



Hermantown Planning & Zoning Meeting – June 21, 2022

Because of attendance limitations at the regular meeting location due to the health pandemic, Hermantown's June 21, 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
June 21, 2022
7:00 PM

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
 - 3A. May 17, 2022 regular meeting.
4. **PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.
5. **PUBLIC HEARINGS**
 - 5A. An application by Paul Fitzgerald for a Special Use Permit and Variance for the construction of 2400 sq. ft. storage garage to be located at 5243 Hermantown Road. The property is located in a R-3 Residential zoning district.
 - 5B. An application by JLG Enterprises for a rezoning of a 40-acre parcel located in the rear of the formerly addressed 3956 Stebner Road and is associated with the Peyton Acres development. The parcel is currently zoned HM, Hermantown Marketplace with a proposed rezoning to R-3, Residential.
 - 5C. An application by JLG Enterprises for a Preliminary and Final Plat for an 8 lot and 2 outlot subdivision located at the formerly addressed 3956 Stebner 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
May 17, 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

Members Absent:

Others Present: Eric Johnson, Community Development Director; Joel & Nancy Christoff, 5212 Kingswood Ln.; Tony & Peggy Marino, 3760 Johnson Rd.; Bart & Lisa Smith, 3761 Johnson Rd.; Jason Christoff, 3760 Alexander Rd.; John Janson, 3743 Johnson Rd.; Greg Murphy, 4262 Lavaque Rd.; James & Bonnie Langdon, 3733 Johnson Rd.; Glen Rudolph, 4282 Westwood Rd.; Jake Perry, 3779 Johnson Rd.; Georgian & Thomas Kuberra, 3775 Johnson Rd.; Jim Samberg, 3789 Johnson Rd.; Mark & Donald Romano, 5146 Arrowhead Rd.; Joe Pike, 3729 Johnson Rd.; and Jackie VanValkenburg, 5167 W Arrowhead Rd.

2. APPROVAL OF AGENDA

Motion made by Dante Tomassoni to approve the May 17, 2022 agenda as presented. Seconded by Buckley Simmons. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Samuel Clark to approve the April 12, 2022 minutes as presented. Seconded by Valerie Ouellette. Motion carried.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARING

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-1 Residential zoning district.

Eric Johnson, Community Development Director, presented the application of Glen Rudolph for a Special Use Permit for the construction of a 2,400 sq. ft. accessory building to be located at 4282 Westwood Rd. The accessory building will be used for applications vehicle as well as personal belongings.

Motion made by Valerie Ouellette to approve the 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. Seconded by Buckley Simmons. Motion carried 7 to 0.

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.

Eric presented that the applicant, Jay Zierden/Zierden Builders, 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.

The following residents spoke about their concerns regarding this project. The main issues were, rental property or owner owned, sewer line capacity, any Rocky Run Creek issues that need to be addressed by the DNR.

Mark Romano, 5146 Arrowhead Rd.; Jay Zierden, 4571 Martin Rd.; and Jackie VanValkenburg, 5167 W Arrowhead Rd.

Motion made by Samuel Clark to approve the 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. Seconded by Beth Wentzlaff. Motion carried 7 to 0.

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.

Eric advised the commission members of the 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 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 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.

Motion made by Dante Tomassoni to approve the 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. Seconded by Buckley Simmons. Motion carried 7 to 0.

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.

Eric brought forth the application of Jay Zierden/Zierden Builders who 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 recommended for approval 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.

With the prior Carlson Road Option, the public benefit was present. Under the Hammerhead Option, the public benefit is not present. 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 would 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.

Valerie Ouellette – asked if the applicant would have to put gravel the entire length of Morris Thomas Rd. to the Carlson Rd. to support the sewer line.

Eric noted that staff is giving the applicant two options to pick from. The first being the guidelines under the Carlson Road Option as originally approved, or the second option is the gravel of the entire length of Morris Thomas Rd. to the Carlson Rd.

Corey Kolquist – asked why the initially approved project has now changed to the Hammerhead Option.

Eric stated that the applicant has been in discussions with the neighborhood residents, and has come up with the alternative Hammerhead Option.

According to Eric, this project was previously recommended for approval with the Carlson Road Option by the Planning Commission in June of 2021, and what the applicant has done now, with the Hammerhead Option, is gearing back from the original approved Planned Unit Development, essentially gearing it back and proposing less than what has been approved by the Planning Commission. Staff feels that if the applicant is going with the lesser route, he needs to provide that gravel trail surface and paved trail surface.

Buckley Simmons – asked how many Hammerhead Options there are in the city.

Eric stated that there are very few.

John Geissler – noted that at the time the commission voted on the initial Carlson Road Option, it was tied amongst the commission with John casted the deciding vote. Since that time, he has listened to neighborhood concerns, has spoken with Mr. Zierden, and he feels that the neighborhood doesn't mind the development, but they do not want the extra traffic. He believes the Hammerhead Option is a good solution. He also believes that there are additional City Council members that would feel the same way about the Hammerhead Option.

Beth Wentzlaff – really likes the Hammerhead Option and she believes a paved trail would be good for the community.

Valerie – feels that Johnson Road was built extremely narrow and shares the same road safety concerns with the neighborhood. She does not understand why the applicant would have to do the work and pay for the gravel the entire length of Morris Thomas Rd. to the Carlson Rd. to support the sewer line.

Samuel Clark – stated he was not impressed with the community response to the initial Carlson Road Option. He feels the Hammerhead Option is a good compromise. He also questions the gravel trail and its appropriateness. He stated that he would support a paved trail and the Hammerhead Option, with working towards the future with grant monies to improve the trail system, that would be a public benefit.

David Bolf, City Engineer – informed the commission that many staff level conversations have taken place regarding this project. He echoes everything that Eric Johnson has said and about the road going through for the following reasons. First, in the mid-1990s, the commission and council had a vision that Carlson Road would go through and serve this property. Second, per the zoning code, there are three reasons to support the road going through. Finally, there is approximately 30 homes and if you generate 4-6 trip a home per day, you are r at about 200 trips daily. In David's

opinion, and that of the County Traffic Engineer, they estimate that 80% of traffic would go to Morris Thomas. He believes Johnson Road can easily support another 40-50 car trips per day. In David's discussion with the traffic engineer, he had great opposition to allowing a connection to Morris Thomas Road at all, and wanted this to come off Okerstrom and Carlson Roads.

