flaglot configuration for each. As the applicant proceeded with design work for this project, it became evident that a shared driveway scenario providing access to these two twinhomes was more feasible as it eliminated one driveway entrance coming onto West Arrowhead Road. In order to accomplish this, the applicant is also proposing a Common Interest Community (CIC) plat which makes this proposed driveway the property of both proposed twinhome buildings.

### **Zoning Analysis:**

The property is zoned R-3, Residential. The applicant has applied for a Planned Unit Development (PUD) for the property. 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.

By clustering the two twinhome buildings within upland (non-wetland) areas it allows for the site to preserve approximately 2.8 acres of existing wetlands. The overall project density for the proposed project is 1 unit/1.4 acres which greatly exceeds the R-3 minimum lot size/density of 2 units/acre.

### 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 proposed project is for two townhome units (4 units total) and the design meets the underlying setback requirements of the R-3 zoning district.

### Plat

The applicant is proposing to create a Common Interest Community (CIC) plat for this project. The CIC proposes that each individual twinhome unit will have its own corresponding lot which mirrors the footprint of the unit, it's driveway and patio/deck space. The remainder of the property will be under the ownership of the community. The City does not review or approved CIC plats, so no action is required on this.

### Utilities

The applicant is proposing to extend water and sanitary sewer mains into the property from West Arrowhead Road. These mains will terminate in respective manholes from which service lines to each individual unit will be installed. These mains will be designed and installed to City specifications and will be turned over to the City upon City Engineer recommendation and City Council approval. There will be a 30' easement running in favor of the City associated with these utility mains. The applicant will be responsible for the cost and installation of the mains and pay any applicable connection or availability fees.

### Stormwater

The proposed project does not exceed the impervious area associated with the City's stormwater requirements and therefore will not require any on-site treatment of stormwater. Each lot will incur a monthly stormwater utility fee once they are developed.

### Access

The proposed project takes access from West Arrowhead Road. No access to Grouse Ridge Drive is proposed.

### Wetlands

The applicant has provided a wetland delineation for the property. The wetland delineations and any impacts will be reviewed and acted upon by the Hermantown Technical Evaluation Panel. Wetlands impacts will be required to be approved prior to any new construction.



### Park Dedication Fees

The applicant has already paid the \$1,100 park dedication fees associated with the creation of lots 4 and 7. An additional \$2,200 will be required to account for the two new proposed units which have not been paid for yet. 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 Final PUD based on the following findings and conditions:

1. 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.
2. 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.
3. The project 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 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.
5. The applicant has already paid the \$1,100 park dedication fees associated with the creation of lots 4 and 7. Applicant will be required to an additional \$2,200 park dedication for the two additional units. The applicant/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.
6. The Applicant shall sign a consent form assenting to all conditions of this approval.
7. The Applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

### **ATTACHMENTS:**

- Location Map
- Site Plan

- Proposed CIC Plat

**Location Map**





PROJECT DATE	NO.	DATE	REVISION	BY
	NO.	DATE	REVISION	BY
	NO.	DATE	REVISION	BY
	NO.	DATE	REVISION	BY

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE \_\_\_\_\_ REGNO \_\_\_\_\_  
Date License No.

NAME \_\_\_\_\_

ARROWHEAD & GROUSE RIDGE TOWNHOUSES  
ZIERDEN BUILDERS  
HERMANTOWN, MN

PRELIMINARY SITE LAYOUT

PROJECT NO. 21096003  
SHEET ----

# COMMON INTEREST COMMUNITY NO.150

## A PLANNED COMMUNITY

### RED TAIL HAWK TOWN HOMES

LOTS 4 AND 7, BLOCK 1 IN RED TAIL HAWK ADDITION.  
LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 50 NORTH, RANGE 15 WEST  
OF THE FOURTH PRINCIPAL MERIDIAN, CITY OF HERMANTOWN, ST. LOUIS COUNTY, MINNESOTA.

I, Michael Stang do hereby certify that the work was undertaken by or reviewed and approved by me for this CIC plat of COMMON INTEREST COMMUNITY NUMBER 150 a Planned Community, RED TAIL HAWK TOWN HOMES, being located upon:

Lots 4 and 7, Block 1 of RED TAIL HAWK ADDITION, as of public record, St. Louis County, Minnesota.

And fully and accurately depicts all information required by Minnesota Statutes, Section 515b.0-1101 (c), (1,5,6,8 and 9) as amended.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2022.

Michael Stang, Land Surveyor  
Minnesota License No. 52591

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021, by Michael Stang, R.L.S. No. 52591.

Notary Public Signature \_\_\_\_\_ Notary Printed Name \_\_\_\_\_

\_\_\_\_\_  
County, Minnesota, My Commission Expires \_\_\_\_\_

ST. LOUIS COUNTY SURVEYOR

Pursuant to Minnesota Statutes, Chapter 389.09, this CIC plat has been reviewed and approved this \_\_\_\_ day of \_\_\_\_\_, 2022.

Nick C. Stewart  
County Surveyor

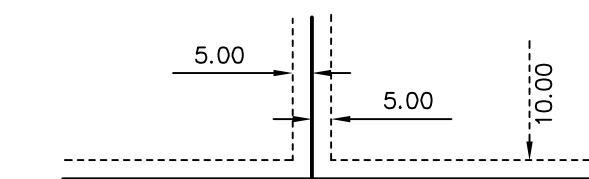
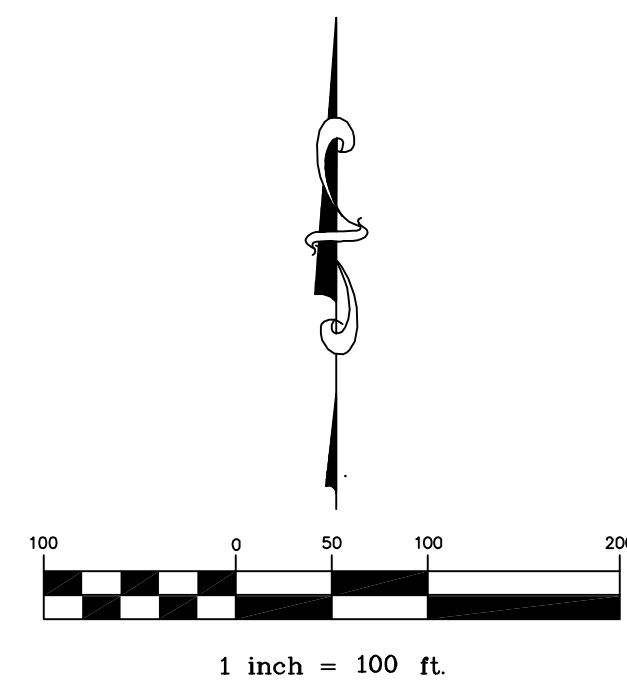
By \_\_\_\_\_  
Todd M. Hendershott, Deputy

ST. LOUIS COUNTY AUDITOR

Pursuant to Minnesota Statutes, Section 515B.1-116(e) and 272.12, taxes payable in the year 2022, on real estate herein before described have been paid; there are no delinquent taxes and transfer entered, on this \_\_\_\_ day of \_\_\_\_\_, 2022

Nancy Nilsen  
County Auditor - Treasurer

By \_\_\_\_\_  
Deputy



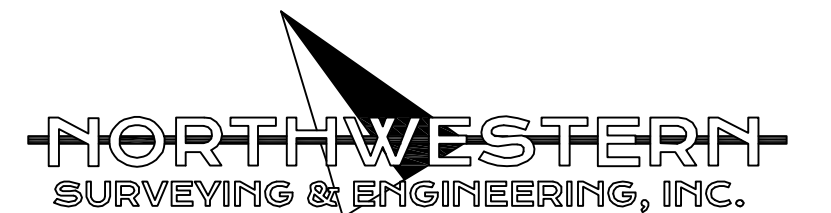
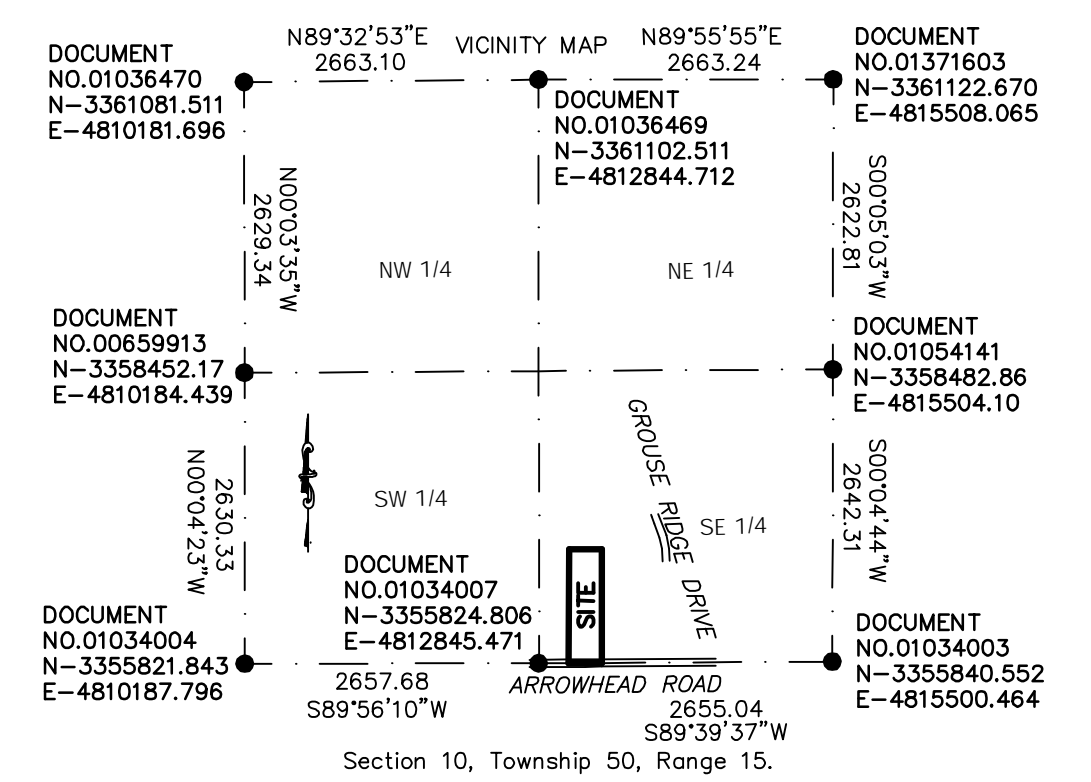
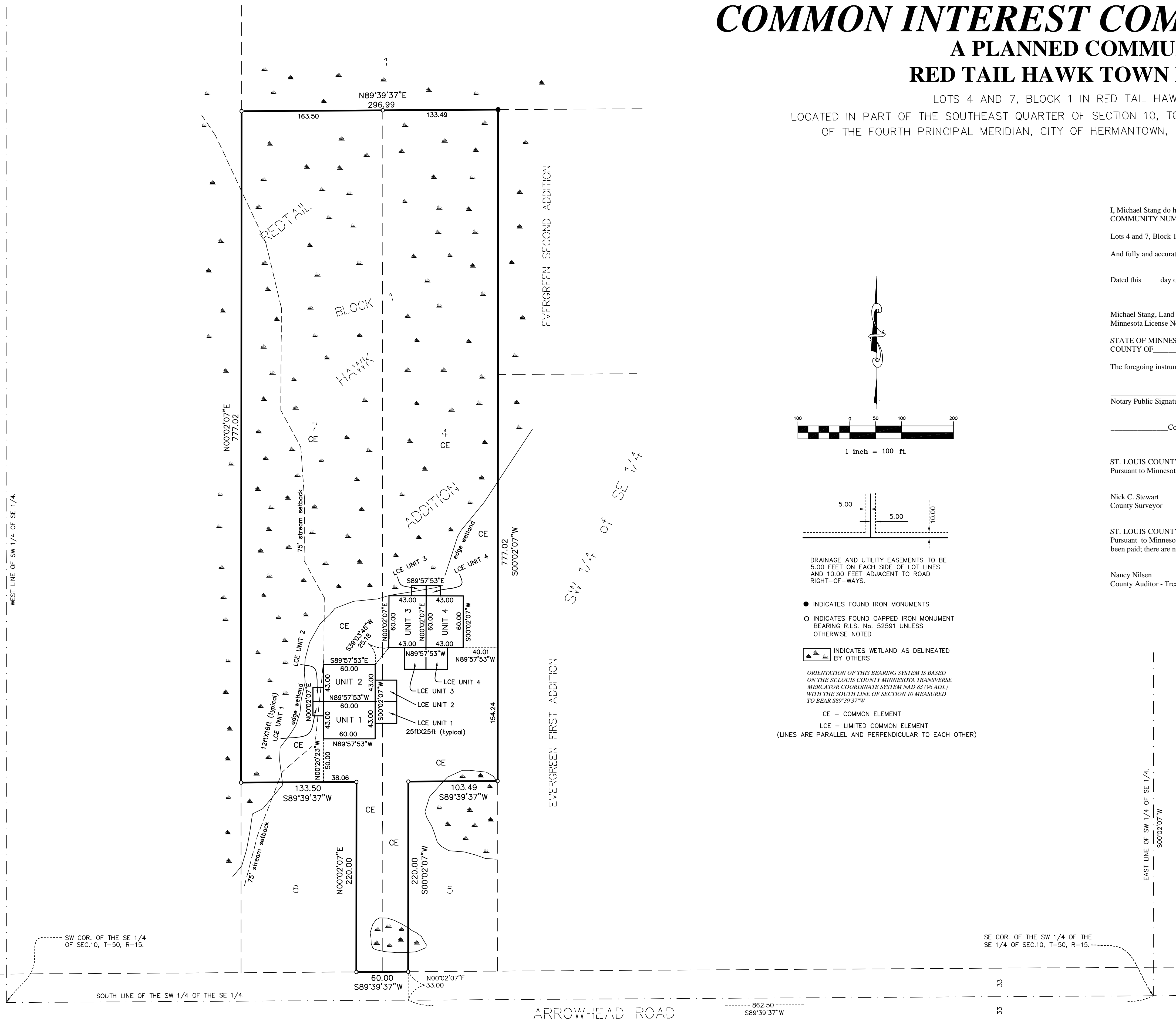
DRAINAGE AND UTILITY EASEMENTS TO BE 5.00 FEET ON EACH SIDE OF LOT LINES AND 10.00 FEET ADJACENT TO ROAD RIGHT-OF-WAYS.

