



## **Hermantown Planning & Zoning Meeting – August 16, 2022**

Because of attendance limitations at the regular meeting location due to the health pandemic, Hermantown's August 16, 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*  
August 16, 2022  
7:00 PM

**1. ROLL CALL**

**2. APPROVAL OF AGENDA**

**3. APPROVAL OF MINUTES**

3A. July 19, 2022 regular meeting.

**4. PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.

**5. PUBLIC HEARINGS**

5A. An application by Lynn Tracey and Jerry Reno for a Subdivision to create a 115-foot-wide parcel of 0.53 acres and a 2.5 acre lot accessed by way of a flag lot of 85 foot width at 3919 Getchell Road. The property is located in an R-3 zoning district.

5B. An application by Steven Saarela for the construction of a 2,520 square foot garage (accessory structure) at 58xx Highway 194, which is located is in an R-1 zoning district.

5C. An application by Philip Nyhusmoen for a Commercial Industrial Development Permit for the construction of a 7,200 square foot retail/showroom building with 12 parking spaces. The property is located at 519x Miller Trunk Highway and is located in a C, Commercial zoning district.

5D. A City of Hermantown application for a rezoning of a 5-acre parcel located at 4715 Hermantown Road. The parcel is currently zoned R-3, Residential with a proposed rezoning to C, Commercial.

5E. An application by P&R Development LLC for a rezoning of a 27-acre parcel located at 4747 Hermantown Road. The parcel is currently zoned R-3, Residential with a proposed rezoning to C, Commercial.

**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  
July 19, 2022 Meeting Summary  
7:00 PM

**1. ROLL CALL**

Members Present: Joe Peterson; Corey Kolquist; Valerie Ouellette; Samuel Clark; Beth Wentzlaff; Buckley Simmons; and Dante Tomassoni

Members Absent: John Geissler

Others Present: Eric Johnson, Community Development Director; Mark Fuller, Freeberg & Grund; KC Dietz, Primus Companies

**2. APPROVAL OF AGENDA**

Motion made by Buckley Simmons to approve the July 19, 2022 agenda as presented. Seconded by Dante Tomassoni. Motion carried.

**3. APPROVAL OF MINUTES**

Motion made by Corey Kolquist to approve the June 21, 2022 minutes as presented. Seconded by Valerie Ouellette. Motion carried.

**4. PUBLIC DISCUSSION**

None.

**5. PUBLIC HEARING**

5A. An application by Primus Companies for a Commercial Industrial Development Permit for the construction of a 2,750 square foot dental clinic with 22 parking spaces. The property is located at 48xx W. Arrowhead Road and is located in a C, Commercial zoning district.

Eric Johnson, Community Development Director, presented to the Commission that the applicant, Primus Companies, is proposing to develop the property in order to construct a 2,750 square foot dental office with 22 parking spaces. The project involves the construction of the building along with a shared driveway onto W. Arrowhead Road; a paved bituminous parking lot with 22 spaces with room for future expansion of an additional 12 spaces; new landscaping and stormwater facilities.

Motion made by Corey Kolquist to approve the application by Primus Companies for a Commercial Industrial Development Permit for the construction of a 2,750 square foot dental clinic with 22 parking spaces. Seconded Beth Wentzlaff. Motion carried 7 to 0.

**6. CONTINUING BUSINESS**

None.

**7. NEW BUSINESS**

Eric provided an update on the Comprehensive Plan process.

**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 – Absent

**ADJOURN**

Motion made by Valerie Ouellette to adjourn the meeting. Seconded by Corey Kolquist. Meeting adjourned at 7:20 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 create a flag lot in an R-3 zoning district**

**Applicant:** Lynn Tracey and Jerry Reno  
**Case No.:** 2022-42-SUB-A  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Subdivision of an R-3 zoned property to create a flag lot.

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**DESCRIPTION OF REQUEST:**

The property owner owns a 3.0 acre property at 3919 Getchell Road. The property has a lot dimension of 200' x 660'. A single family house and an accessory building are located on the property.

The property owner proposes to create a new flag lot along the northern border of the existing property. The property owner is proposing a 85 foot 'pole/driveway' connection to Getchell Road for a distance of 200 feet with the 'flag' portion of the lot being approximately 200' x 460'. The proposed lot sizes for the two total parcels are:

Parcel A: 115' x 200' = 23,000/43,560 or 0.53 acres  
Parcel B: 85' x 200' and 200' x 460' = 109,000/ 43,560 sf. or 2.50 acres

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

**SITE INFORMATION:**

**Parcel Size:** 3.0 acres  
**Legal Access:** 3919 Getchell Road  
**Wetlands:** Yes, will need to be delineated prior to building permit  
**Existing Zoning:** R-3, Residential  
**Minimum Lot Area:** 0.5 acres (city services are available)  
**Airport Overlay:** No  
**Shoreland Overlay:** No  
**Comprehensive Plan:** Residential

## **BACKGROUND:**

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

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

The existing home utilizes City water and sanitary sewer services which are located in Getchell Road. The new flag lot will also be required to utilize City sanitary sewer and water services and pay all applicable availability and hook-up fees.

The National Wetland Inventory shows the presence of a wetland on the western portion of the property. Any future wetland impacts will require a wetland delineation with submission to the TEP for review and approval.

## **FINDINGS:**

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

- 1. The resulting lots do not violate any provision of the Hermantown Zoning Regulations, Comprehensive Plan, or any other local ordinance.** The lot exceeds minimum standards in the R-3, Residential District, maintains the suburban residential development pattern identified in the Comprehensive Plan, and has access to water and sewer.
- 2. The width of the flag lot at the front yard setback line must meet the lot width requirements of the Hermantown Zoning Regulations.** The lot is 200’ wide at the front yard setback line which exceeds the requirement of 100’.
- 3. The pole portion of a flag lot shall not exceed 500 feet.** The pole is 200’ feet long.
- 4. The pole portion of a flag lot must have a minimum width of 30 feet, be of uniform width, be a platted part of the flag lot, and connect to a public street. The driveway shall be set back a minimum of 10 feet from the neighboring property that was not used to create the flag lot and five feet from the mother property.** The pole is 85’ wide. Approval of building permits will be conditioned on siting of the driveway to meet setback standards defined in Section 1010.04.04 of the Hermantown Zoning Regulations.
- 5. The pole portion of the flag lot will not be included in calculating the minimum lot area.** The lot area without the “pole” is 2.0 acres which exceeds the ½ acre minimum lot size of the R-3, Residential zoning district.
- 6. Only one flag lot may be created from an existing/mother property.** The city will record that no further flag lots can be created from PIN # 395-0010-06377.
- 7. Must be used exclusively for single family dwelling and accessory uses.** The intended use of the new developable lot is for single family residential. The City will only issue building or zoning permits for single family residential and related uses.

8. **The City must determine that the creation of the flag lot will not interfere with future development of roads or interior lands.** The land to the north, south and west of the subject parcel have existing single family homes located on them.
9. **The City must determine that the flag lot provides adequate accessibility of emergency responders.** The proposed pole meets minimum width and is less than the maximum length. Both standards were developed with emergency response vehicles in mind.
10. **All flag lots must display an address at their closest point of access to a public street for emergency responders.** The applicant will have to assent to displaying 911 addressing in a visible location at the entrance of the driveway.