Jay Zierden, 4571 Martin Rd. – stated it's a development with a hammerhead, not a development with a hammerhead and a trail. He stated that the City, with reference to this project, will collect \$45,000 in park and recreation fees. It will also collect more than \$50,000 annually in property taxes. If the City wants a paved trail, they should use those funds to do that trail. If the City wants to give Jay those funds for the next 10 years and he would be happy to build a trail. He stated that if the commission is not interested in this project, it will go on the shelf. He suggested he may sell the property in eight-acre chunks and walk away from it.

Jay went on to comment that “any building journal or article on barriers to affording housing in the State of Minnesota in the last five years, it is very clear that cities and municipalities are adding costs to developers which is a main point in driving costs for housing.”

Joe Peterson – stated that the project was approved last year with the road connection, why are you coming back with the Hammerhead now, just because of the neighborhood?

Jay said yes. He went on to say that after looking at the road and how narrow it really is, he stated that the ditches are cliffs.

Sam Clark – told Jay that he appreciates Jay's willingness to work with the residents.

The following residents spoke about their concerns/comments regarding this project. They were appreciative that Jay listened to the resident's concerns and adjusted the project accordingly; the cost of the trail should not be put on the developer; 20-foot road size dangers; traffic issues; Ordinance Code – Chapter 11, Sect. 105 public benefits; acreage of the lots; Johnson Road being under built; and developers are being nickel and dimed.

Tony Marino, 3760 Johnson Road; Lisa Smith and Bart Smith, 3761 Johnson Road; Jim Samberg, 3789 Johnson Rd.; Joe Pike, 3729 Johnson Road; and Jake Perry, 3779 Johnson Road; Darren Weets, 3960 Peyton Lane; and Thomas Kuberra, 3775 Johnson Road.

Zoom chat messages included Gerald Marceski, 3739 Johnson Road, I support Jay Zierden's new hammerhead proposal without constraints. Let the grant moneys fund the trail system

Tim Anderson, 3762 Johnson Road, we also support Jay Zierden's new hammerhead proposal without constraints. Let the grant moneys fund the trail system.

Craig and Jennifer Pilon 3749 Johnson Road, support Mr. Zierden's new PUD plan as submitted. Mr. Zierden should not become responsible for trail costs. We agree with all other neighbors who have spoken. Thanks to the councilors and developers who heard the Johnson and Portland residents (who were in 100% agreement that the road should not go through.)

John Geissler asked Eric to explain the land swap associated with this project.

Eric explained that 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.

Motion made by Corey Kolquist to approve the 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 as proposed by the developer. Seconded by Valerie Ouellette. Motion carried 7 to 0.

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 as proposed by applicant without a stipulated proposed trail. The property is located in an R-3 zoning district.

Eric presented that 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.

Beth Wentzlaff – questioned the reduced lot sizes.

Eric explained that the PUD (Planned Unit Development) allows for lot standards as proposed.

The following residents spoke about their concerns/comments regarding this project: Concerns about the setback sizes of the lots in connection to adjacent properties located on Johnson Rd., disappointed in the plan.

Joe Pike, 3729 Johnson Road; and Jim Langdon, 3733 Johnson Road;

Motion made by Corey Kolquist to approve the 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. Seconded by Buckley Simmons. Motion carried 7 to 0.

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 4 lots of twinhomes (4 units total) and 4 single family lots for a total of 8 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

Eric presented that the 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 4 lots of single-family home and 4 lots of twinhome lot (4 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.

Motion made by Dante Tomassoni to approve the 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 4 lots of twinhomes (4 units total) and 4 single family lots for a total of 8 lots/units on a portion of the overall 33-acre site located at the northeast intersection of Morris Thomas Road and Okerstrom Road. Seconded by Corey Kolquist. Motion carried 7 to 0.

6. CONTINUING BUSINESS
None.

7. NEW BUSINESS
The City is in the process of going through the Comprehensive Plan Process and has received four application from different planning firms. The interview process is being discussed internally, a steering committee will be formed. At the June P&Z meeting, Eric will be looking at 1-2 commission members to be part of the steering committee.

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 – Noted that there are two city council seats that will be opening up this fall, and that the filing period for those seats is taking place from May 17-31, 2022.

ADJOURN

Motion made by Buckley Simmons to adjourn the meeting. Seconded by Beth Wentzlaff. Meeting adjourned at 9:00 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant

5A. Special Use Permit Application to construct a 2,400 square foot accessory structure in an R-3 zoning district

<u>Applicant:</u>	Paul Fitzgerald
<u>Case No.:</u>	2022-20-SUP
<u>Staff Contact:</u>	Eric Johnson, Community Development Director
<u>Request:</u>	Special Use Permit and Variance for construction of a 2,400 square foot accessory building in a R-3 zoning district

RECOMMENDED ACTION:

Staff recommends that the Planning Commission recommend approval of the proposed Special Use Permit and Variance 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

Address:	5243 Hermantown Road
Comprehensive Plan:	Residential
Zoning:	R-3, Residential
Lot Size:	+/-16.5 acres
Wetlands:	Yes – Not within building area
Shoreland Overlay:	Yes – Not within building area
Airport Zoning:	N/A

DESCRIPTION OF REQUEST:

Requested is a Special Use Permit to allow construction of an accessory structure over 1,200 square feet in size per Section 515.03.1 of the Zoning Ordinance. The applicant is requesting approval for construction of a 2,400 square foot accessory structure.

BACKGROUND:

Accessory structures over 1,200 square feet in size are permitted only with a Special Use Permit in the R-3, 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 14-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 applicant owns two parcels with frontage along Hermantown Road with the lot dimensions being approximately 730' x 930' for a total of +/-16.5 acres. The proposed accessory structure is approximately 300 feet from the nearest neighboring structure and approximately 93 feet from Hermantown Road and 450 feet from Reinke Road. The applicant is proposing to combine the two parcels into one.