- INDICATES FOUND IRON MONUMENTS
- INDICATES FOUND CAPPED IRON MONUMENT BEARING R.L.S. No. 52591 UNLESS OTHERWISE NOTED

▲ INDICATES WETLAND AS DELINEATED BY OTHERS

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE ST. LOUIS COUNTY MINNESOTA TRANSVERSE MERCATOR COORDINATE SYSTEM NAD 83 (96 ADJ.) WITH THE SOUTH LINE OF SECTION 10 MEASURED TO BEAR S89°39'37"W

CE - COMMON ELEMENT  
LCE - LIMITED COMMON ELEMENT  
(LINES ARE PARALLEL AND PERPENDICULAR TO EACH OTHER)



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**5C. Keene Creek Trail Subdivision – Special Use Permit**

<b><u>Applicant:</u></b>	Jay Zierden/Zierden Builders
<b><u>Case No.:</u></b>	2021-67-SUB-P
<b><u>Staff Contact:</u></b>	Eric Johnson, Community Development Director
<b><u>Request:</u></b>	Approval of a Special Use Permit

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**DESCRIPTION OF REQUEST:**

Applicant is requesting approval of a Special Use Permit for grading and filling in a recreation environment shoreland area associated with an unnamed tributary to Rocky Run Creek for the purpose of constructing 2 twinhome buildings (4 units total) on lots 4 and 7 of the Red Tail Hawk Addition plat. The property is approximately 5.8 acres site and is located at 518x W. Arrowhead Road. The property is located in an R-3 zoning district.

**SITE INFORMATION:**

<b>Parcel Size:</b>	5.8 acres
<b>Legal Access:</b>	W Arrowhead Road
<b>Wetlands:</b>	Yes, delineation conducted in 2021
<b>Existing Zoning:</b>	R-3, Residential
<b>Airport Overlay:</b>	None
<b>Shoreland Overlay:</b>	Recreation Environment
<b>Comprehensive Plan:</b>	Suburban

**Development Details**

The applicant is proposing to construct 2 twinhome buildings (4 units total) on lots 4 and 7 of the Red Tail Hawk Addition plat. The property is approximately 5.8 acres site and is located at 518x W. Arrowhead Road. The property is located in an R-3 zoning district. In addition to the lots, there will be grading and utility work associated with the driveway and public utilities within the recreation environment shoreland area.

There is also an unnamed tributary of Keene Creek located on the south portion of the property adjacent to Morris Thomas Road. In conversations with the DNR, they are viewing this water conveyance as a tributary which will require the Special Use Permit for this portion of the development as well.

**Wetlands**

A wetland delineation was performed in the fall of 2021. The plan envisions wetland impacts associated with the driveway construction and potentially with the building footprints. The applicant will be

required to submit a wetland impact plan to the Hermantown Technical Evaluation Panel for their review and approval.

### **Special Use Permit**

The Special Use Permit is for filling and grading within a Shoreland zone. There are general conditions for all SUPs. Staff finds the following in regard to the criteria for Special Use Permits in the Zoning Ordinance:

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

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

The development of two twinhomes (4 units total) is allowed within the R-3 zoning district. Single family homes is the primary use of all surrounding developed land. These four units are proposed to take place on the overall 5.8 acre property for a site density of 1 unit on 1.45 acres. Conditions placed on the SUP and wetland approvals will restrict future wetland impacts.

- 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;**

Conditions placed on the SUP restricting wetland impacts and clearing and grading within 50 feet of the unnamed tributary meet the intent of the zoning ordinance to protect natural resources. The development of two twinhomes (4 units total) is allowed within the R-3 zoning district. Single family homes is the primary use of all surrounding developed land

- 3. The proposed use is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this chapter;**

The property is within an area marked for residential development in the Hermantown Comprehensive Plan. The purpose of the Shoreland Overlay Zone is to protect public waterways. Impervious surface caps are included to prevent excessive runoff from constructed surfaces. The proposed impervious surface is below maximum limits and the required 50 feet buffer zone will protect the unnamed tributary.

- 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 existing development surrounding this site is single family residential; the proposed use continues this character. The proposed impervious surface is below maximum limits and the required 50 feet buffer zone will protect the unnamed tributary.

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

The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2. Additional details of note include:

- A. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
- B. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.

**RECOMMENDATIONS:**

Staff recommends approval of the Special Use Permit based on the findings set forth in the Staff report, subject to the following conditions:

1. The approval is for a Special Use Permit for filling and grading in a Recreation Environment Shoreland of a tributary to the Rocky Run Creek to construct 2 twinhomes (4 units total), utilities and driveway in association with proposed project. The Community Development Director may approve minor variations to structures and filling and grading indicated on the attached preliminary site plan as long as the variations do not result in greater wetland impacts.
2. The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
  - a. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
  - b. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.
  - c. The smallest amount of bare ground is exposed for as short a time as feasible;
  - d. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
  - e. Adequate methods to prevent erosion and trap sediment are employed;
  - f. Fill is stabilized to accepted engineering standards;
  - g. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;
  - h. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;
  - i. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and



- j. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.
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:**

- Site Location Map
- Proposed site plan
- Shoreland Area Map

# Location Map





PROJECT DATE	NO.	DATE	REVISION	BY
	NO.	DATE	REVISION	BY

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE  
Date

REGNO  
License No.

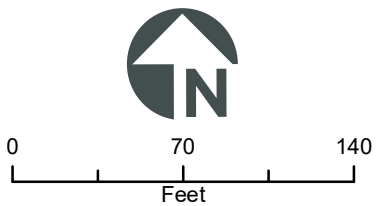
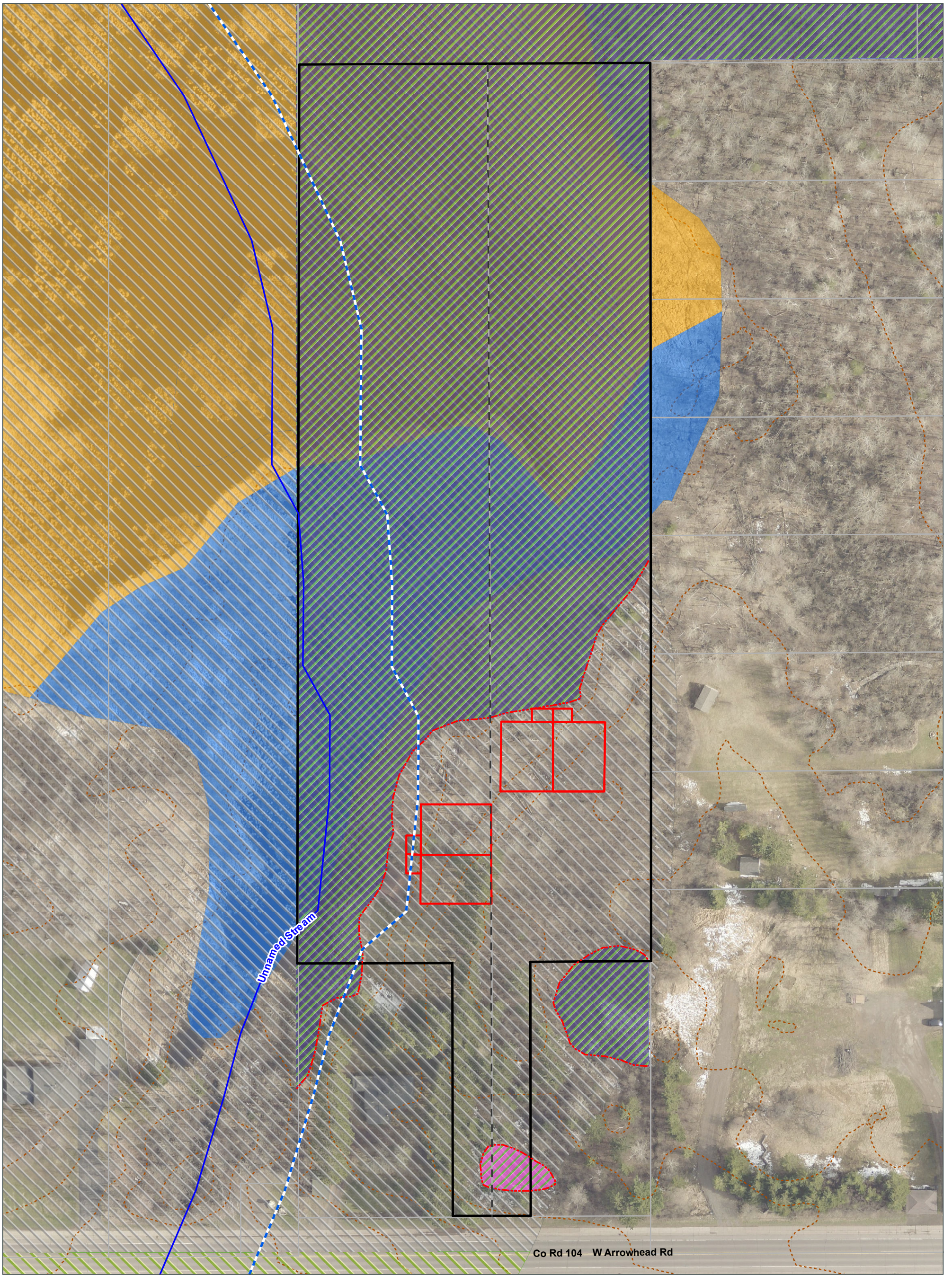
NAME

**ARROWHEAD & GROUSE RIDGE TOWNHOUSES**  
ZIERDEN BUILDERS  
HERMANTOWN, MN

**PRELIMINARY SITE LAYOUT**

PROJECT NO.  
21096003

SHEET  
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**Sources:**

St. Louis County, MnTopo, DNR River and Stream Centerlines, National Wetlands Inventory, Hermantown ArcGIS Online (Shoreline Overlay Zoning)

- |                         |                                    |
|-------------------------|------------------------------------|
| Lot Boundary            | Natural Environment                |
| Building Footprint      | Recreational Development           |
| Parcel Boundary         | <b>MSA Delineated Wetland Type</b> |
| Stream (Perennial)      | Forested Swamp                     |
| 75-Foot Stream Buffer   | Scrub Shrub                        |
| Lot Dividing Line       | <b>NWI Wetland Type</b>            |
| Wetland Boundary        | Freshwater Emergent Wetland        |
| 2-Foot Contour Interval | Freshwater Shrub/Emergent Wetland  |

**FIGURE 5**  
**LOT CONFIGURATION**  
**5189 Arrowhead Road**  
**Hermantown**  
**St. Louis County, Minnesota**



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**5D. Keene Creek Trail Subdivision – Preliminary Planned Unit Development**

**Applicant:** Jay Zierden/Zierden Builders  
**Case No.:** 2021-41-PUD  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Approval of a Preliminary Planned Unit Development (PUD)

---

**DESCRIPTION OF REQUEST:**

Applicant is requesting approval of a Preliminary Planned Unit Development (PUD) for construction of a 21 lot single family home and 8 twinhome lot (8 units total) for a total of 29 lots located in the NE intersection of Okerstrom Road and Morris Thomas Road. The property is located in an R-3 zoning district.

