

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:

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Joe Peterson, Chairman

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Mary Melde, Administrative Assistant