**RECOMMENDATION:**

1. Recommend approval of the creation of a 200' by 460' flag lot with an 85' by 200' pole abutting Getchell Road.
2. Adopt the stated Findings of Fact and other content of this report as the required findings identified in Section 1010.04.11.6 of the Hermantown Zoning Regulations.
3. Prior to recording of the flag lot, the property owner shall pay a fee in lieu of land dedication for parks and recreation of \$1,100.
4. Prior to issuance of a City land alteration permit for site work on the flag lot the property owner of the land alteration permit will provide a site plan depicting the driveway and flag the location of the driveway for inspection to confirm that it meets setback requirements listed Section 1010.04 of the Hermantown Zoning Regulations.
5. The new flag lot will be required to utilize City sanitary sewer and water services and pay all applicable fees.
6. The property owner shall sign a consent form assenting to all conditions of this approval.
7. The property owner shall pay an administrative fine of \$750 per violation of any condition of this approval.

**ATTACHMENTS**

- Location Map
- Proposed Survey and Legal Descriptions

## EXHIBIT "A"

This Exhibit "A" is made part of the Minnesota Residential Real Estate Purchase Agreement dated July 10, 2022 for the property located at 3919 Getchell Road, Hermantown, MN.

### Buyers Names and address:

Austin Raymond Reno and Rebecca Marie Swanson  
4828 Sundance Loop, Apartment D,  
Hermantown, MN 55811

Note: The buyers will be married on August 13, 2022 which is prior to the scheduled closing date of August 31, 2022. Therefore, consideration should be made that all title and closing documents reflect any potential legal name changes for Rebecca Marie Swanson.

### Seller Names and address:

Lynn M. Tracey  
3919 Getchell Road  
Hermantown, MN 55811  
This is Lynn M. Tracey's homestead address

Note: Lynn M. Tracy was remarried on October 23, 2021 to Jerry R. Reno Sr.

### Legal Description of the property:

It is the intent to transfer a part of current Property Identification Number 395-0010-06377. The parcel to be sold/transferred with this sale is illustrated and highlighted on the attached plat drawing from St. Louis County Title Company, File #512990 and approximately described as follows:

The Southerly 115' feet of the Easterly 200' of the Northerly 200.28 feet of the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE1/4 of SE1/4 of SW1/4), Section Twenty-three (23), Township Fifty (50), Range Fifteen (15) West, St. Louis County, Minnesota.

### Purchase Price

This sale is between related parties. The agreed sale price of \$210,000 reflects this relationship. It is also the intent of the seller to net \$200,000 prior to existing underlying mortgages with a balance of approximately \$106,300. The \$10,000 differential shall be contributed as part of this sale towards the total closing costs for both parties. Any remaining funds shall be contributed to the buyer as part of any required loan down payment.

Buyers Initials AR RS

Sellers Initials LMS - JR SR



# ST. LOUIS COUNTY TITLE COMPANY

309 Alworth Building  
Duluth, Minnesota 55802  
Telephone Number 218-727-8696  
Fax Number 218-720-6649

File # S12990

*Lynn Tracey*

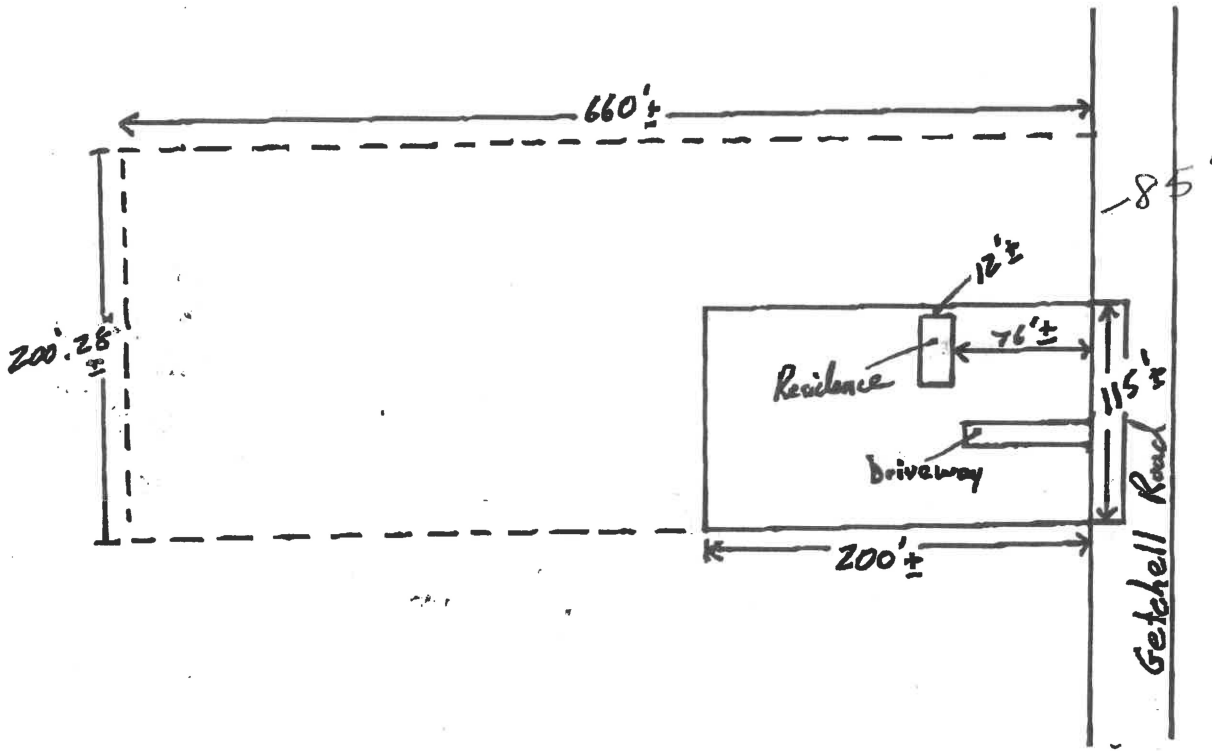
Plat Drawing  
(NOT A SURVEY)

Name Jerry R. Reno Jr.

Legal Description-- Attached

Drawn 5-10-06 By Kurtis A. Bodin

Lot Dimensions From Plat/Measurements Are Approximate



1" = 100'

"The location of the improvements on this drawing are approximate and are based on a visual inspection of the premises. The lot dimensions are taken from the recorded plat or county records. This drawing is for information only and is not used as a survey. It does not constitute a liability of the company and is intended for mortgage purpose only."

**Location Map**





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**5B. Subdivision Application to construct a 2,520 square foot accessory structure in an R-1 zoning district**

**Applicant:** Steven Saarela  
**Case No.:** 2022-39-SUP  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Special Use Permit for construction of a 2,520 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 2,520 (42' x 60') square foot accessory building for City Council consideration subject to the attached conditions.

**SITE DATA**

**Address:** 58xx Highway 194 (395-0077-00010)  
**Comprehensive Plan:** Residential  
**Zoning:** R-1, Residential  
**Lot Size:** +/-5.0 acres  
**Wetlands:** Yes, not impacted by proposed structure  
**Shoreland Overlay:** No  
**Airport Zoning:** 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 2,520 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 2,520 square foot accessory building. The accessory building would be 42 feet by 60 feet in size, with 12-foot sidewalls. The overall height of the proposed building is approximately 20 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 on Highway 194 with the lot dimensions being approximately 200' x 1,120' for a total of +/-5.0 acres. The proposed accessory structure is approximately 420 feet from the nearest neighboring structure and approximately 580 feet from Highway 194.