**SITE INFORMATION:**

**Parcel Size:** 36.5 acres  
**Legal Access:** Morris Thomas Road  
**Wetlands:** Yes, delineation approved in 2020  
**Existing Zoning:** R-3, Residential  
**Airport Overlay:** None  
**Shoreland Overlay:** Natural Environment  
**Comprehensive Plan:** Suburban

**Development Details**

The applicant is proposing to construct 21 single family home lots and 8 twinhome lots (8 units total) for a total of 29 lots on an existing 33 acre lot. In addition, the applicant has requested the City enter into an agreement to swap the 2.5 acre Outlot A of the Valleyview Division Plat for the 12.6 acre outlot proposed as part of this plat. This outlot is accessed via the platted 66’ right of way known as Carlson Road as part of the Valleyview Division plat. The proposed project will consist of 21 single family lots ranging in size from 16,400 square feet to 58,890 square feet. In addition, the applicant is proposing 8 twinhome lots ranging from 11,743 square feet to 20,605 square feet in size for the purpose of building 4 twinhomes, for a total of 8 units total.

An application for this project was previously reviewed and approved by the Planning and Zoning Commission in June 2021 (hereinafter the “Carlson Road Option”). The Carlson Road Option was subsequently approved by the City Council in July 2021. The main public benefit of the Carlson Road Option was the extension of the Carlson Road out to Johnson Road. The Carlson Road extension was opposed by local residents because of concerns about increased traffic.

In the time since this approval, the applicant has reassessed the project and is now proposing to modify the plan to not include the Carlson Road extension to Johnson Road. Instead, the applicant is looking to terminate the main north-south road in a hammerhead road design (hereinafter the “Hammerhead Option”). The applicant has not proposed a substitute to the public benefit previously provided under the Carlson Road Option. This change to the previously approved Carlson Road Option requires that the applicant remains at the preliminary review stage and with another public hearing on this proposal.

**PUD Process:**

The City’s zoning regulations governing PUD’s require that each PUD obtain preliminary and final approval. At the City’s discretion, the preliminary and final PUD approvals may be processed concurrently. However, the applicant is pursuing preliminary and final approval under separate applications.

The PUD review and approval process include a public hearing by the Planning Commission and a recommendation to the City Council. A PUD order will be issued by the City setting project specific development standards. Following completion of the development contract the applicant will be granted final Zoning approval and can begin construction, pending approval of the associated building permits.

Per Section 1105 of the Planned Unit Development section of the Zoning Ordinance, it requires that a PUD must provide public benefits to the surrounding neighborhood and to the city above and beyond what can be reasonably achieved by application of the zoning provisions applicable to the underlying zoning district. The nature and scale of public benefit shall be determined by the City and include, but not be limited to:

- 1.1 Preservation and enhancement of natural systems and resources, topography, vegetation, and other natural features. – This project proposes a 12.6 acre outlot which consists of wetlands, Keene Creek and a future city trail.
- 1.2 Provision of a variety of housing and community types. – The project proposes single family lots of varying sizes along with twinhome lots to the community.
- 1.3 Provision of recreational amenities including trails and parks. – The Project proposes green space associated with the proposed outlot as part of the development. The Project has an interior sidewalk which connects to Morris Thomas Road and Carlson Road.

**Zoning Analysis:**

The property is zoned R-3, Residential. The applicant has applied for a Planned Unit Development (PUD) for the property. 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 purpose of the PUD request is to allow for the creation of 8 twinhome lots and for 17 of the proposed 21 single family lots to be less than ½ acre (21,780 square feet) in size.

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 proposed project is

for 21 lot single family home and 8 twinhome lot (8 units total) for a total of 29 lots. The single family lots meet the underlying front and rear yard setback requirements of the R-3 zoning district. The applicant is proposing a minimum 10' foot side yard setback, 20' aggregate total as opposed to the 25' aggregate total associated with the R-3 district. The PUD allows for the setting of site specific setbacks.

The twinhome lots propose a 50' front yard setback, a 40' rear yard setback and a minimum 10' foot side yard setback (20' aggregate total). The twinhomes are located within the interior of the site and do not abut any existing single family homes.

#### Plat

The applicant is proposing to divide the property into 29 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.

#### Utilities

The applicant has engaged a civil engineer to conduct this work with preliminary documents being submitted as part of the application. The work submitted include grading plans along with water and sanitary sewer plans.

The project proposes the extension of a sanitary sewer line from Morris Thomas Road which generally parallels Keene Creek and progressing to the north and east to provide sanitary sewer service to each lot.

The water main extension will connect from Morris Thomas Road running to the north and east and connect into the existing water main in Johnson Road. This design will provide a looped water system for the proposed development.

Upon submittal of the Final PUD the applicant will be required to submit construction documents for review and approval by the City Engineer. Upon City acceptance, all utilities will be turned over to the City of Hermantown.

#### Stormwater

The applicant is proposing a series of six ponds located throughout the site to accommodate the stormwater associated with the project. The applicant has engaged a civil engineer to conduct this work with preliminary documents being submitted as part of the application. Upon submittal of the Final PUD the applicant will be required to submit erosion and sediment control plan for construction and post-construction control of run-off. Bio-rolls, silt fencing and other Best Management Practices will be required in order to control runoff during construction.

The stormwater ponds are within the proposed outlot for the plat and will be turned over to the City upon completion and acceptance by the City Engineer.

#### Access

The project is proposed to be accessed by way of Morris Thomas Road with the interior road system terminating in a hammerhead configuration. This Hammerhead Option differs from the previously approved Carlson Road Option in that it no provides a second road access via the 66' road right of way associated with the Valleyview Division which was platted as Carlson Road.

#### Road Option

The City staff recommends the previously approved Carlson Road Option for public safety, planning, and City Code reasons. The build out of Carlson Road provides public benefits to the City and its residents

from a life/safety standpoint as it provides two means of ingress and egress to a development for police and fire access. The City's goal in planning and public safety is to ensure that adequate roads, sewer, water, fire and police protection are in place or provided for before the final preliminary plat is approved.

From discussions with the City Engineer, it is estimated that the cost of constructing the proposed Carlson Road to Johnson Road in the Carlson Road Option is approximately \$220,000.

In addition to these benefits, the City zoning ordinance references multiple sections supporting through roads:

1020.03.2. Streets must be designed and located with consideration to existing and planned streets, reasonable circulation patterns, topographical conditions, stormwater runoff, public conveyance safety.

1020.03.7. Where adjoining areas are not platted, but in the future may be platted, the arrangement of streets in a new plat should make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new plat at appropriate locations. A temporary turn around facility may be required at the closed end, in conformance with standards will be established by the City Engineer.

1020.04.1. Permanent cul-de-sacs shall not exceed a length of 500 feet.

#### Trail As Replacement of Carlson Road Public Benefit

If the Planning and Zoning Commission supports the Hammerhead Option, City staff recommends a modification to the proposed plan. Instead of building out Carlson Road, the applicant build the trail infrastructure that provides a roughly equivalent public benefit as required under the PUD ordinance. Staff proposes that applicant construct a 10' wide paved trail from Johnson Road to the hammerhead location. This paved trail would be required to be designed and built per City requirements and be constructed within the 66' Carlson Road right of way at the sole cost and responsibility to the applicant. This trail would have a safety gate installed at the east and west entry points and would be turned over to the City for ownership upon review of the City Engineer and acceptance by the City. And as part of installing the sanitary sewer adjacent to Keene Creek, applicant provide clean backfill and a gravel/rock base which can be utilized for the trail base until this section is paved. This trail base would extend from Morris Thomas Road to the proposed hammerhead where it would intersect with the paved trail section within the Carlson Road right of way. Otherwise, the City would likely have to re-excavate and replace the native fill. This could be a prohibitive expense later on in the development of this section of trail.

From discussions with the City Engineer, it is estimated that the cost of constructing a paved 10' wide trail along the Carlson Road right of way and installation clean fill and a gravel/rock base along the sanitary sewer corridor to the proposed hammerhead is approximately \$280,000, which is more expensive than the Carlson Road Option

If substituting the trail for the Carlson Road is recommended by the Planning and Zoning Commission, the paved trail section and the gravel/rock base section would provide trail access to the existing Keene Creek trail section located south of Morris Thomas Road. This new trail section would provide a public benefit to the future residents of this subdivision as well as residents within the Johnson, Carlson, Alexander and Portland Road area as it would provide off road access to Keene Creek Park and its amenities.

#### Land Swap



As part of the 1995 Valleyview Division plat, the City created an outlot which was accessed by way of a 66' road right of way platted as Carlson Road. This outlot had been envisioned as future development of the original plat. This 2.5 acre outlot abuts the proposed property and by its inclusion in the project allows for its development and access by way of a future Carlson Road.

The City has discussed a land swap with the applicant, with the applicant making a formal request for the City's Valleyview Division Outlot. The proposed land swap encompasses the 12.6 acre proposed plat outlot for the City's 2.5 acre Valleyview Division Outlot. This land swap accomplishes multiple goals: the protection of Keene Creek; the protection of wetlands; the location of stormwater ponds; available land for the City's planned segment connection of the Munger Trail Spur; two points of ingress/egress for the proposed development and development of an existing outlot for residential housing.

City staff will continue to work with the applicant on the details associated with this proposed land swap.

#### Wetlands

A wetland delineation was performed in the fall of 2020. The plan envisions wetland impacts associated with the road construction and potentially 2-4 lots in order to accommodate a building footprint. The applicant will be required to submit a wetland impact plan to the Hermantown Technical Evaluation Panel for their review and approval.

The MN DNR has also identified a potential tributary to Keene Creek that runs from east to west along the south portion of the property and generally parallels Morris Thomas Road. This classification of this unmapped water conveyance by the DNR as a tributary is still being discussed with the DNR. The applicant will be required to obtain all necessary permits from the DNR should this water conveyance be classified as a tributary.

#### 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 final PUD approval. Bedroom fees at the rate of \$150/bedroom will be paid at the time of building permit.

#### **Summary**

The Staff recommendation has two parts. First, Staff recommends approval of the Preliminary PUD as previously approved in the Carlson Road Option. The approval would be the same as was previously approved in the summer of 2021.