Section 515.06.5 of the Zoning Ordinance lists the dimensional requirements for accessory structures in excess of 1,200 square feet. They are:

Table 1. Dimensional requirements for accessory structures in excess of 1,200 square feet	R-3 Requirement	Provided
Minimum depth of front yard from R.O.W.	Equal to or greater than the building line of the primary structure	93 feet – Hermantown Road Located to preserve wetlands present to the north
Minimum side yard setback	Equal to the height of the accessory structure	450 feet – Reinke Road
Minimum rear yard setback	40 feet	800 feet
Minimum setback from primary structure	10 feet	140 feet
Maximum building height	35 feet	24 feet
Maximum sidewall height	14 feet	14 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 is a 3,300 square foot accessory structure located on the south side of Hermantown Road directly across from this property. 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 0.7%.

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 0.7% coverage after the construction of the

proposed accessory structure. The proposed use meets the performance standards set in Section 515.06.5 regulating accessory structures in excess of 1,200 square feet.

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

There is a 3,300 square foot accessory structure located on the south side of Hermantown Road directly across from this property. 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 0.7%.

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

No.

Variance

Section 515.06.5 of the Zoning Ordinance lists the dimensional requirements for accessory structures in excess of 1,200 square feet. The front yard setback is required to be equal to or greater than the building line of the primary structure. The existing home on the property is located approximately 225 feet from the pavement surface of Hermantown Road.

The proposed accessory structure is approximately 93 feet from the pavement surface of Hermantown Road. The applicant is proposing that the driveway surface associated with the proposed structure is located on the north side of the building and takes access from the existing driveway to the house. The National Wetland Inventory shows the presence of wetlands approximately 170 from the pavement surface of Hermantown Road.

The applicant is proposing to keep much of the existing vegetation on the south side of the proposed structure which will provide screening from Hermantown Road. By locating the proposed structure in this upland area, the applicant is able to preserve the existing wetlands to the north.

Wetlands

The National Wetland inventory shows wetlands to the north of the proposed structure location. The proposed structure location is not within this area with the presence of wetlands being the rationale for the front yard setback being less than the existing hose setback.

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 and Variance subject to the following conditions:

1. The approval is for a 2,400 square foot accessory structure on the property at 5243 Hermantown Road.
2. The proposed accessory structure shall meet all setback requirements for Accessory Structures in the R-3 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 2,400 square foot accessory building will need to be a minimum of 93 feet from the Hermantown Road pavement surface.
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
- Site Plan with Wetlands
- Floor Plan

12 x 12 Door

DOUBLE GARAGE
31 x 39

DOUBLE GARAGE
31 x 39

STOR

UP

12 x 12 DOOR

12 x 12 DOOR

12 x 12 DOOR

12 x 12 DOOR

STOOP

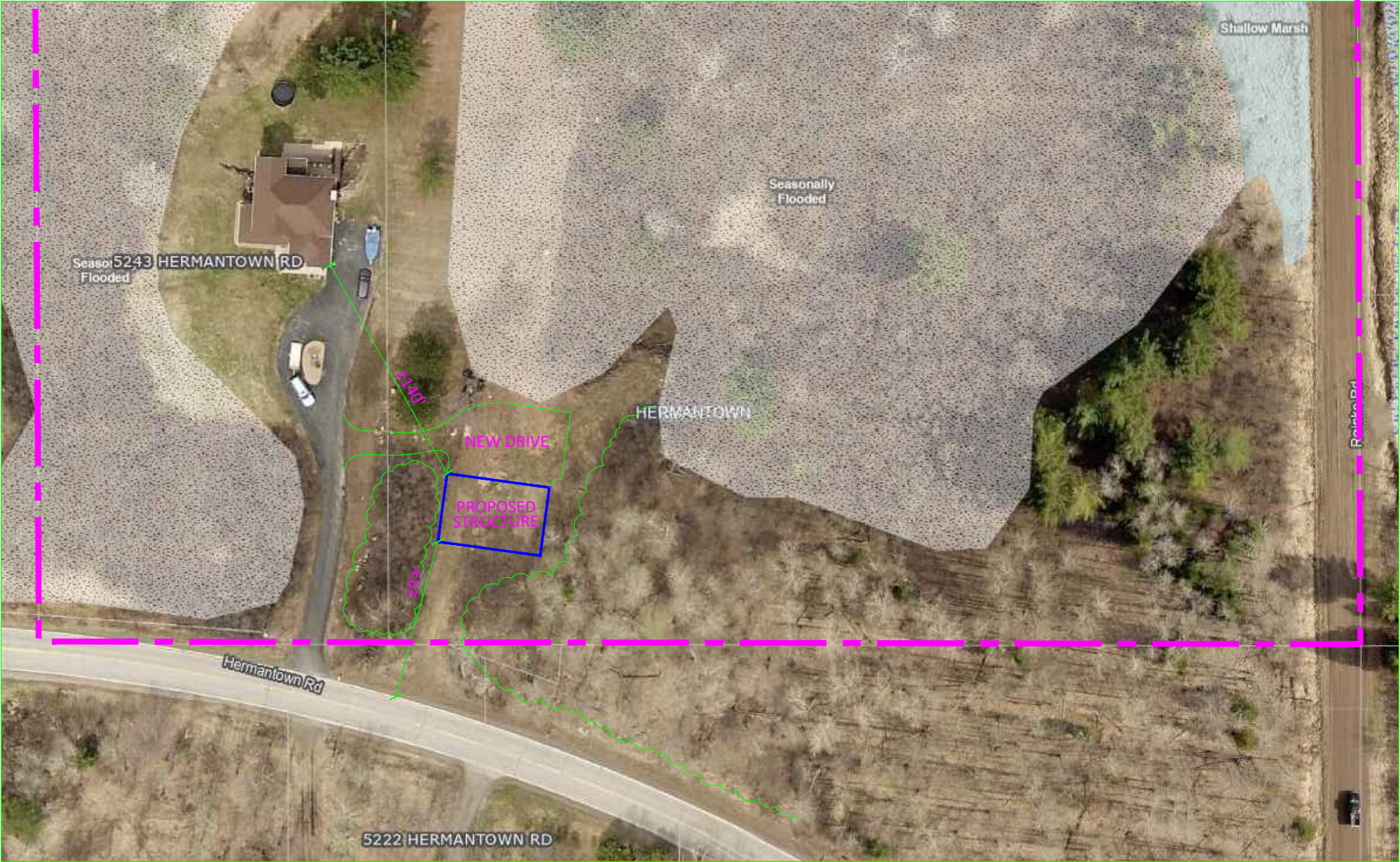
width: 63'-0" 60-63?