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	+/-580 feet
Minimum side yard setback	Equal to the height of the accessory structure	67 feet
Minimum rear yard setback	40 feet	+/- 500 feet
Minimum setback from primary structure	10 feet	67 feet
Maximum building height	35 feet	20 feet
Maximum sidewall height	17 feet	12 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 2,520 square foot structure, the property would be at approximately 2.3%.

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 2.3% 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 2,520 square foot structure, the property would be at approximately 2.3%.

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

No.

### **Wetlands**

The National Wetland inventory shows the potential presence of wetlands at the northern portion of the property. This wetland is outside of the proposed accessory structure footprint area.

### **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**

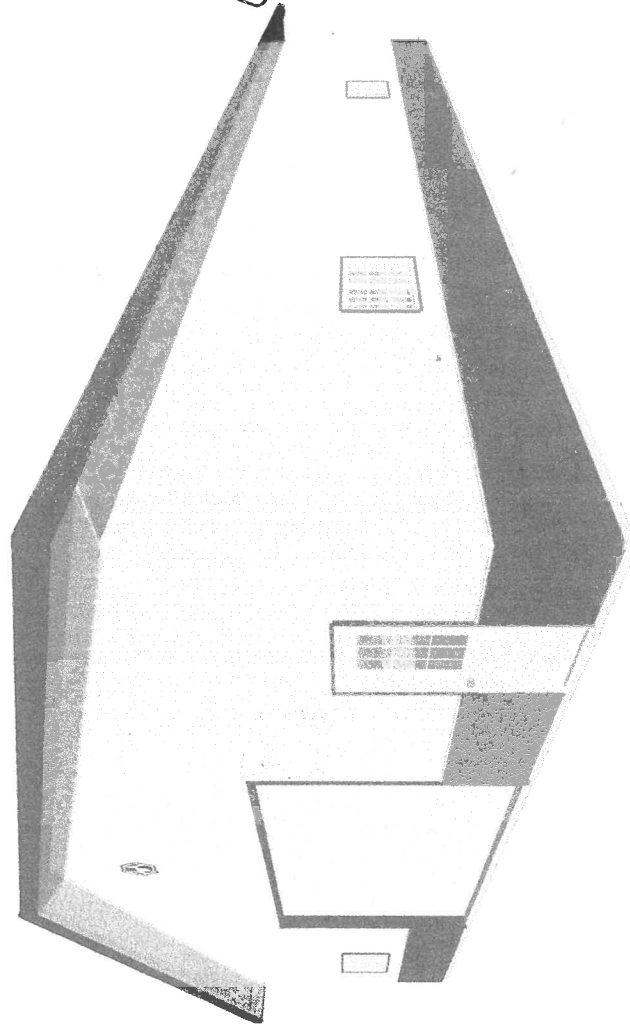
Staff recommends approval of the Special Use Permit, subject to the following conditions:

1. The approval is for a 2,520 square foot accessory structure on the property at 58xx Highway 194 (395-0077-00010)
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 2,520 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.