In the event the Planning Commission supports the Hammerhead Option, the Staff recommends that the trail infrastructure improvements be substituted for the public benefit previously provided by the Carlson Road Extension. The conditions for the Hammerhead Option would be:

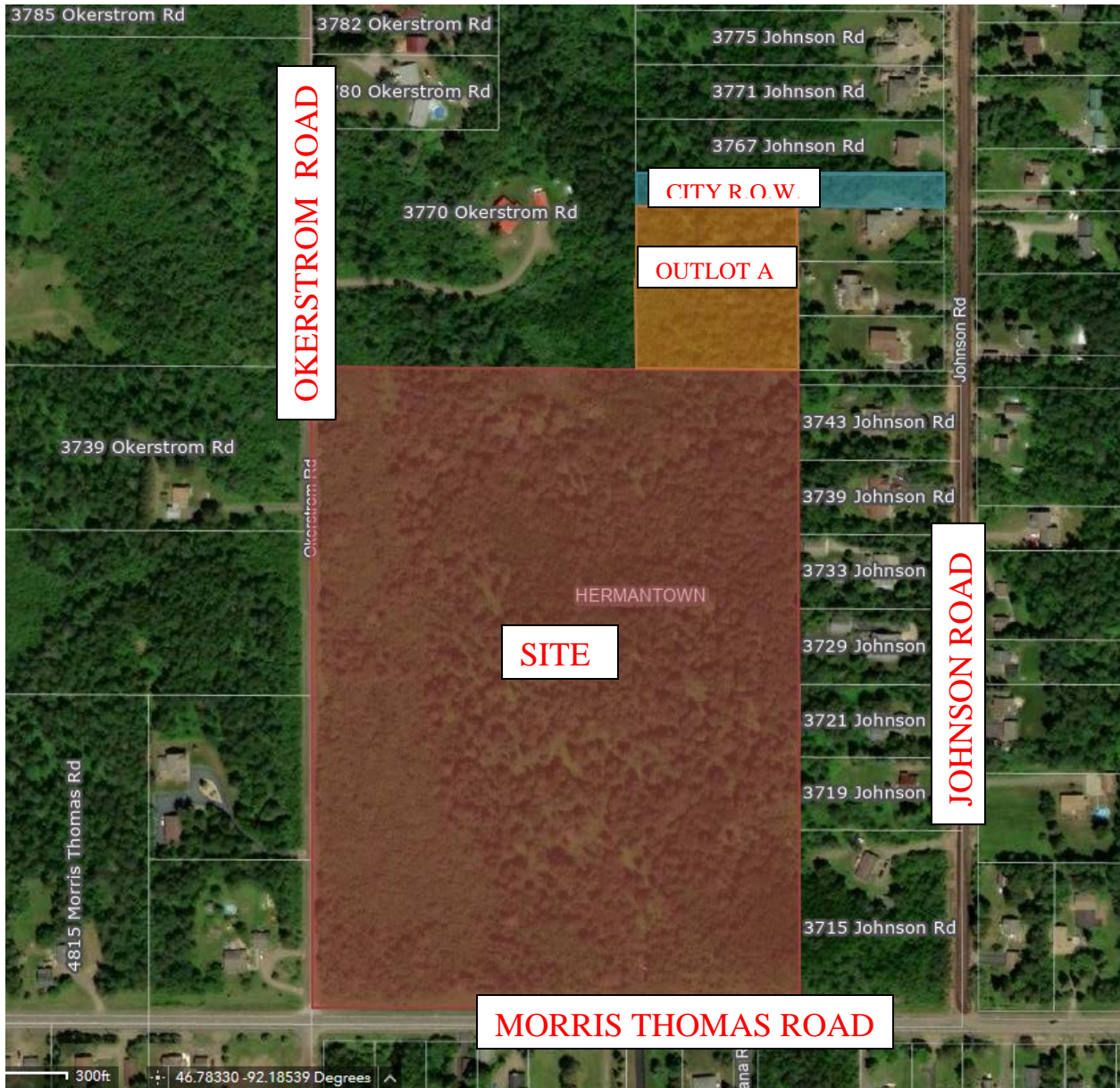
1. The preliminary PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 – Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.
2. The preliminary PUD meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing variety in the community.
3. The preliminary PUD hereby approved is hereby expressly subject to the following conditions:

- 3.1 Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
- 3.2 Trees and brush cannot be burned on the Land, but may be chipped and shredded.
- 3.3 An MPCA Stormwater Permit and erosion control measures must be in place prior to any construction on the Final PUD.
- 3.4 All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the entity that owns the utility.
- 3.5 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.
- 3.6 The Applicant will have one year from the date of the preliminary PUD approval to file for a final PUD.
- 3.7 The Applicant is required to submit final construction documents (water, storm sewer, sanitary sewer, drives, parking lots etc.) that include the trail infrastructure improvements from Morris Thomas Road to Johnson Road according to City standards and coordinated with the City Engineer as part of the Final PUD application
4. The applicant shall pay a park dedication fee of \$1,100 per lot/unit in lieu of dedicated park land. This fee will be paid at the time of PUD approval. Bedroom park dedication fees of \$150.00/bedroom will be paid at time of building permit.
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.

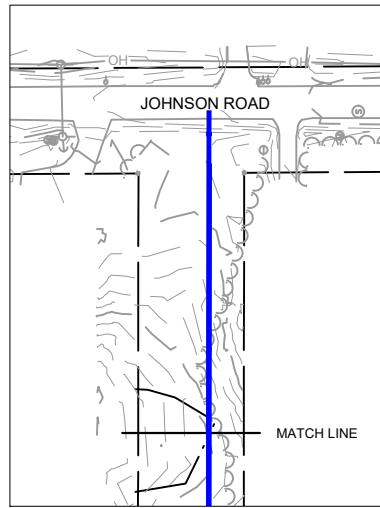
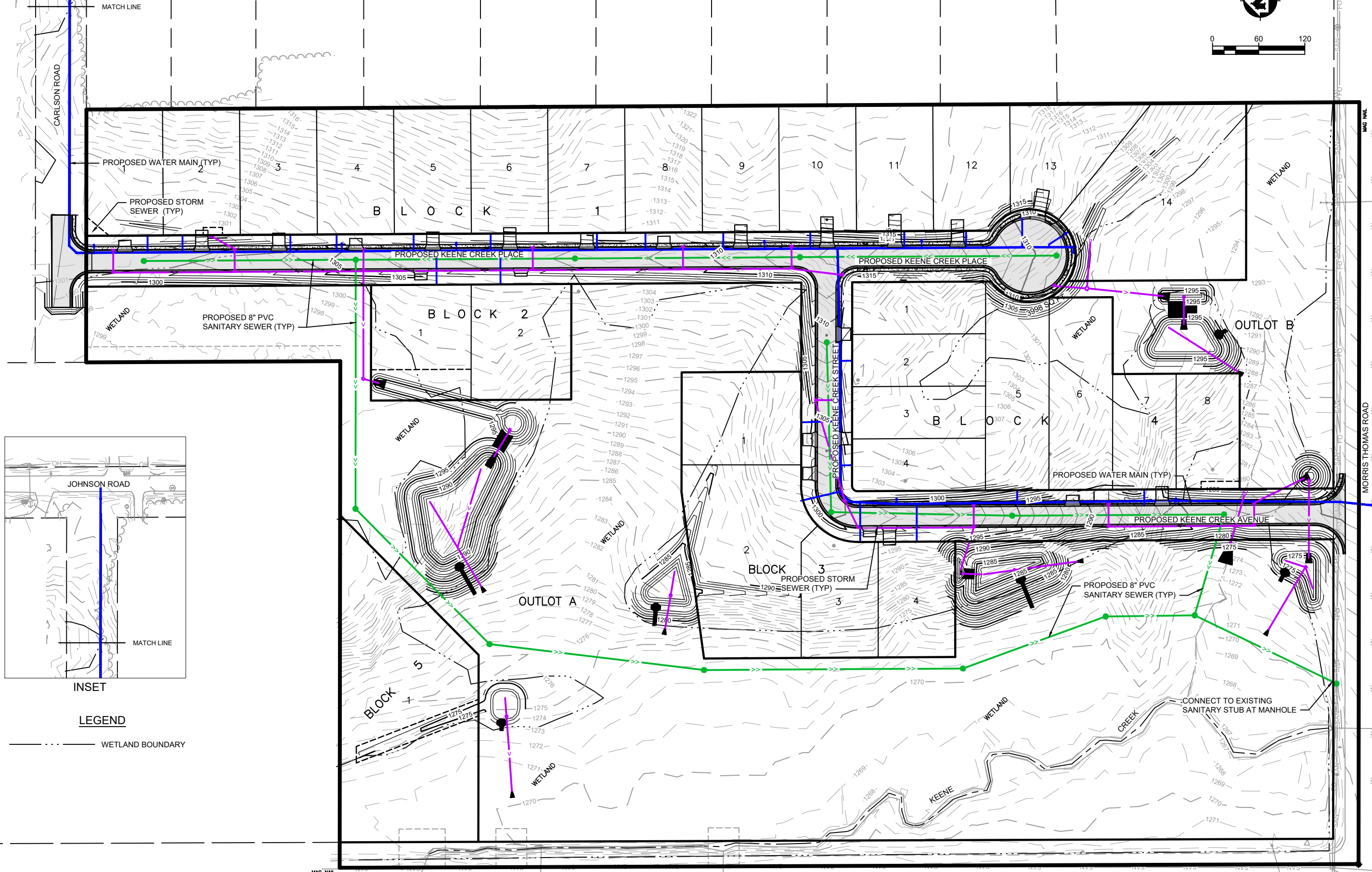
**ATTACHMENTS:**

- Location Map
- Preliminary Site Plan
- Preliminary Plat
- Valleyview Division Plat
- Proposed Twinhome Building Example

# Location Map



SEE INSET FOR CONTINUATION



INSET

LEGEND

--- WETLAND BOUNDARY

PROJECT DATE: 8/31/2021	DRAWN BY: JAS	NO.	DATE	REVISION	BY
	DESIGNED BY: JL				
	CHECKED BY: JL				

**PRELIMINARY**

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

3/30/2022 Date  
52222 License No.  
JON LOYE



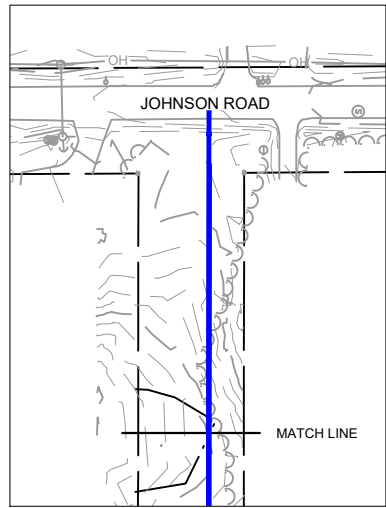
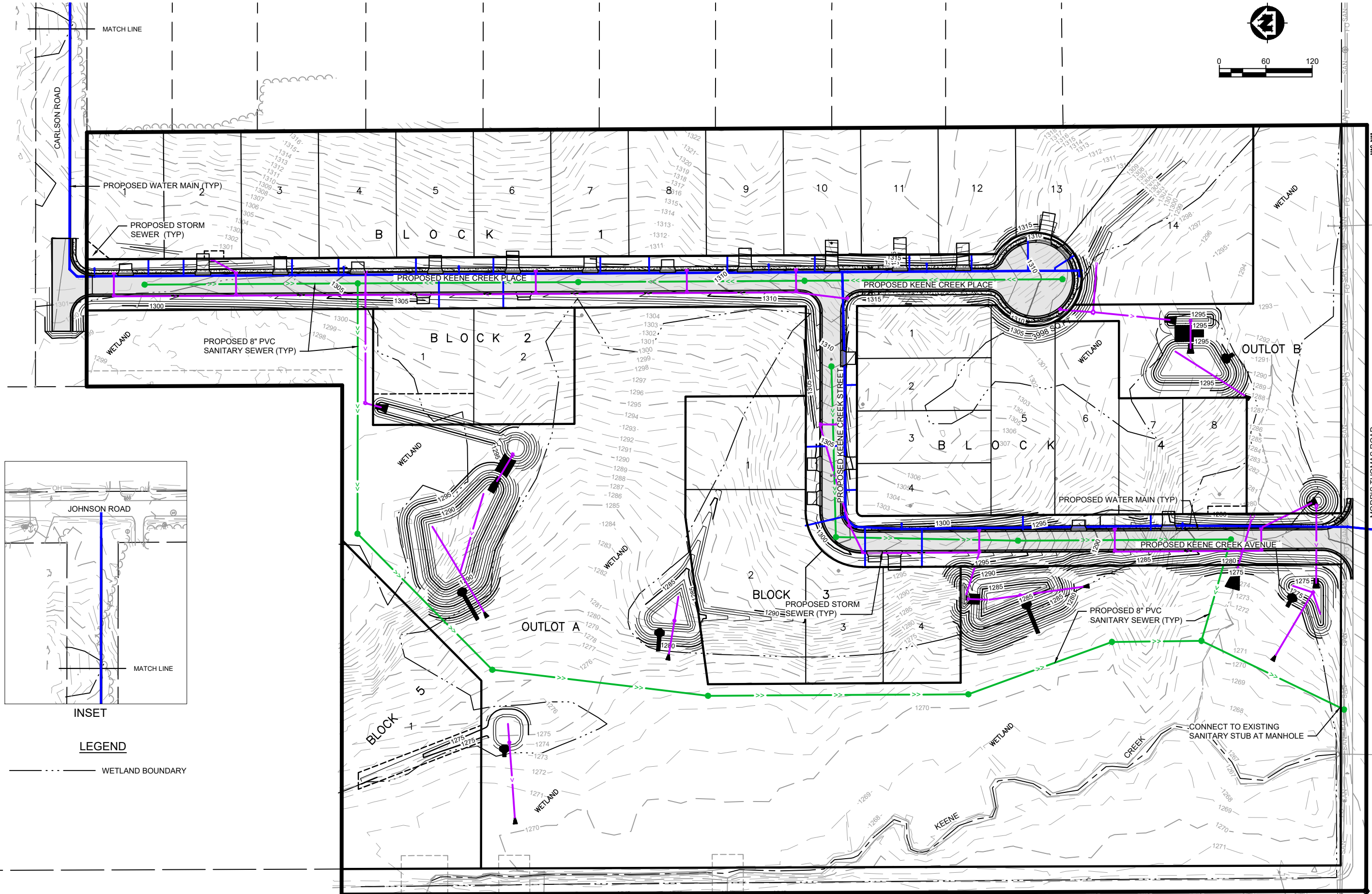
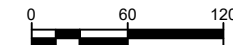
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**KEENE CREEK TRAIL SUBDIVISION**  
JAY ZIERDEN  
CITY OF HERMANTOWN