40'

Location Map



SITE PLAN



5B. Zoning Map Amendment – The eastern 40 acres of Parcel 395-0158-00080 from HM, Hermantown Marketplace to R-3, Residential

Applicant: JLG Enterprises of Hermantown, LLP
Case No.: 2020-08 SUB-P
Staff Contact: Eric Johnson, Community Development Director
Request: Rezone the eastern 40 acres of Parcel 395-0158-00080 from HM, Hermantown Marketplace to R-3, Residential.

RECOMMENDED ACTION:

Staff recommends that the Planning Commission recommend approval of the proposed change to the Hermantown Zoning Map by rezoning the eastern 40 acres of Parcel 395-0158-00080 from HM, Hermantown Marketplace to R-3, Residential.

SITE DATA

Address: 3956 Stebner Road
Comprehensive Plan: Concept Area 1: Maintain Suburban Character, Preserve Critical Natural Features, Phase Residential Development, Develop Existing and New Park Areas
Zoning: HM, Hermantown Marketplace
Lot Size: 40 acres
Wetlands: Yes, delineation approved in 2019; Impacts approved in 2020
Shoreland Overlay: No
Airport Zoning: None

DESCRIPTION OF REQUEST:

Requested is the proposed change to the Hermantown Zoning Map by rezoning the eastern 40 acres of Parcel 395-0158-00080 from HM, Hermantown Marketplace to R-3, Residential. The purpose of the rezoning is to facilitate the development and construction of single family homes which is not a permitted use in the HM zoning district.

BACKGROUND:

The Applicant has proposed a multi-phase residential development of approximately 65 acres. To date, the Applicant has constructed the infrastructure (road base, watermain and sewermain for Phase 1A and has received approval for Phase 1B infrastructure. Future additions to the subdivision will require an additional road connection on the eastern portion of the property connecting to Oak Ridge Drive for public safety, road maintenance, and traffic improvements. In addition, the City will be requiring a right of way access to the adjoining +/- 100 acres to the east.

The property is bordered by R-3, Residential, P,Public and HM, Hermantown Marketplace zoning districts. Existing uses of the neighboring properties to the northwest, south and west are single family homes. The +/-100 acres of land to east are undeveloped.

The proposed Phase 1C of the Peyton Acres development is split between the HM, Hermantown Marketplace and R-3, Residential district. The Applicant has requested for a rezoning of the HM zoned property to R-3 in order to keep with the ability to construct single family homes.

Utilities

The project will connect to City water lines located within the right-of-way of Peyton Drive. New sewer and water lines will be via City mains constructed to City standards. The Applicant will provide engineered plans to the City Engineer for utility connections prior to beginning such work on this phase. Preliminary engineering plans are in the process of being developed by the Applicants engineer.

Wetlands

There are 13.5 acres of wetlands on the overall property. The preliminary and final plat for this phase does not propose any permanent wetland impacts. The TEP and City Staff are supporting a project de minimis exemption up to 10,000 square feet of wetland impacts over the whole 65 acres of the property for a 1.7% permanent wetland impact.

Zoning

Applicant is requesting a rezoning from HM, Hermantown Marketplace to R-3, Residential. Applicant has stated that they intend to continue the single family residential development associated with the Peyton Acres project.

Should the Applicant wish to construct another housing product at a future date, other than single family housing, they would then be required to pursue a Planned Unit Development for the work.

Dimensional standards would change as follows:

Dimensional Standards	HM	R-3
Height	45 feet	35 feet
Setbacks		
<i>Front</i>	5 feet	50 feet
<i>Side (abutting street)</i>	35 feet	10 feet
<i>Side</i>	5 feet	10 foot minimum, 25 foot aggregate
<i>Rear</i>	5 feet	40 feet
Minimum lot area	None	½ acre
Minimum lot width	None	100 feet
Maximum lot coverage	50%	35%

Comprehensive Plan

The site is in Area 1 on the Hermantown Comprehensive Plan Concepts Map. The goal for Area 1 is to maintain suburban character, preserve critical natural features, phase residential development, and develop existing and new park areas. Suburban character includes residential development and is compatible with the uses of the adjacent properties.

SUMMARY & JUSTIFICATION:

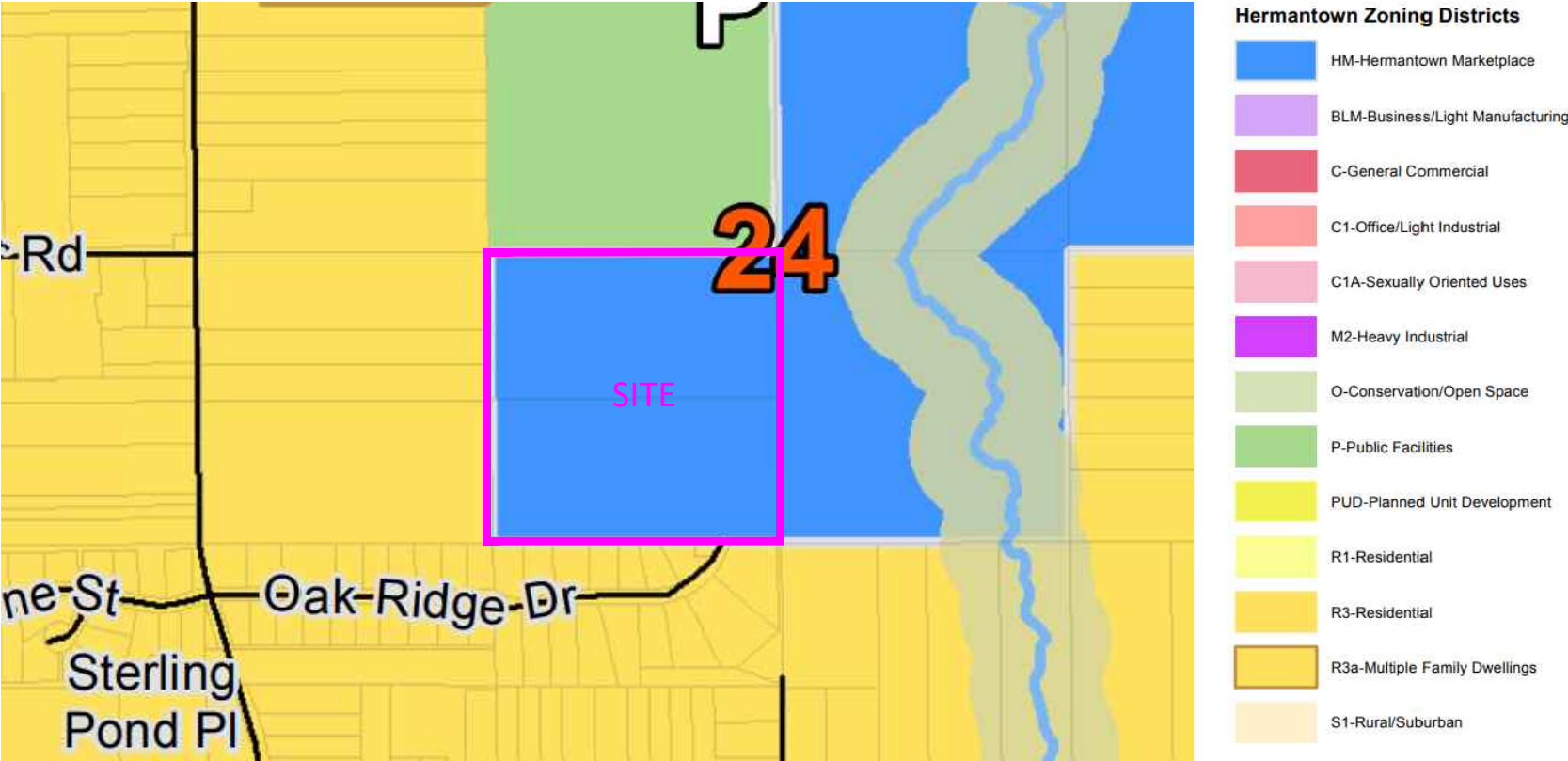
The proposed rezoning meets the criteria of the Comprehensive Plan and the overall goals and policies of the Zoning Ordinance. The 2-acre site is located in an area that has an existing commercial character and development of the site could be complementary to the area. Staff recommends approval of the rezoning based on the following findings:

1. The property is included in the suburban development concept area (Area 1) of the Comprehensive Plan within which residential development is currently allowed.
2. R-3, Residential is compatible with the surrounding uses as it mirrors the existing development patterns of the surrounding/abutting parcels.