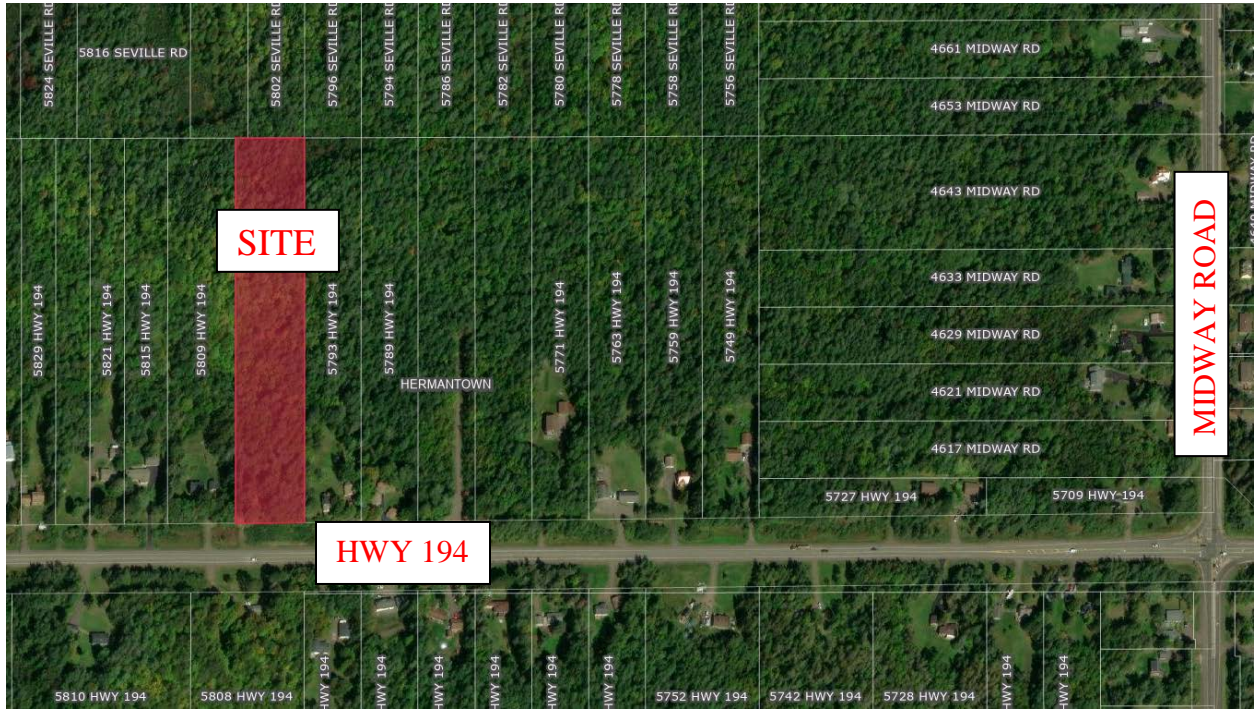
### **Attachments**

- Location Map
- Structure Location Map
- Proposed Structure Image

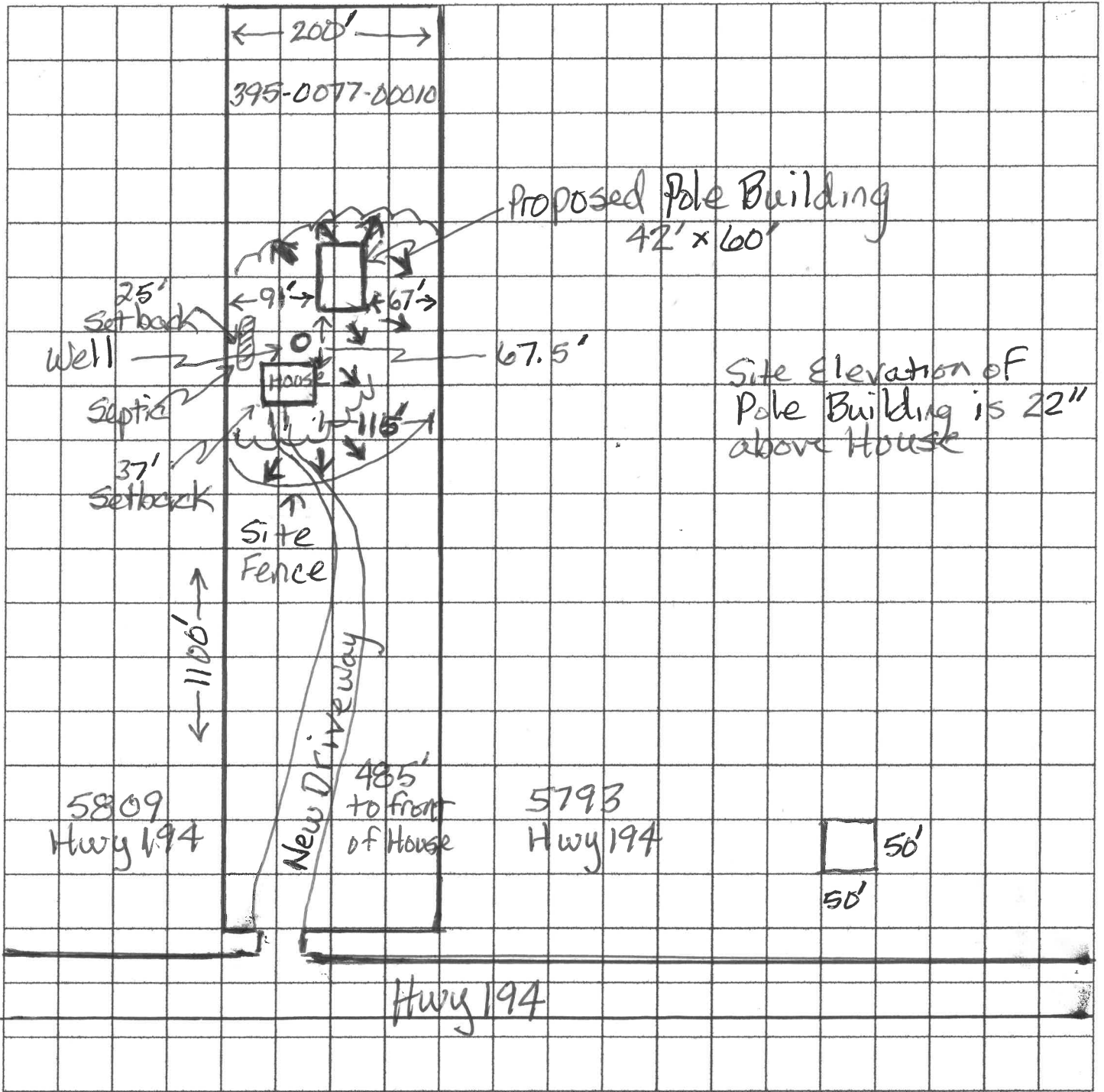
**306 42'x12'x60' West and South Walls**  
*(Total height is 20' 3" at the peak)*



# Location Map



Building Site Plan



Address / Legal Description / Parcel Number: 58xx Hwy 194 / 395-0077-00010

Proposed Construction: Merton Pole Building

Signature: Steve Saarela

Date: 8 Aug 2022





**5C. 48xx W. Arrowhead Road – Commercial Industrial Development Permit (CIDP)**

**Applicant:** Philip Nyhusmoen  
**Case No.:** 2022-43-CIDP  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Approve a Commercial Industrial Development Permit with conditions for a 7,200 square foot retail office.

**RECOMMENDED ACTION:**

Approve a Commercial Industrial Development Permit (CIDP) in order to develop an existing 8.8 acre site located at 519x Miller Trunk Highway (395-0010-00575). The applicant is proposing to develop the property for a 7,200 square foot retail/showroom building.

**DESCRIPTION OF REQUEST:**

The applicant is proposing to develop the property in order to construct a 7,200 square foot retail/showroom building with 12 parking spaces. The project involves the construction of the building along with a driveway onto Miller Trunk Highway; a paved bituminous parking lot with 12 spaces with room for semi truck delivery of product along the east side of the building and stormwater facilities.

**SITE INFORMATION:**

**Parcel Size:** 8.8 acres  
**Legal Access:** 519x Miller Trunk Highway  
**Wetlands:** N/A  
**Existing Zoning:** C, Commercial  
**Airport Overlay:** Zone 3, height restrictions only  
**Shoreland Overlay:** N/A  
**Comprehensive Plan:** Commercial

**ZONING ANALYSIS:**

Zoning District: C, Commercial		
Type	Required	Proposed
Min Lot Area	None	8.8 acres
Lot Width	None	400 feet along Miller Trunk Highway
Front Yard	35 feet ROW	95 feet from Miller Trunk Highway right of way
Rear Yard	40 feet	745 feet

Side Yard	10 feet	80 feet minimum
Lot coverage	50%	1.9%
Maximum Building Height	65 feet	28 feet
Parking	22 spaces (1 per 200 sq. ft. of retail space)	12 with proof or parking for 10 spaces
Airport Safety Zone: 3		
Maximum Building Elevation	1580'	1443'

### Stormwater Management

The property is 8.8 acres in size. The proposed impervious surface consists of the 7,200 square foot building, 23,975 square feet of bituminous parking/delivery lot, 2,340 square feet of concrete sidewalk for a total of 33,515 square feet of impervious area (8.7%).

The plan proposes a detention basin on site for the treatment of stormwater. The applicant has submitted preliminary engineering plans locating the basin and it's proposed size. The applicant will need to submit final engineering plans and stormwater calculations in order to receive a MS4 Statement of Compliance Erosion Control Permit from the City Engineer before issuance of the Commercial Industrial Development Permit.

### Access

The property is accessed from Miller Trunk Highway. This location will need to receive a permit from the MN Department of Transportation (MN DOT) for both access as well as utility work within the right of way.

### Utilities

The project will access the existing water and sewer mains in the Miller Trunk Highway right of way. The applicant will need to coordinate with the City in order to connect into the lines and will have to pay the sewer and water connection and availability fees. In addition, the applicant will need to obtain a permit from the MN DOT for the purpose of working in the DOT right of way. The applicant will need to submit final engineering plans to the City Engineer before issuance of the Commercial Industrial Development Permit.

### Building Architecture

The proposed building is 7,200 square feet in size and approximately 28 feet in height. The façade is comprised of a two toned steel siding with an awning on the front (south) and side (east) façades.

The building is comprised of three interior bays; a 4,425 square foot showroom, a 1,200 square foot storage/utility area and a 1,400 square foot caretaker/office space. Caretaker space is allowed as part of the C – Commercial zoning district.

There are three proposed overhead doors for delivery of product. These doors are located on the south and east facades.

Sign permit will need to be applied for under a separate application with the City Building Official.

Trash will be kept inside the building in the storage/utility area.

### Wetlands

The National Wetland Inventory shows the potential presence of a wetland on the east portion of the site. The applicant is required to provide a wetland delineation for the Hermantown TEP to review and approve. Any wetland impacts will need to be approved by the TEP prior to issuance of building permit.

### Park Dedication Fees

The property owner will be required to pay park dedication of \$9,680.00 (8.8 acres x \$1,100/acre).