**OVERALL SITE PLAN**

PROJECT NO. 14491004  
SHEET G2

SEE INSET FOR CONTINUATION



LEGEND

--- WETLAND BOUNDARY

PROJECT DATE: 8/31/2021	DRAWN BY: JAS	NO.	DATE	REVISION	BY
	DESIGNED BY: JL				
	CHECKED BY: JL				

**PRELIMINARY**

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

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52222 License No.  
JON LOYE

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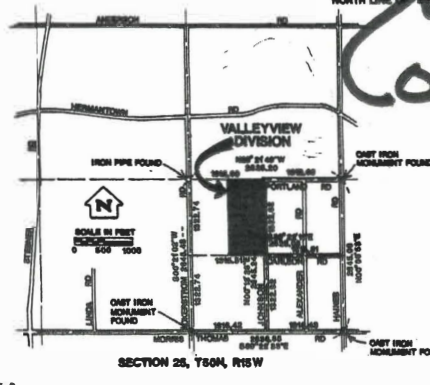
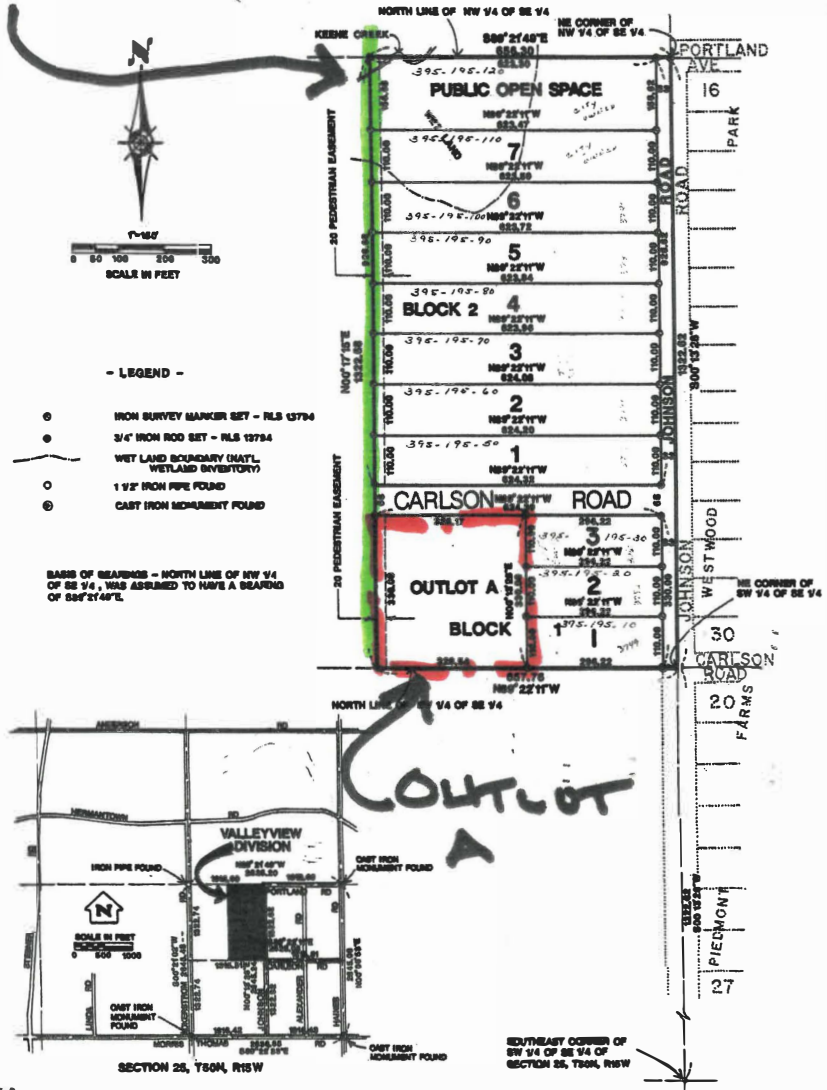
**KEENE CREEK TRAIL SUBDIVISION**  
JAY ZIERDEN  
CITY OF HERMANTOWN

**OVERALL SITE PLAN**

PROJECT NO. 14491004  
SHEET G2

**EXISTING TRAIL EASEMENT**

**PLAT OF VALLEYVIEW DIVISION**  
 LOCATED IN THE E 1/2 OF NW 1/4 OF SE 1/4,  
 SECTION 25, T.50N., R.15W.  
 OF THE FOURTH PRINCIPAL MERIDIAN



Plat Dedication  
 Valleyview Division  
 Hermantown, St. Louis County, M., Minnesota

KNOW ALL MEN BY THESE PRESENTS: That City of Hermantown, a Municipal Corporation, owner and proprietor of the following described property situated in the City of Hermantown, County of St. Louis, State of Minnesota, to wit:

East Half of Northwest Quarter of Southeast Quarter (E 1/2 of NW 1/4 of SE 1/4), SECTION Twenty-five (25), TOWNSHIP Fifty (50) North of RANGE Fifteen West of the Fourth Principal Meridian, according to the United States Government Survey thereof;

Containing 19.94 acres of land, more or less, except all minerals.

Have caused the same to be surveyed and platted as VALLEYVIEW DIVISION and do hereby donate and dedicate to the public for public use forever the thoroughfares and also dedicating the easements as shown on this plat for pedestrian purposes only.

IN WITNESS WHEREOF we have hereunto set our hands this 14th day of March 1995.

Mayor: Daniel J. Uecker  
 City Clerk: Janey A. Jans

STATE OF MINNESOTA )  
 ) SS  
 COUNTY OF ST. LOUIS )

The foregoing instrument was acknowledged before me this 14th day of March 1995 by Daniel J. Uecker and Janey A. Jans of the City of Hermantown, a Municipal Corporation, on behalf of the corporation.

STEVEN C. OVERON  
 Notary Public, St. Louis County, MN  
 My Commission Expires 4/3/97

I hereby certify that I have surveyed and platted the property described on this plat as VALLEYVIEW DIVISION, that this plat is a correct representation of the survey; that all distances are correctly shown on the plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in MS 808.02 Subd. 1 or public highways to be designated other than as shown.

Dale L. Bertson  
 Dale L. Bertson, Land Surveyor  
 Minnesota License No. 13794

STATE OF MINNESOTA )  
 ) SS  
 COUNTY OF ST. LOUIS )

The foregoing Surveyor's Certificate was acknowledged before me this 7th day of March 1995 by Dale L. Bertson, MN License No. 13794.

DALE L. BERTSON  
 Notary Public, St. Louis County, MN  
 My Commission Expires 4/3/97

We do hereby certify that on the 14th day of March 1995, the City Council of Hermantown, Minnesota, approved this:

Mayor: Daniel J. Uecker  
 City Clerk: Janey A. Jans

I hereby certify that this plat has been checked and approved this 14th day of MARCH 1995.

Dale L. Bertson  
 Dale L. Bertson, Land Surveyor  
 Minnesota License No. 13794

**Plat 195**

595561  
 OFFICE OF RECORDER OF DEEDS  
 STATE OF MINNESOTA  
 COUNTY OF ST. LOUIS  
 I hereby certify that the within plat was duly registered in Book 115 of Register of Deeds, page 352  
 MARK A. MOUNICMI  
 Register of Deeds

Section  
 25

All Taxes Paid  
March 21, 1995  
 Gordon D. McFaul  
 St. Louis County Auditor  
 By Theresa Tomasz Deputy

395-195

**Twinhome Example**





**5E. Keene Creek Trail Subdivision – Preliminary Plat**

**Applicant:** Jay Zierden/Zierden Builders  
**Case No.:** 2021-41-SUB-P  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Approval of a Preliminary Plat

**DESCRIPTION OF REQUEST:**

Applicant is requesting approval of a Preliminary Plat for construction of a 21 lot single family home and 8 twinhome lot (8 units total) for a total of 29 lots located in the NE intersection of Okerstrom Road and Morris Thomas Road. The property is located in an R-3 zoning district.

**SITE INFORMATION:**

**Parcel Size:** 36.5 acres  
**Legal Access:** Morris Thomas Road and Carlson Road (Future)  
**Wetlands:** Yes, delineation approved in 2020  
**Existing Zoning:** R-3, Residential  
**Airport Overlay:** None  
**Shoreland Overlay:** Natural Environment  
**Comprehensive Plan:** Suburban

**Development Details**

The applicant is proposing to construct 21 single family home lots and 8 twinhome lots (8 units total) for a total of 29 lots on an existing 33 acre lot. In addition, the applicant has requested the City enter into an agreement to swap the 2.5 acre Outlot A of the Valleyview Division Plat for the 12.6 acre outlot proposed as part of this plat. The proposed project will consist of 21 single family lots ranging in size from 16,400 square feet to 58,890 square feet. In addition, the applicant is proposing 8 twinhome lots ranging from 11,743 square feet to 20,605 square feet in size for the purpose of building 4 twinhomes, for a total of 8 units total.

An application for this project was previously reviewed and approved by the Planning and Zoning Commission in June 2021 (hereinafter the “Carlson Road Option”). The Carlson Road Option was subsequently approved by the City Council in July 2021. The main public benefit of the Carlson Road Option was the extension of the Carlson Road out to Johnson Road. The Carlson Road extension was opposed by local residents because of concerns about increased traffic.

In the time since this approval, the applicant has reassessed the project and is now proposing to modify the plan to not include the Carlson Road extension to Johnson Road. Instead, the applicant is looking to terminate the main north-south road in a hammerhead road design (hereinafter the “Hammerhead



Option”). The applicant has not proposed a substitute to the public benefit previously provided under the Carlson Road Option. This change to the previously approved Carlson Road Option requires that the applicant remains at the preliminary review stage and with another public hearing on this proposal.

### **Zoning Analysis:**

The property is zoned R-3, Residential. The applicant has applied for a Planned Unit Development (PUD) for the property. 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 purpose of the PUD request is to allow for the creation of 8 twinhome lots and for 17 of the proposed 21 single family lots to be less than ½ acre (21,780 square feet) in size.

### 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 proposed project is for 21 lot single family home and 8 twinhome lot (8 units total) for a total of 29 lots. The single family lots meet the underlying front and rear yard setback requirements of the R-3 zoning district. The applicant is proposing a minimum 10’ foot side yard setback, 20’ aggregate total as opposed to the 25’ aggregate total associated with the R-3 district. The PUD allows for the setting of site specific setbacks.

The twinhome lots propose a 50’ front yard setback, a 40’ rear yard setback and a minimum 10’ foot side yard setback (20’ aggregate total). The twinhomes are located within the interior of the site and do not abut any existing single family homes.

### Plat

The applicant is proposing to divide the property into 29 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.

### Utilities

The applicant has engaged a civil engineer to conduct this work with preliminary documents being submitted as part of the application. The work submitted include grading plans along with water and sanitary sewer plans.

The project proposes the extension of a sanitary sewer line from Morris Thomas Road which generally parallels Keene Creek and progressing to the north and east to provide sanitary sewer service to each lot.

The water main extension will connect from Morris Thomas Road running to the north and east and connect into the existing water main in Johnson Road. This design will provide a looped water system for the proposed development.