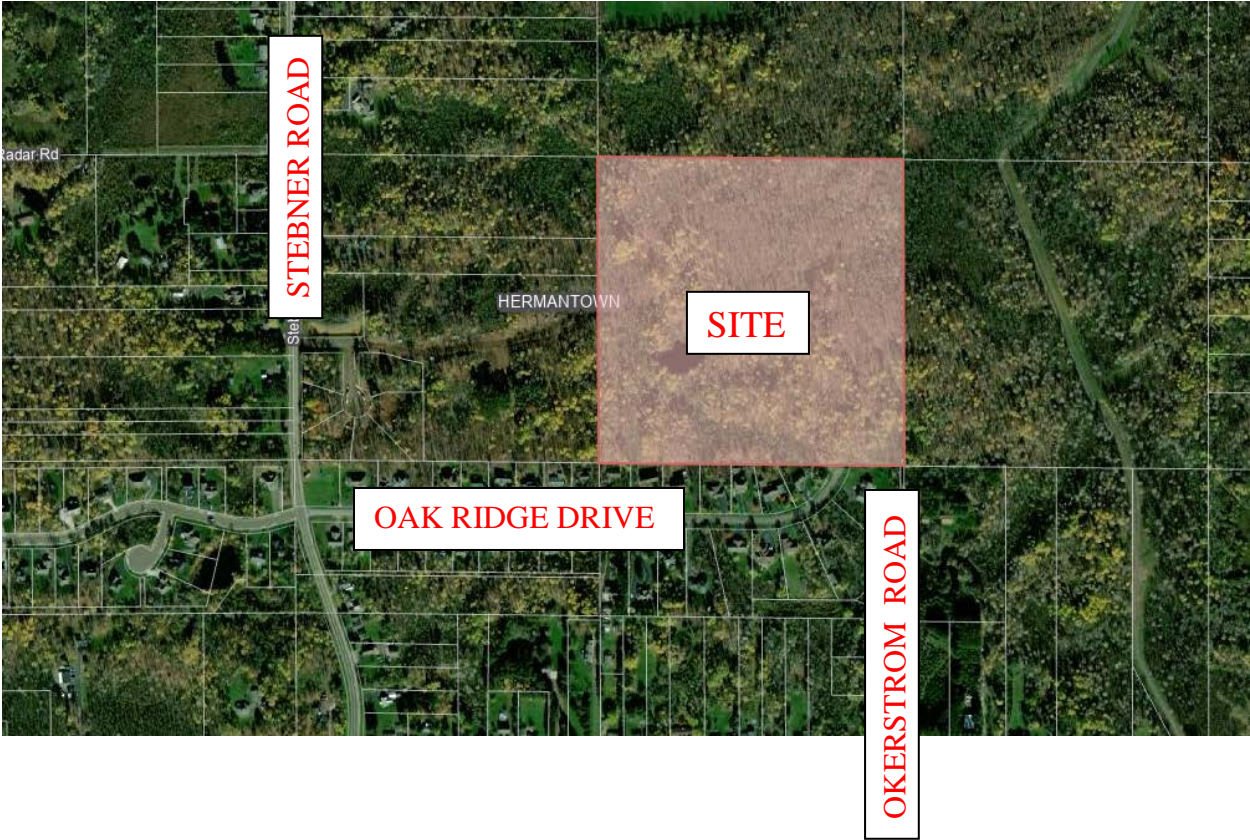
ATTACHMENTS

- Location Map
- Existing Zoning Map
- Proposed Zoning Map

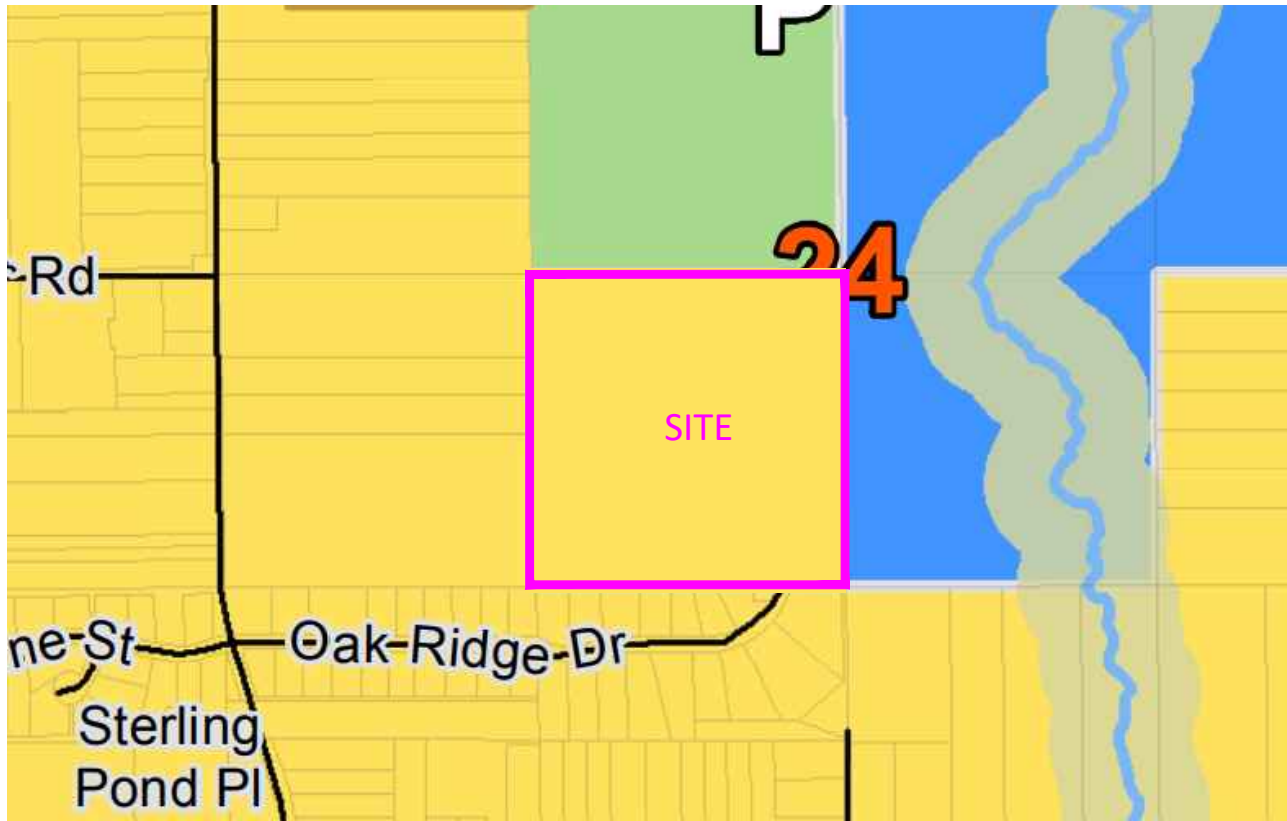
EXISTING ZONING



Location Map



PROPOSED ZONING



Hermantown Zoning Districts

- HM-Hermantown Marketplace
- BLM-Business/Light Manufacturing
- C-General Commercial
- C1-Office/Light Industrial
- C1A-Sexually Oriented Uses
- M2-Heavy Industrial
- O-Conservation/Open Space
- P-Public Facilities
- PUD-Planned Unit Development
- R1-Residential
- R3-Residential
- R3a-Multiple Family Dwellings
- S1-Rural/Suburban

5C. 3956 Stebner Road - Peyton Acres Preliminary and Final Plat Phase 1C

<u>Applicant:</u>	JLG Enterprises of Hermantown, LLP
<u>Case No.:</u>	2020-08-SUB-P
<u>Staff Contact:</u>	Eric Johnson, Community Development Director
<u>Request:</u>	Approval of a Preliminary and Final Plat Phase 1C

DESCRIPTION OF REQUEST:

Applicant is requesting approval of a Preliminary and Final Plat for construction of an 8 lot, 2 outlot residential development at 3956 Stebner Road. The property has a split zoning of R-3, Residential and HM, Hermantown Marketplace.

SITE INFORMATION:

Parcel Size:	+/-50 acres
Legal Access:	3956 Stebner Road
Wetlands:	Yes, delineation approved in 2019; Impacts approved in 2020
Existing Zoning:	R-3, Residential (1/2 acre minimum) and HM, Hermantown Marketplace
Airport Overlay:	None
Shoreland Overlay:	None
Comprehensive Plan:	Suburban

Development Details

JLG Enterprises (Applicant) is proposing to construct the third phase of the Peyton Acres development. In 2020, JLG proposed a preliminary plat of phase 1A and 1B for a total of 19 lots and 2 outlots. In June 2020, JLG submitted for a final plat for phase 1A which included six residential lots and 2 outlots over five existing parcels totaling 65.0 acres. The initial preliminary plat and final plat were both recommended for approval by the Planning Commission and were ultimately approved by the City Council.