### **SUMMARY AND RECOMMENDATION:**

Staff recommends approval of the Commercial Industrial Development Permit based on the findings set forth in the Staff report, subject to the following conditions:

1. The applicant is seeking to construct a 7,200 square foot, one-story retail/showroom building. The applicant will need to supply final site engineering and architectural plans prior to the issuance of the Commercial Industrial Development Permit (CIDP).
2. The proposal meets the requirements of Section 520, "C, Commercial" of the Hermantown Zoning Ordinance.
3. The proposal meets the requirements of Chapter 8, "Commercial-Industrial Development Permits" of the Hermantown Zoning Ordinance.
4. The applicant will need to provide a wetland delineation prior to issuance of a building permit.
5. Prior to issuance of the CIDP, the applicant shall submit final Stormwater and Erosion and Sediment Control Plans and computations as well as receive a MS4 Statement of Compliance from the City Engineer.
6. Applicant shall pay City water availability and sewer and water connection fees.
7. Applicant shall pay \$9,680.00 in park dedication fees (8.8 acres x \$1,100/acre).
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:**

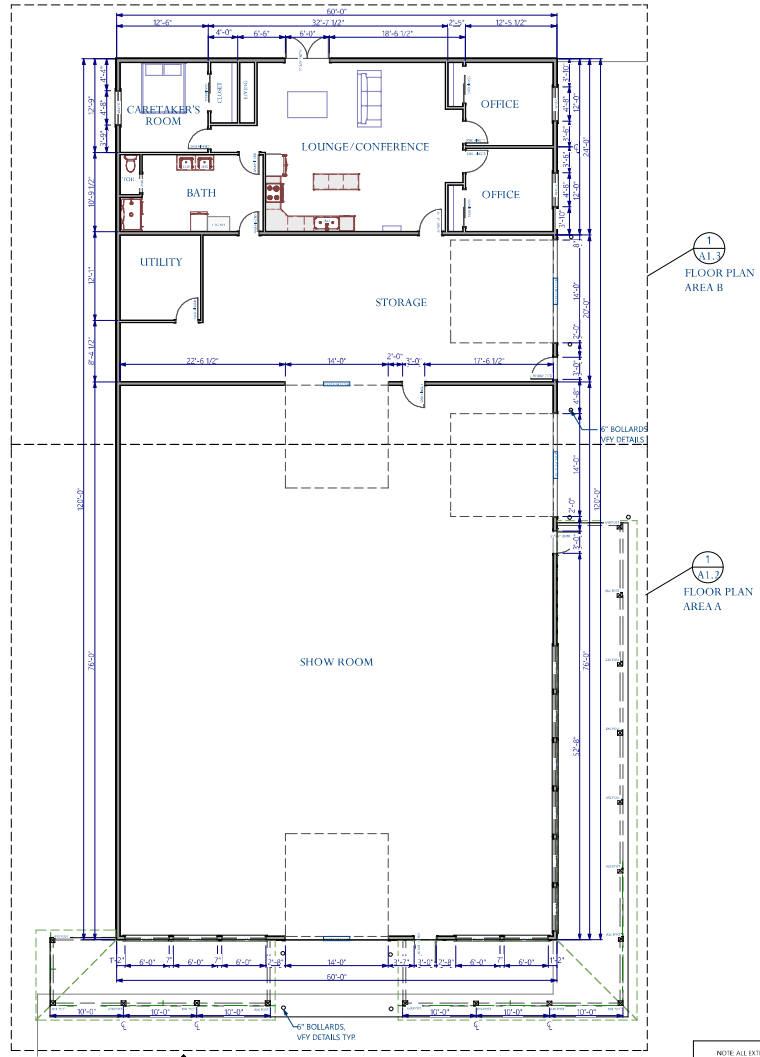
- Site Location Map
- Proposed Site Plan
- Proposed Grading Plan
- Proposed Building Elevations

# MIDNIGHT SUN SPAS - SHOWROOM

MILLER TRUNK HWY  
HERMANTOWN, MN 55810



4045 WYOMING ST. HERMANTOWN, MN 55810  
P. 612.731.1315 F. 773.444.9677 info@designandno1builders.com



FLOOR PLAN  
SCALE 1/8" = 1'-0"

NOTE: ALL INTERIOR DIMENSIONS ARE TO THE FACE OF THE STUD OR FRAMING MEMBERS, UNLESS OTHERWISE NOTED WITH THE FACE OR CONCRETE FOUNDATION WALL BELOW.

NOTE: ALL CONSTRUCTION MATERIALS, FRAMING MEMBER SIZES, AND OTHER BUILDING COMPONENTS DETAILED HEREIN ARE BASED ON TYPICAL CONCRETE. THE GENERAL CONTRACTOR AND/OR OWNER SHALL VERIFY ALL MATERIALS, SIZES, AND METHODS TO BE USED FOR CONSTRUCTION PRIOR TO COMMENCING ANY WORK. UPON BEGINNING WORK, THE GENERAL CONTRACTOR ASSUMES ALL LIABILITY FOR CONSTRUCTION MATERIALS, FRAMING MEMBERS, BUILDING COMPONENTS, AND METHODS USED INCLUDING BUT NOT LIMITED TO COMPLIANCE WITH NATIONAL, STATE, AND LOCAL BUILDING CODES AND REGULATIONS.

NOTE: TO THE BEST OF OUR KNOWLEDGE, THESE PLANS ARE DRAWN TO COMPLY WITH ORDINANCES AND/OR BUILDING CODES AS WELL AS BUILDING CODES AND ANY CHANGES MADE ON THEM AFTER PRINTS ARE MADE WILL BE DONE AT THE OWNER AND/OR BUILDER'S RISK AND RESPONSIBILITY. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND INCREASED DRAWING. GENERAL IS NOT LIABLE FOR ERRORS SINCE CONSTRUCTION HAS BEGUN, UNLESS IT IS PROVEN HAS BEEN MADE BY THE PREPARED OF THE PLANS TO AVOID MISTAKES, GROSSLY IN LOSS CAN NOT GUARANTEE AGAINST THEM. THE CONTRACTOR OF THE JOB MUST CHECK ALL DIMENSIONS AND OTHER DETAILS PRIOR TO CONSTRUCTION AND BE SOLELY RESPONSIBLE THEREAFTER.

NOTE: TO REMINDERS ARE FOR CONCRETE PURPOSES ONLY, NOT FOR CONSTRUCTION, VERIFY ALL FINISHES AND COMPONENTS WITH OWNER.