Upon submittal of the Final PUD the applicant will be required to submit construction documents for review and approval by the City Engineer. Upon City acceptance, all utilities will be turned over to the City of Hermantown.

### Access

The project is proposed to be accessed by way of Morris Thomas Road with the interior road system terminating in a hammerhead configuration. This Hammerhead Option differs from the previously approved Carlson Road Option in that it no provides a second road access via the 66' road right of way associated with the Valleyview Division which was platted as Carlson Road.

### Road Option

The City staff recommends the previously approved Carlson Road Option for public safety, planning, and City Code reasons. The build out of Carlson Road provides public benefits to the City and its residents from a life/safety standpoint as it provides two means of ingress and egress to a development for police and fire access. The City's goal in planning and public safety is to ensure that adequate roads, sewer, water, fire and police protection are in place or provided for before the final preliminary plat is approved.

From discussions with the City Engineer, it is estimated that the cost of constructing the proposed Carlson Road to Johnson Road in the Carlson Road Option is approximately \$220,000.

In addition to these benefits, the City zoning ordinance references multiple sections supporting through roads:

1020.03.2. Streets must be designed and located with consideration to existing and planned streets, reasonable circulation patterns, topographical conditions, stormwater runoff, public conveyance safety.

1020.03.7. Where adjoining areas are not platted, but in the future may be platted, the arrangement of streets in a new plat should make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new plat at appropriate locations. A temporary turn around facility may be required at the closed end, in conformance with standards will be established by the City Engineer.

1020.04.1. Permanent cul-de-sacs shall not exceed a length of 500 feet.

### Trail As Replacement of Carlson Road Public Benefit

If the Planning and Zoning Commission supports the Hammerhead Option, City staff recommends a modification to the proposed plan. Instead of building out Carlson Road, the applicant build the trail infrastructure that provides a roughly equivalent public benefit as required under the PUD ordinance. Staff proposes that applicant construct a 10' wide paved trail from Johnson Road to the hammerhead location. This paved trail would be required to be designed and built per City requirements and be constructed within the 66' Carlson Road right of way at the sole cost and responsibility to the applicant. This trail would have a safety gate installed at the east and west entry points and would be turned over to the City for ownership upon review of the City Engineer and acceptance by the City. And as part of installing the sanitary sewer adjacent to Keene Creek, applicant provide clean backfill and a gravel/rock base which can be utilized for the trail base until this section is paved. This trail base would extend from Morris Thomas Road to the proposed hammerhead where it would intersect with the paved trail section within the Carlson Road right of way. Otherwise, the City would likely have to re-excavate and replace the native fill. This could be a prohibitive expense later on in the development of this section of trail.

From discussions with the City Engineer, it is estimated that the cost of constructing a paved 10' wide trail along the Carlson Road right of way and installation clean fill and a gravel/rock base along the sanitary sewer corridor to the proposed hammerhead is approximately \$280,000, which is more expensive than the Carlson Road Option

If substituting the trail for the Carlson Road is recommended by the Planning and Zoning Commission, the paved trail section and the gravel/rock base section would provide trail access to the existing Keene Creek trail section located south of Morris Thomas Road. This new trail section would provide a public benefit to the future residents of this subdivision as well as residents within the Johnson, Carlson, Alexander and Portland Road area as it would provide off road access to Keene Creek Park and its amenities.

#### Land Swap

As part of the 1995 Valleyview Division plat, the City created an outlot which was accessed by way of a 66' road right of way platted as Carlson Road. This outlot had been envisioned as future development of the original plat. This 2.5 acre outlot abuts the proposed property and by its inclusion in the project allows for its development and access by way of Carlson Road.

The City has discussed a land swap with the applicant, with the applicant making a formal request for the City's Valleyview Division Outlot. The proposed land swap encompasses the 12.6 acre proposed plat outlot for the City's 2.5 acre Valleyview Division Outlot. This land swap accomplishes multiple goals: the protection of Keene Creek; the protection of wetlands; the location of stormwater ponds; available land for the City's planned segment connection of the Munger Trail Spur; two points of ingress/egress for the proposed development and development of an existing outlot for residential housing.

City staff will continue to work with the applicant on the details associated with this proposed land swap.

#### Wetlands

A wetland delineation was performed in the fall of 2020. The plan envisions wetland impacts associated with the road construction and potentially 2-4 lots in order to accommodate a building footprint. The applicant will be required to submit a wetland impact plan to the Hermantown Technical Evaluation Panel for their review and approval.

The MN DNR has also identified a potential tributary to Keene Creek that runs from east to west along the south portion of the property and generally parallels Morris Thomas Road. This classification of this unmapped water conveyance by the DNR as a tributary is still being discussed with the DNR. The applicant will be required to obtain all necessary permits from the DNR should this water conveyance be classified as a tributary.

#### 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**

The Staff recommendation has two parts. First, Staff recommends approval of the Preliminary plat as previously approved in the Carlson Road Option. The approval would be the same as was previously approved in the summer of 2021.

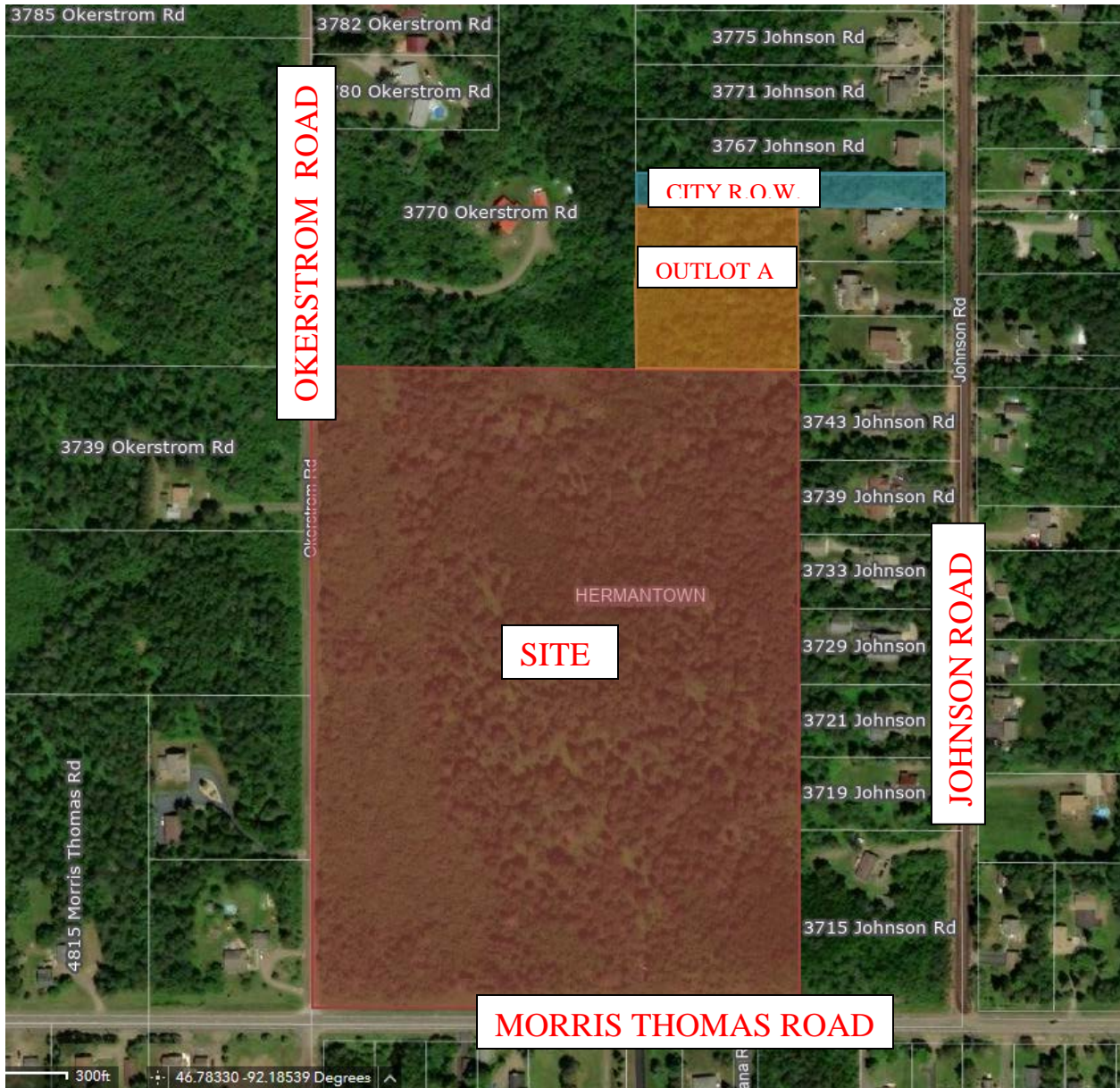
In the event the Planning Commission supports the Hammerhead Option, the Staff recommends that the trail infrastructure improvements be substituted for the public benefit previously provided by the Carlson Road Extension. The conditions for the Hammerhead Option would be:

1. The proposed preliminary plat meets the intent of the R-3, Residential Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The preliminary plat is in accordance with and conformity to the Hermantown Comprehensive Plan and Hermantown Zoning Ordinance.
3. The applicant will have one year from the date of the preliminary Plat approval to file for a Final Plat.
4. The lots will be served by public water and sewer which will be constructed by the applicant. The new water and sewer main will be constructed by the applicant, reviewed and approved by the City Engineer then turned over to the City.
5. The applicant will be required to enter into an agreement with the City in order to obtain Outlot A of the Valleyview Division for the purpose of utilizing the outlot as part of the Keene Creek Trail Subdivision project.
6. The applicant will be required to deed to the City the outlot and subsequent stormwater ponds within to the City.
7. The Applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per lot/unit will be paid at the time of final PUD/Plat approval. The applicant/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.
8. The Applicant shall sign a consent form assenting to all conditions of this approval.
9. The Applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