Phase 1B consisted of 10 single family residential lots and one outlot which contained the remainder of the overall property. Phase 1B was consistent with the previously approved preliminary plat and met the requirements associated with the R-3, Residential zoning district. Phase 1B was approved in August 2, 2021 with an amendment to the plat occurring in May 16, 2022.

The Applicant is now proposing Phase 1C, comprised of 8 lots and 2 outlots. Outlot A will contain the stormwater pond for this phase and Outlot B will contain the remaining +/- 35 acres of the overall property.

Peyton Acres Master Plan

The Applicant has proposed a multi-phase residential development of approximately 65 acres. To date, the Applicant has constructed the infrastructure (road base, watermain and sewermain for Phase 1A and has received approval for Phase 1B infrastructure. Future additions to the subdivision will require an additional road connection on the eastern portion of the property connecting to Oak Ridge Drive for public safety, road maintenance, and traffic improvements. In addition, the City will be requiring a right of way access to the adjoining +/- 100 acres to the east.

Zoning Analysis

The three western parcels are zoned R-3, Residential. The two eastern Parcels are zoned HM, Hermantown Marketplace. The proposed Phase 1C is split between the HM, Hermantown Marketplace and R-3, Residential district. The Applicant has requested for a rezoning of the HM zoned property to R-3 in order to keep with the ability to construct single family homes.

Should the Applicant wish to construct another housing product, other than single family housing, within the development, they would be required to pursue a Planned Unit Development for the work.

Lot Size

The proposed preliminary and final plat meets the R-3, Residential dimensional standards for single-family homes connected to City water and sanitary sewer of ½ acre in area with 100 feet wide frontage at lot line and at the 50' building setback line of lots on cul-de-sacs.

Setbacks

The proposed site plan shows the building setbacks associated with the R-3, Residential dimensional standards for single-family homes.

Utilities

The project will connect to City water lines located within the right-of-way of Peyton Drive. New sewer and water lines will be via City mains constructed to City standards. The Applicant will provide engineered plans to the City Engineer for utility connections prior to beginning such work on this phase. Preliminary engineering plans are in the process of being developed by the Applicants engineer.

Stormwater

The applicant is proposing to treat stormwater in a separate retention treatment pond on Outlot A. Final location, sizing, and design of permanent stormwater control will be subject to approval of final stormwater plans and MS4 Letter of Compliance by the City Engineer.

Roadway

The applicant will construct a +/-600', 28' wide curb face to curb face bituminous roadway with curb and gutter with a sidewalk on one side with a cul-de-sac in accordance with the City of Hermantown Urban Section design standards and City design speed standards as approved by the City Engineer. In addition, there will be a cul-de-sac with a platted diameter of 130'

Wetlands

There are 13.5 acres of wetlands on the overall property. The preliminary and final plat for this phase does not propose any permanent wetland impacts. The TEP and City Staff are supporting a project de minimis exemption up to 10,000 square feet of wetland impacts over the whole 65 acres of the property for a 1.7% permanent wetland impact.

Park Dedication Fees

The Applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. Park dedication fees will be paid according to the Hermantown Fee Schedule. Those fees currently are:

Development Type	Recommended
Single Family, Two Family, Three Family Residential Parcel/CIC Unit	\$1,100/lot
Per bedroom fee	\$150

Summary:

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

1. The proposed final plat meets the intent of the R-3, Residential Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The proposed final plat meets the Comprehensive Plan criteria for residential development.
3. 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.
4. The development agreement shall prescribe either a:
 - a. Letter of Credit or other financial surety acceptable to the City Attorney for 125% of the construction value of the road and infrastructure improvements to be made at the time of approval of the Final Plat, or
 - b. Installation of road and infrastructure facilities prior to obtaining the Final Plat for the development.
 - c. Letter of Credit or other financial surety acceptable to the City Attorney for 125% of the construction value of the stormwater facilities to be made at the time of approval of the Final Plat.
5. Prior to starting any site work, the Applicant shall hold a preconstruction meeting with the appropriate development, construction, and City representatives.
6. Prior to issuance of a building permit:
 - a. All necessary permits shall be obtained.
7. 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.
8. Prior to issuance of a building permit, all necessary permits shall be obtained, including, without limitation, any stormwater permits required by the Minnesota Pollution Control Agency.
9. The Applicant shall comply with the following conditions during construction:

- a. Development activity shall comply with all City noise ordinances. There shall be no construction activity between the hours of 10 p.m. and 7 a.m.
- b. Loud equipment shall be kept as far as possible from adjacent residences.
- c. The site shall be kept free of dust and debris that could blow onto neighboring properties.
- d. Public streets shall be maintained free of dirt and shall be cleaned as necessary.
- e. The City shall be contacted a minimum of 72 hours prior to any work in a public street or right-of-way. Work in a public street shall take place only upon the determination by the Public Works Director that appropriate safety measures have been taken to ensure motorist and pedestrian safety.
- f. No burning or burying of trees, stumps or brush is allowed on site.
- g. The Zoning Administrator may impose additional conditions if it becomes necessary in order to mitigate the impact of construction on surrounding properties.

10. Prior to the issuance of any temporary or permanent occupancy permit the following shall be completed:

- a. All exterior building improvements shall be completed.
- b. All disturbed areas on the site shall be seeded or sodded.

11. The Applicant shall pay a park dedication fee of \$8,800 (\$1,100/lot for 8 lots). This fee will be paid at the time of plat approval. The applicant/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.