MIDNIGHT SUN SPAS SHOWROOM

MILLER TRUNK HWY

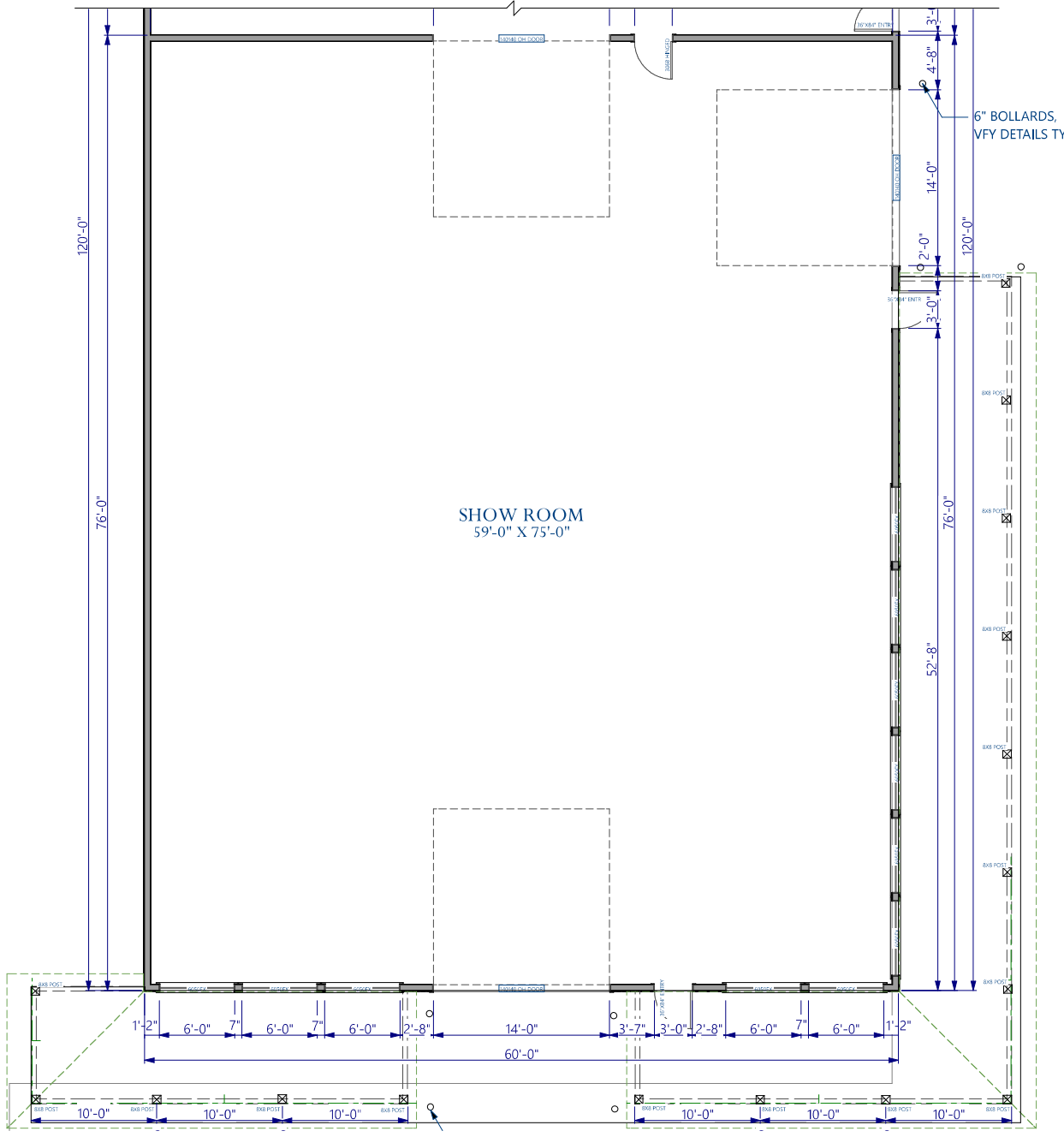
HERMANTOWN, MN 55810

PROJECT NUMBER	DATE
DRAWN BY	CHECKED
REVISIONS	DATE
ORIGINAL	DATE

DESIGN AND NO. 1 BUILDERS, INC.  
4045 WYOMING ST. HERMANTOWN, MN 55810  
P. 612.731.1315 F. 773.444.9677  
www.designandno1builders.com

**-REVIEW SET-**  
**NOT FOR CONSTRUCTION**

A1.1



FLOOR PLAN AREA A  
SCALE: 1/4" = 1'-0"

**-REVIEW SET-**  
NOT FOR CONSTRUCTION

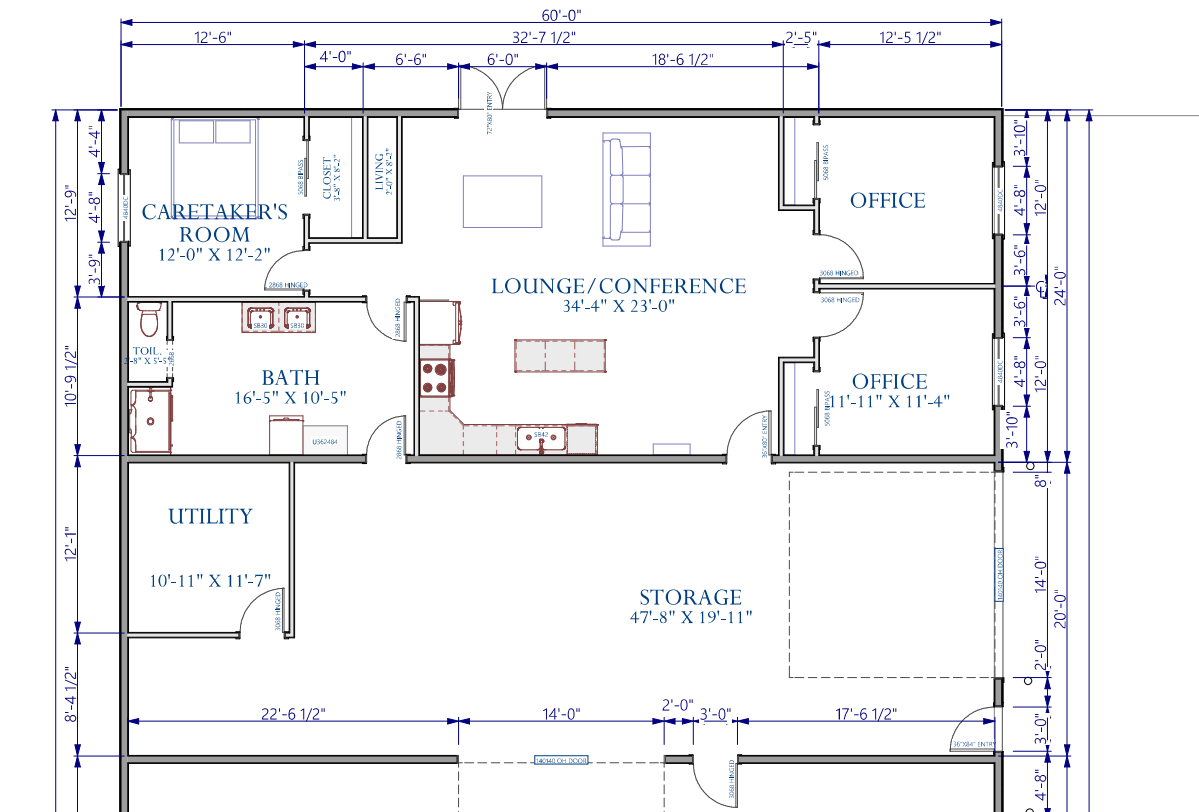


4645 NW 11th St., Ft. Lauderdale, FL 33309  
P: 954.751.1315 | F: 954.444.9677 | info@designanddistribute.com

**MIDNIGHT SUN SPAS SHOWROOM**  
MILLER TRUNK HWY  
HERMANTOWN, MN 55810

PROJECT: 220208	ORIGINAL: 11/22/22
DRAWN BY: [redacted]	REVISION: [redacted]
CHECKED: [redacted]	DATE: 12/14/22
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**A1.2**



FLOOR PLAN AREA B  
SCALE: 1/4" = 1'-0"