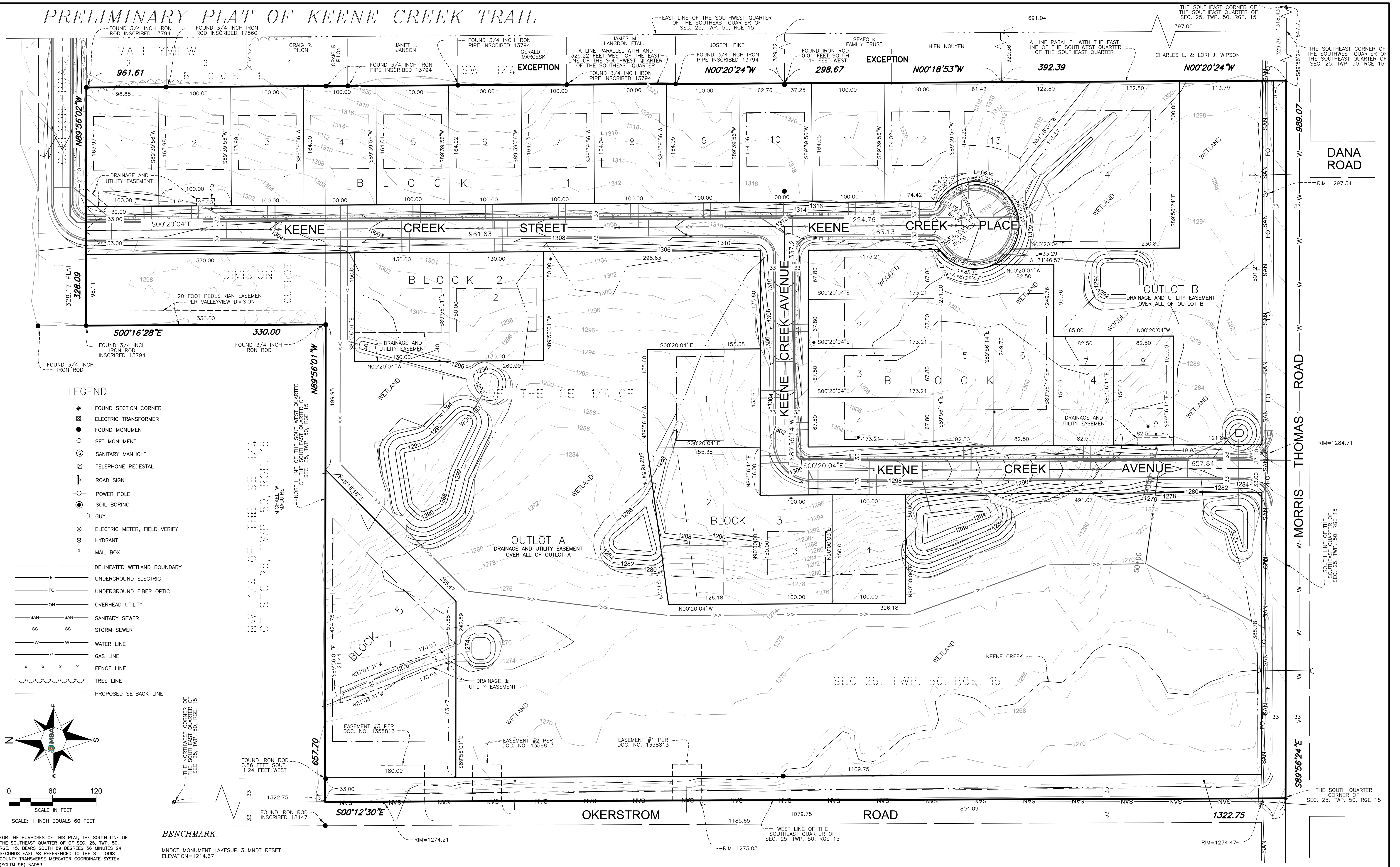
**ATTACHMENTS:**

- Location Map
- Preliminary Plat
- Valleyview Division Plat

# Location Map

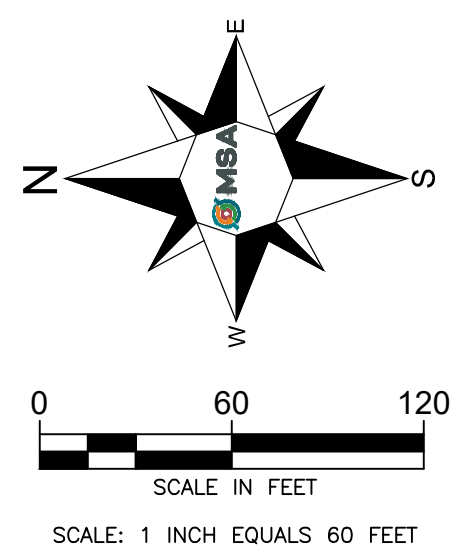


# PRELIMINARY PLAT OF KEENE CREEK TRAIL



### LEGEND

- FOUND SECTION CORNER
- ⊕ ELECTRIC TRANSFORMER
- FOUND MONUMENT
- SET MONUMENT
- ⊙ SANITARY MANHOLE
- ⊕ TELEPHONE PEDESTAL
- ⊕ ROAD SIGN
- POWER POLE
- ⊕ SOIL BORING
- GUY
- ⊕ ELECTRIC METER, FIELD VERIFY
- ⊕ HYDRANT
- ⊕ MAIL BOX
- DELINEATED WETLAND BOUNDARY
- E UNDERGROUND ELECTRIC
- FO UNDERGROUND FIBER OPTIC
- OH OVERHEAD UTILITY
- SAN SANITARY SEWER
- SS STORM SEWER
- W WATER LINE
- G GAS LINE
- \* \* \* FENCE LINE
- ~ ~ ~ TREE LINE
- --- PROPOSED SETBACK LINE



FOR THE PURPOSES OF THIS PLAT, THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SEC. 25, TWP. 50, RGE. 15, BEARS SOUTH 89 DEGREES 59 MINUTES 24 SECONDS EAST AS REFERENCED TO THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM (SCLTM 96) NAD83.

**BENCHMARK:**  
MNDOT MONUMENT LAKESUP 3 MNDT RESET  
ELEVATION=1214.67

PROJECT DATE:	MAY 2021	NO.	DATE	REVISION	BY
DRAWN BY:	CES	#	#	#	#
DESIGNED BY:	JS/JL	#	#	#	#
CHECKED BY:	ES	#	#	#	#

**UTILITY DISCLAIMER**  
THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF UTILITIES AND INFORMATION AVAILABLE FROM ASBUILT DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED UNDERGROUND UTILITIES.

**MSA** ENGINEERING | ARCHITECTURE | SURVEYING  
FUNDING | PLANNING | ENVIRONMENTAL  
332 W Superior Street, Duluth MN 55802  
(218) 722-3915 www.msa-ps.com  
© MSA Professional Services, Inc.

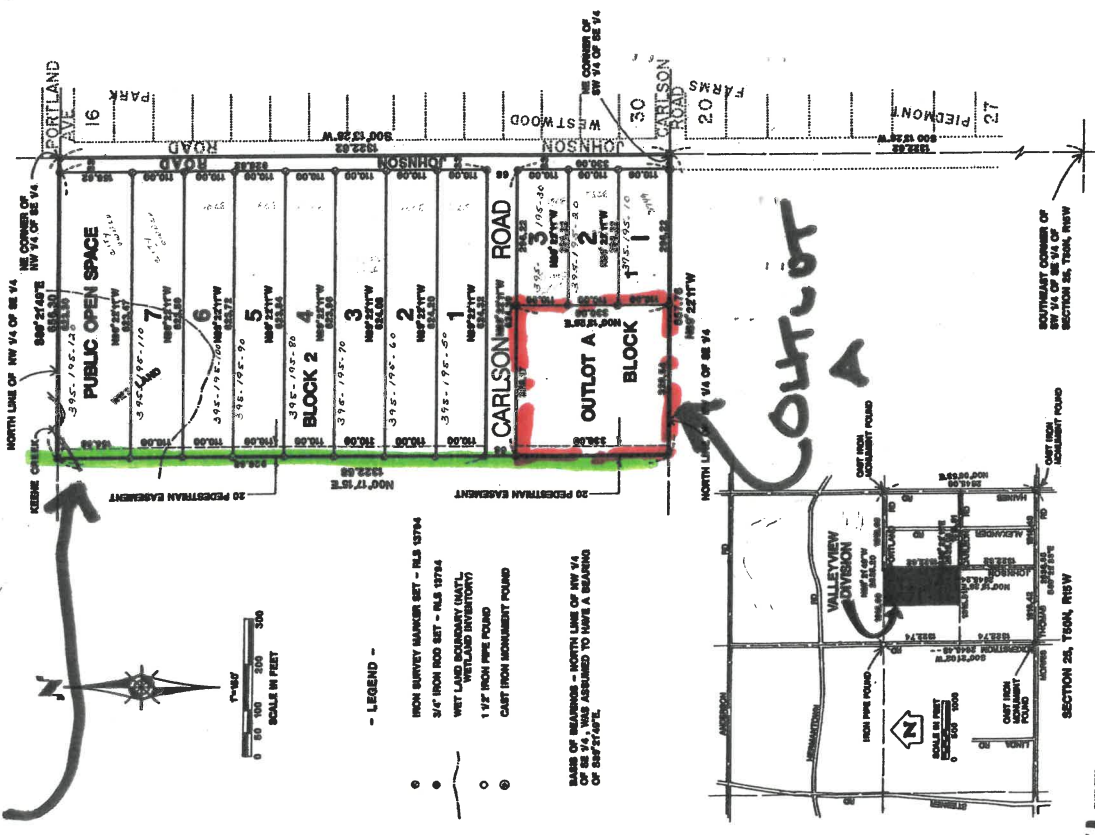
**KEENE CREEK TRAIL**  
CITY OF HERMANTOWN  
ST. LOUIS COUNTY, MN

**PRELIMINARY PLAT**

PROJECT NO:  
**14491004**  
SHEET  
**2 OF 2**

**PLAT OF  
VALLEYVIEW DIVISION**  
LOCATED IN THE E 1/2 OF NW 1/4 OF SE 1/4,  
SECTION 25, T.50N, R.15W,  
OF THE FOURTH PRINCIPAL MERIDIAN

**EXISTING TRAIL  
EASEMENT**



595561  
City of St. Louis  
Valleyview Division  
St. Louis County, Missouri

Know all men by these presents, That City of Hermantown, a Municipal Corporation, owner and proprietor of the following described property situated in the City of Hermantown, County of St. Louis, State of Minnesota, to wit:

East Half of Northwest Quarter of Southeast Quarter (E 1/2 of NW 1/4 of SE 1/4), SECTION Twenty-five (25), TOWNSHIP FIFTY (50) North of RANGE Fifteen West of the Fourth Principal Meridian, according to the United States Government Survey thereof;

Containing 19.94 acres of land, more or less, except all minerals.

Have caused the same to be surveyed and plotted as VALLEYVIEW DIVISION and do hereby donate and dedicate to the public the thoroughfares and also dedicating the easements as shown on this plat for pedestrian purposes only.

IN WITNESS WHEREOF we have hereunto set our hands this 17th day of March, 1985.

Owner  
City of Hermantown  
STATE OF MINNESOTA )  
COUNTY OF ST. LOUIS )

The foregoing instrument was acknowledged before me this 17th day of March, 1985 by Daniel J. Heider and Walter A. Jantz of the City of Hermantown, a Municipal Corporation, on behalf of the corporation.

Steven C. Ostrom  
Notary Public, St. Louis County, MN  
My Commission Expires 4/30/87

I hereby certify that I have surveyed and plotted the property described on this plat as VALLEYVIEW DIVISION, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in BLS 350.0300, L.S. or public highways to be designated other than as shown.

Dale L. Berman  
Dale L. Berman, Land Surveyor  
Minnesota License No. 13794

STATE OF MINNESOTA )  
COUNTY OF ST. LOUIS )

The foregoing Surveyor's Certificate was acknowledged before me this 17th day of March, 1985 by Dale L. Berman, MN License No. 13794.

Walter A. Jantz  
Notary Public, St. Louis County, MN  
My Commission Expires 4/30/87

We do hereby certify that on the 17th day of March, 1985, the City Council of Hermantown, Minnesota, approved this plat.

Walter A. Jantz  
Mayor, City of Hermantown  
City Clerk, City of Hermantown

I hereby certify that this plat has been checked and approved this 16th day of March, 1985.

Richard C. Berman  
St. Louis County Surveyor

Section  
25

All Taxes Paid  
March 21, 1985  
Gordon D. McFarland  
St. Louis County Auditor  
By Walter A. Jantz Deputy

Plat 195

375-195



---

**5F. Keene Creek Trail Subdivision – Special Use Permit**

**Applicant:** Jay Zierden/Zierden Builders  
**Case No.:** 2021-41-SUB-P  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Approval of a Special Use Permit

---

**DESCRIPTION OF REQUEST:**

Applicant is requesting approval of a Special Use Permit for grading and filling in a natural environment shoreland area associated with Keene Creek for the purpose of constructing 5 lots of single family home and 3 lots of twinhome lot (3 units total) for a total of 8 lots on a portion of the overall 33 acre site located in the NE intersection of Okerstrom Road and Morris Thomas Road. The property is located in an R-3 zoning district.

**SITE INFORMATION:**

**Parcel Size:** 36.5 acres  
**Legal Access:** Morris Thomas Road  
**Wetlands:** Yes, delineation approved in 2020  
**Existing Zoning:** R-3, Residential  
**Airport Overlay:** None  
**Shoreland Overlay:** Natural Environment  
**Comprehensive Plan:** Suburban

**Development Details**

The applicant is proposing to construct 21 single family home lots and 8 twinhome lots (8 units total) for a total of 29 lots on an existing 33 acre lot. Of these 29 lots, 8 are located in the natural environment shoreland area associated with Keene Creek. In addition to the lots, there will be grading and utility work associated with the overall development within the natural environment shoreland area.

There is also an unnamed tributary of Keene Creek located on the south portion of the property adjacent to Morris Thomas Road. In conversations with the DNR, they are viewing this water conveyance as a tributary which will require the Special Use Permit for this portion of the development as well.

**Wetlands**

A wetland delineation was performed in the fall of 2020. The plan envisions wetland impacts associated with the road construction and potentially 2-4 lots in order to accommodate a building footprint. The applicant will be required to submit a wetland impact plan to the Hermantown Technical Evaluation Panel for their review and approval.



## Special Use Permit

The Special Use Permit is for filling and grading within a Shoreland zone. There are general conditions for all SUPs. Staff finds the following in regard to the criteria for Special Use Permits in the Zoning Ordinance:

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

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

The development of a single-family residential development is the primary purpose of the R-3 zoning district and is the primary use of all surrounding developed land. Conditions placed on the SUP and wetland approvals will restrict future wetland impacts.