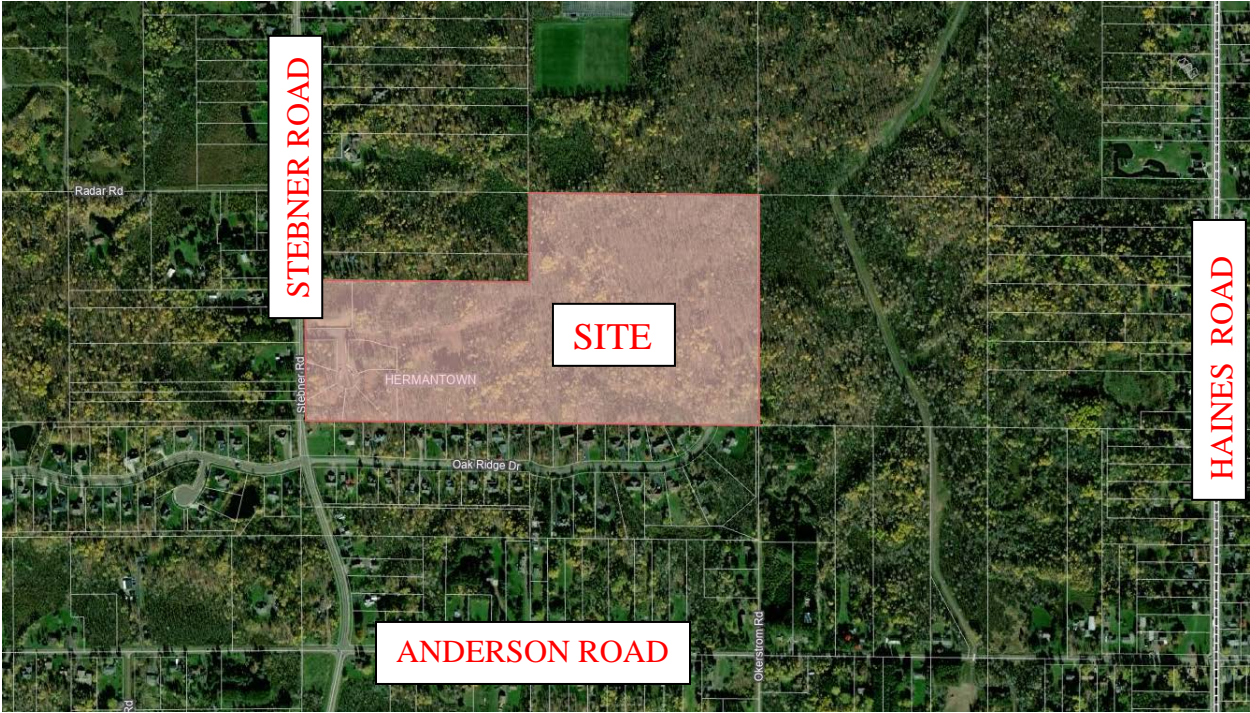
12. The Applicant shall sign a consent form assenting to all conditions of this approval.

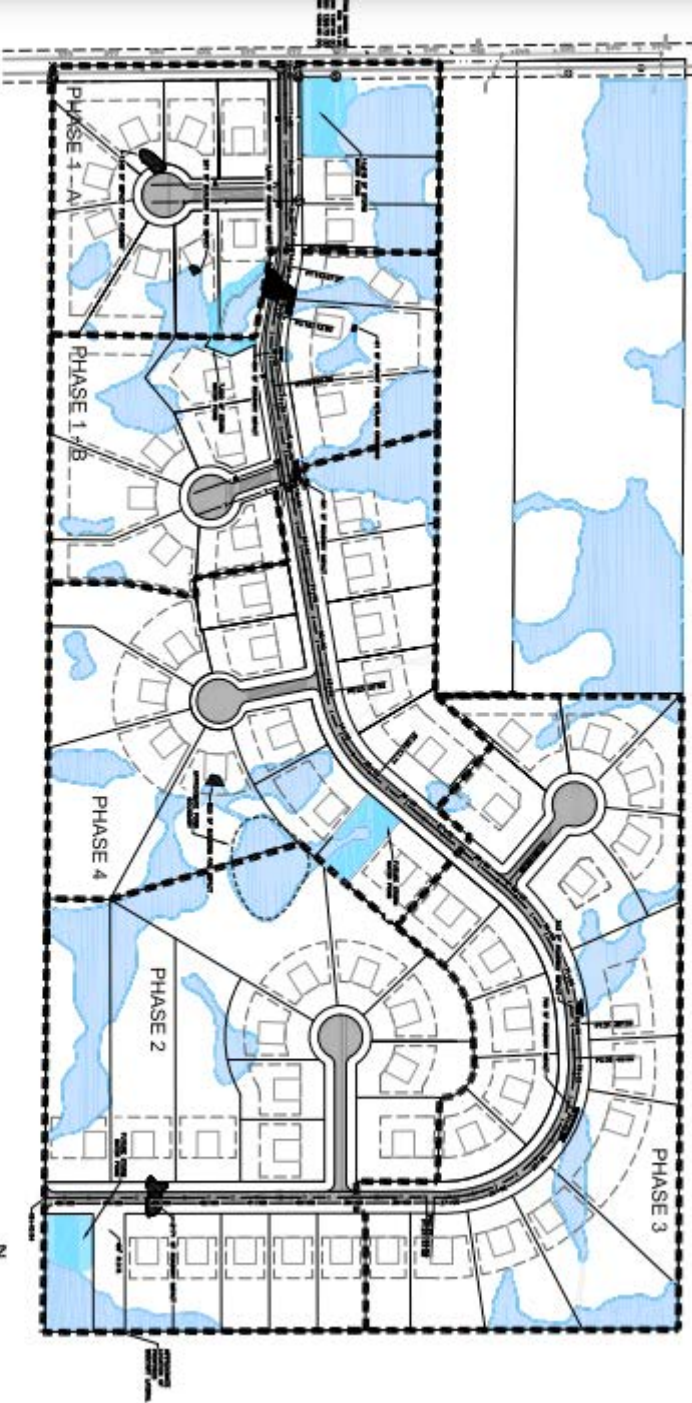
13. The Applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:

- Location Map
- Preliminary Plat
- Overall Project Master Plan

Location Map





SITE LEGEND:

PROPOSED BITUMINOUS

PROPOSED STORMWATER MANAGEMENT

PROPOSED HOUSE - 45' X 55'

EXISTING WETLANDS

WETLAND IMPACT

SETBACKS

SITE SUMMARY:

- APPROXIMATELY 66 BUILDABLE LOTS (HALF-ACRE LOT MINIMUM)
- 10 LOTS IN PHASE 1A
- 9,791 SF ESTIMATED WETLAND IMPACT