4645 W. WYOMING ST. SUITE 100  
P.O. BOX 721, LITTLETON, CO 80120  
TEL: 303.441.8677  
WWW.DESIGNANDDISTRIBUTE.COM

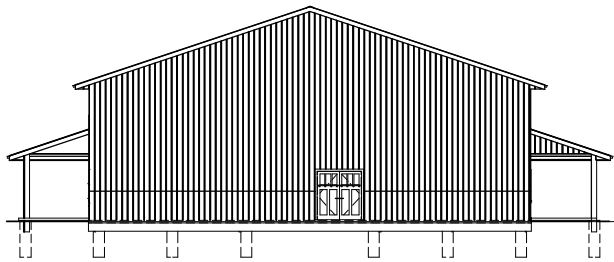
**MIDNIGHT SUN SPAS SHOWROOM**  
MILLER TRUNK HWY  
HERMANTOWN, MN 55810

**-REVIEW SET-**  
NOT FOR CONSTRUCTION

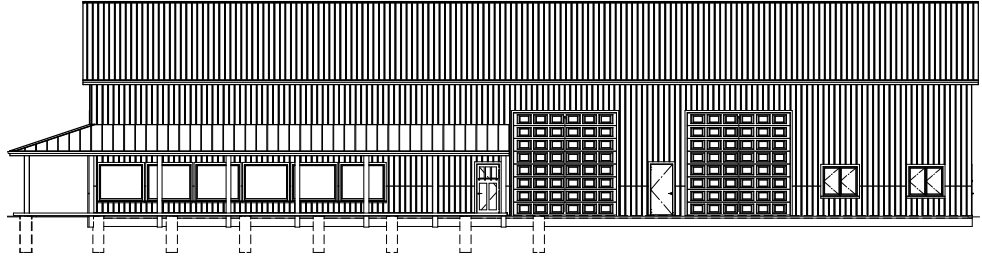
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DRAWN BY: [ ]	REVISION: [ ]
CHECKED: [ ]	DATE: 04/24/2022

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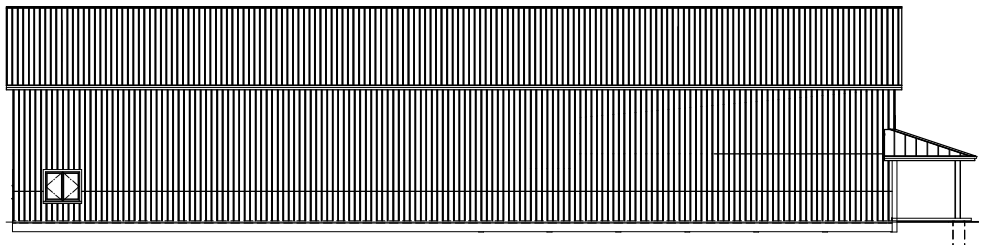
**A1.3**



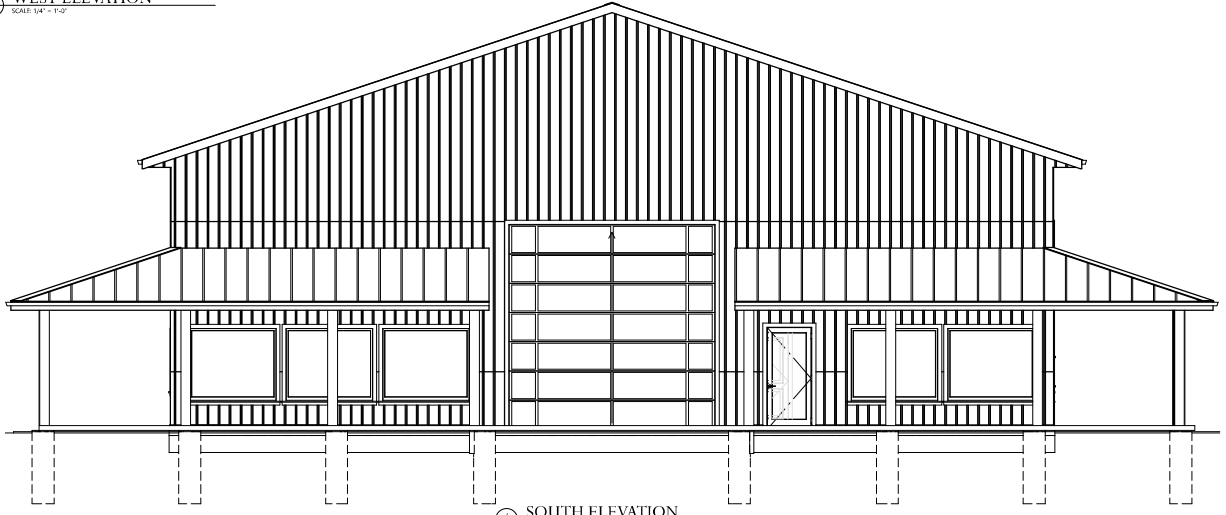
101 NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