- 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;**

Conditions placed on the SUP restricting wetland impacts and clearing and grading within 50 feet of Keene Creek meet the intent of the zoning ordinance to protect natural resources. The development of a single-family development is the primary purpose of the R-3 zoning district and is the primary use of all surrounding developed land.

- 3. The proposed use is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this chapter;**

The property is within an area marked for residential development in the Hermantown Comprehensive Plan. The purpose of the Shoreland Overlay Zone is to protect public waterways. Impervious surface caps are included to prevent excessive runoff from constructed surfaces. The proposed impervious surface is below maximum limits and the required 50 feet buffer zone will protect Keene Creek.

- 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 existing development surrounding this site is single family residential; the proposed use continues this character. The proposed impervious surface is below maximum limits and the required 50 feet buffer zone will protect the unnamed tributary.

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

The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2. Additional details of note include:

- A. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
- B. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.

**RECOMMENDATIONS:**

Staff recommends approval of the Special Use Permit based on the findings set forth in the Staff report, subject to the following conditions:

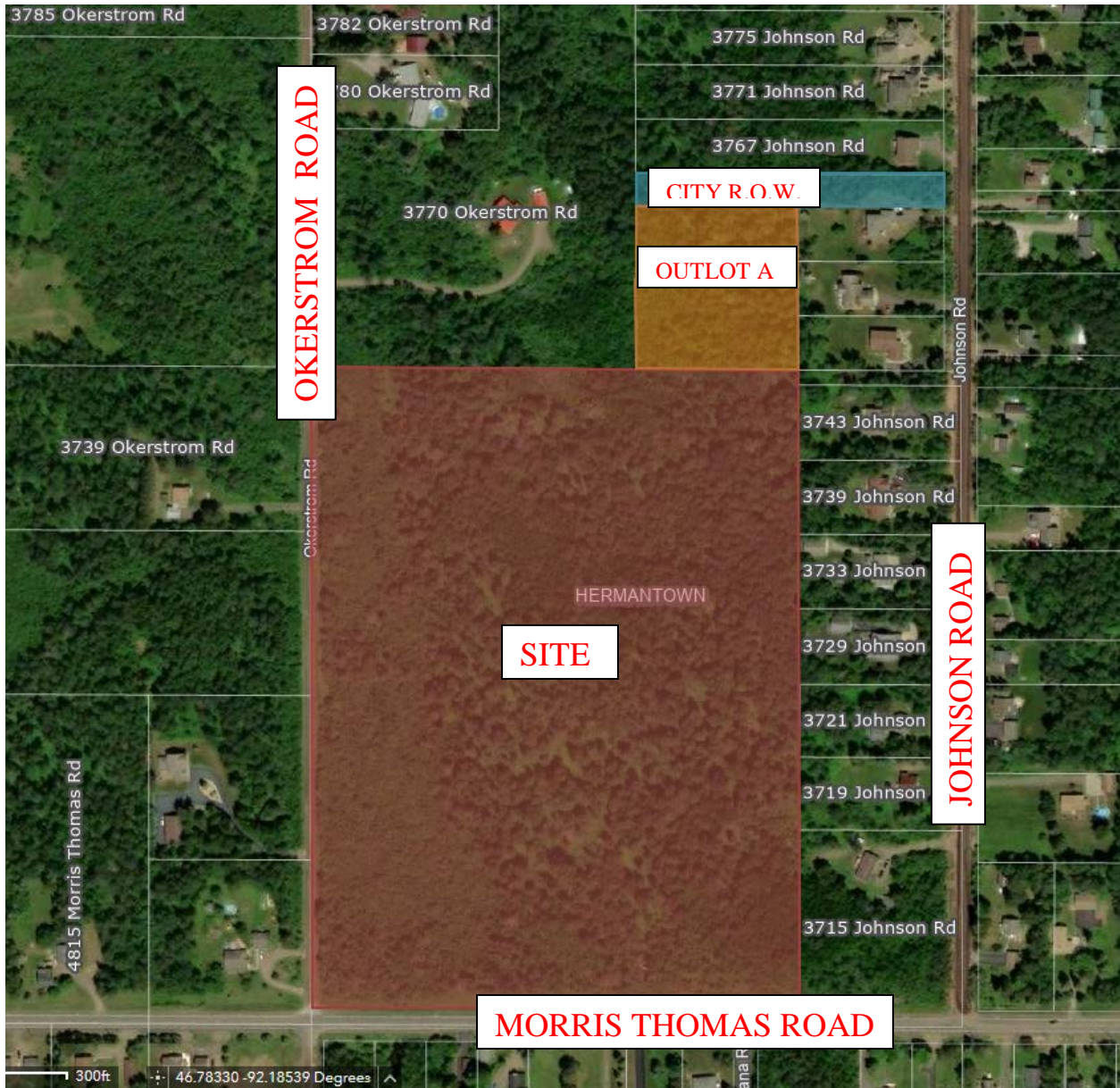
1. The approval is for a Special Use Permit for filling and grading in a Natural Environment Shoreland of a tributary to the Keene Creek and also for Keene Creek to construct 4 single family homes, 3 twinhomes, utilities and roadway in association with the overall Keene Creek Trail Subdivision project.. The Community Development Director may approve minor variations to structures and filling and grading indicated on the attached preliminary site plan as long as the variations do not result in greater wetland impacts.
2. The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
  - a. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
  - b. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of the unnamed tributary.
  - c. The smallest amount of bare ground is exposed for as short a time as feasible;
  - d. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
  - e. Adequate methods to prevent erosion and trap sediment are employed;
  - f. Fill is stabilized to accepted engineering standards;
  - g. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;
  - h. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;
  - i. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
  - j. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.
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.

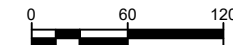
**ATTACHMENTS:**

- Site Location Map
- Proposed site plan
- Shoreland Area Map

# Location Map



SEE INSET FOR CONTINUATION



MATCH LINE

CARLSON ROAD

PROPOSED WATER MAIN (TYP)

PROPOSED STORM SEWER (TYP)

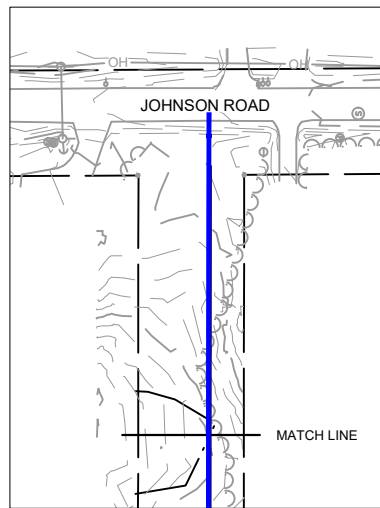
B L O C K 1

PROPOSED KEENE CREEK PLACE

PROPOSED 8" PVC SANITARY SEWER (TYP)

B L O C K 2

OUTLOT B'



INSET

LEGEND

WETLAND BOUNDARY

MAG NAIL

OKERSTROM ROAD

MORRIS THOMAS ROAD

MAG NAIL

PROJECT DATE: 8/31/2021	DRAWN BY: JAS	NO.	DATE	REVISION	BY
	DESIGNED BY: JL				
	CHECKED BY: JL				

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

3/30/2022 Date  
52222 License No.  
JON LOYE

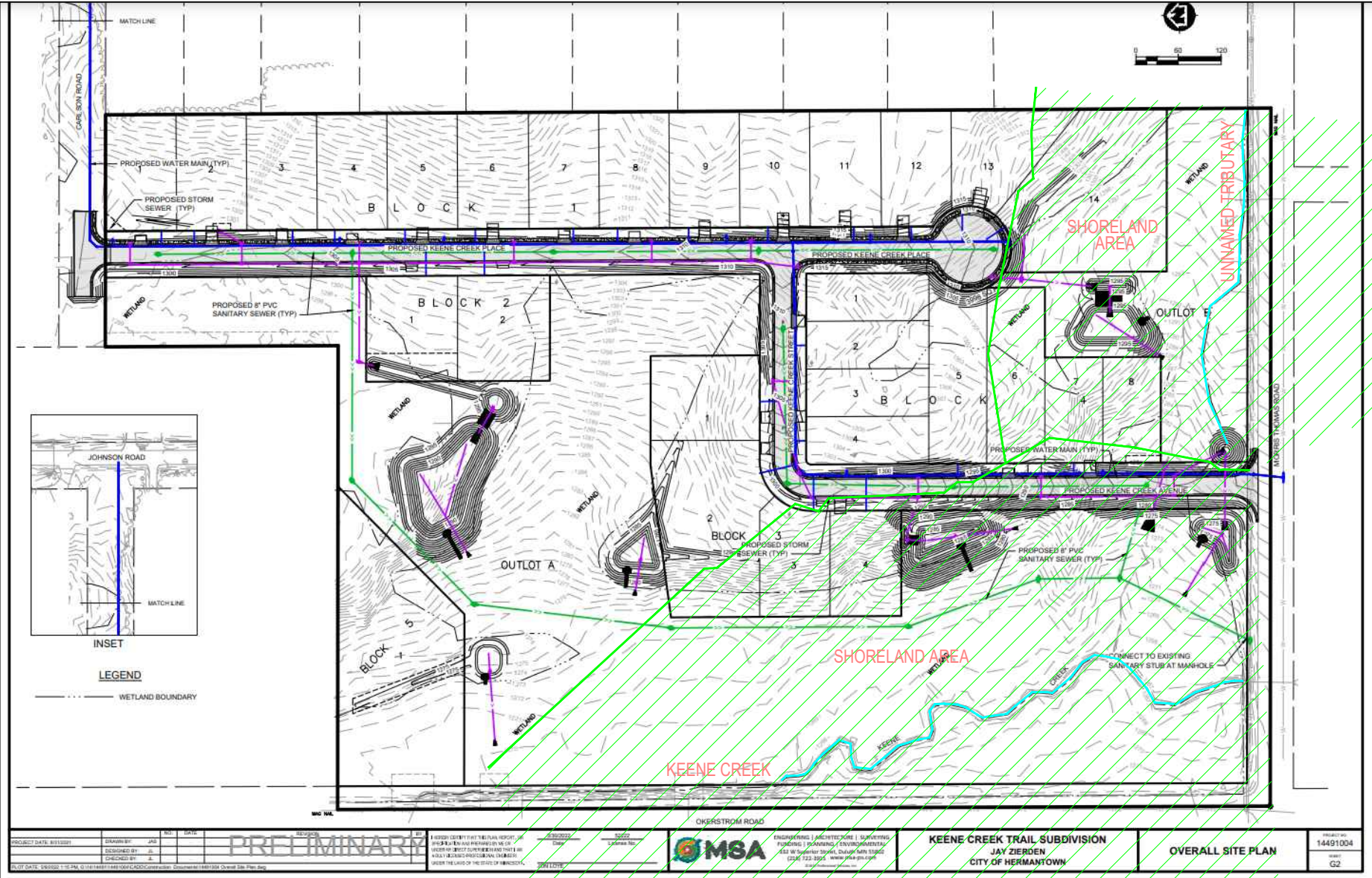
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332 W Superior Street, Duluth MN 55802  
(218) 722-3915 www.msa-ps.com  
© MSA Professional Services, Inc.

**KEENE CREEK TRAIL SUBDIVISION**  
JAY ZIERDEN  
CITY OF HERMANTOWN

**OVERALL SITE PLAN**

PROJECT NO. 14491004  
SHEET G2

# SHORELAND AREA MAP



PROJECT DATE: 8/11/2024 DRAWN BY: JAR DESIGNED BY: JS CHECKED BY: A	<b>PRELIMINARY</b>	I HEREBY CERTIFY THAT THE PLANS HEREON ARE MY OWN WORK AND HAVE BEEN PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A duly Licensed Professional Engineer under the laws of the State of Minnesota. 2000 LICENSE	<b>MSA</b> ENGINEERING   ARCHITECTURE   SURVEYING ENGINEERING   ARCHITECTURE   SURVEYING 433 W Superior Street, Duluth, MN 55812 (218) 723-3900 www.msa-engineers.com	<b>KEENE CREEK TRAIL SUBDIVISION</b> JAY ZIERDEN CITY OF HERMANTOWN	<b>OVERALL SITE PLAN</b>	PROJECT NO: 14491004 SHEET: G2
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