102 EAST ELEVATION  
SCALE: 1/8" = 1'-0"



103 WEST ELEVATION  
SCALE: 1/8" = 1'-0"



104 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



4645 NW 10th St., Suite 100  
Portland, OR 97227  
p. 503.251.1315 f. 503.444.8627 info@designandnoiltrib.com

**MIDNIGHT SUN SPAS SHOWROOM**  
MILLER TRUNK HWY  
HERMANTOWN, MN 55810

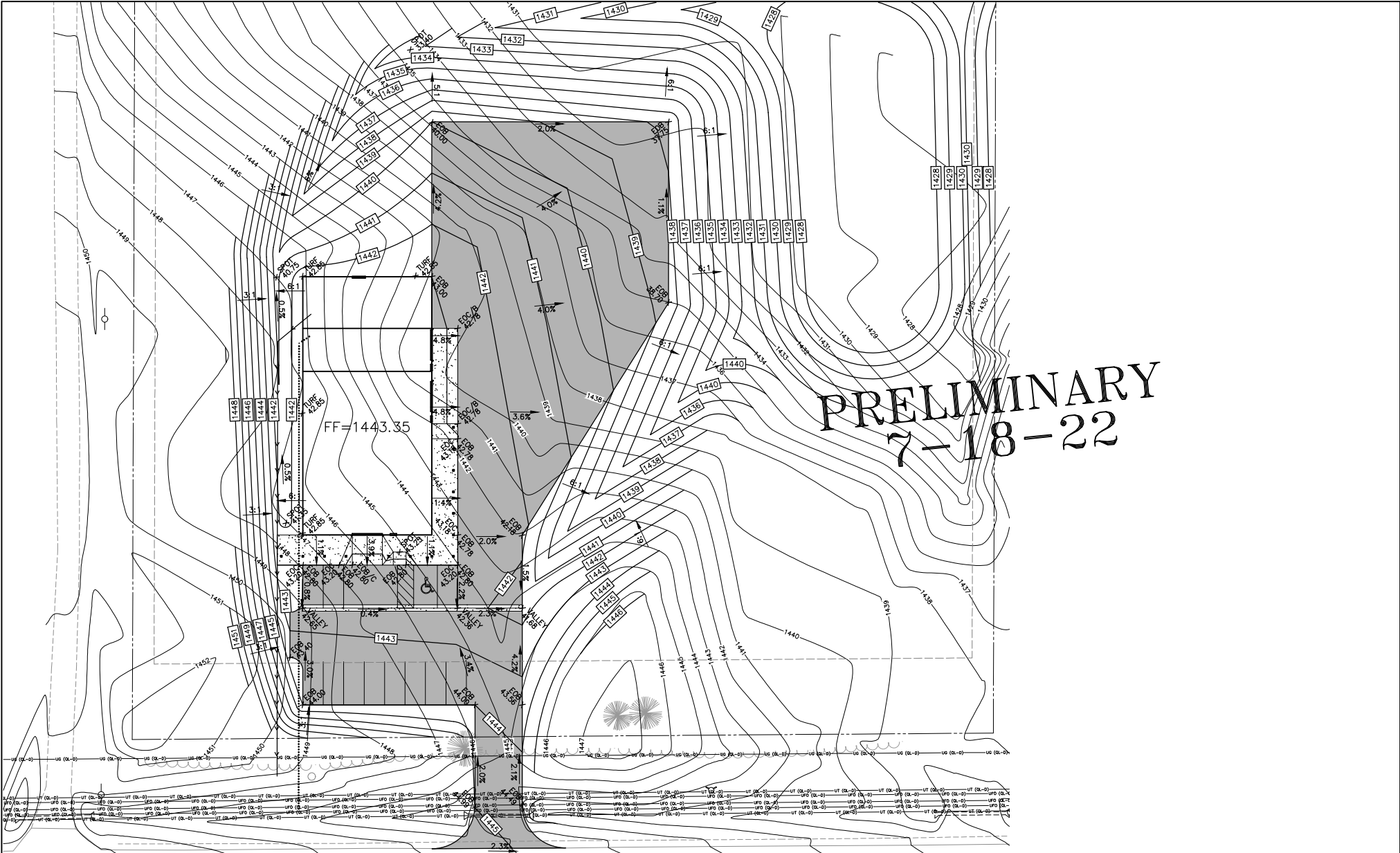
**-REVIEW SET-**  
NOT FOR CONSTRUCTION

PROJECT NUMBER	ORIGINAL	DATE
DRAWN BY	REVISION	DATE
CHECKED	DATE	DATE

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**A2.1**



**PRELIMINARY**  
**7-18-22**

NO.	BY	DATE	DESCRIPTION

REVISIONS:

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
MARK J. FULLER REG. NO. 59392



DESIGNED	M.F.
DRAWN	WAW
CHECKED	M.F.
APPROVED	
BY	DATE

NYHUSMOEN  
HERMANTOWN, MINNESOTA

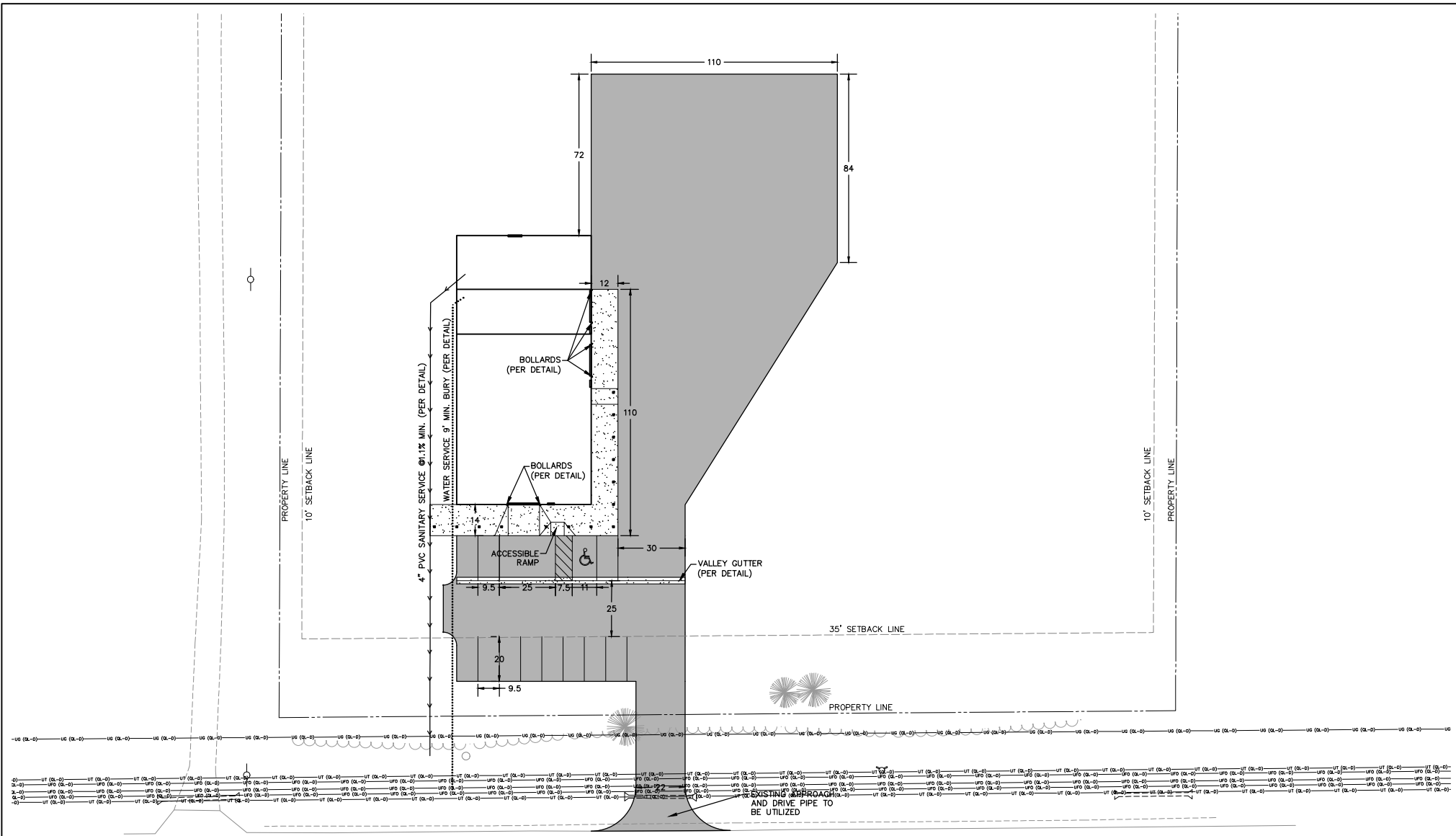
GRADING PLAN

PROJECT NO.  
22029



**Location Map**





STATE HIGHWAY 53

NO.	BY	DATE	DESCRIPTION

REVISIONS:

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MARK J. FULLER REG. NO. 59392



DESIGNED	M.J.F.
DRAWN	W.A.W.
CHECKED	M.J.F.
APPROVED	
BY	DATE

NYHUSMOEN  
HERMANTOWN, MINNESOTA

CIVIL SITE PLAN

PROJECT NO.  
22029

**C - 2**



**Hermantown Planning Commission**

Meeting Date: August 16, 2022

Agenda Item: 5D

**5D. Zoning Map Amendment – Rezone 4747 Hermantown Road (395-0010-07050 and 395-0010-07045) from R-3, Residential to C, Commercial**

**Applicant:** P&R Development LLC  
**Case No.:** 2022-41 ZM  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Rezone 4747 Hermantown Road (395-0010-07050 and 395-0010-07045) from R-3, Residential to C, Commercial

**RECOMMENDED ACTION:**

Staff recommends that the Planning Commission recommend approval of the proposed change to the Hermantown Zoning Map by rezoning 4747 Hermantown Road (395-0010-07050 and 395-0010-07045) from R-3, Residential to C, Commercial

**SITE DATA**

**Address:** 4747 Hermantown Road  
**Comprehensive Plan:** Concept Area 1: Maintain Suburban Character, Preserve Critical Natural Features, Phase Residential Development, Develop Existing and New Park Areas  
**Zoning:** R-3, Residential  
**Lot Size:** 27 acres  
**Wetlands:** Yes, delineation approved in 2019; Impacts for trail approved in 2020  
**Shoreland Overlay:** Yes, Natural Environment Shoreland Area  
**Airport Zoning:** None

**DESCRIPTION OF REQUEST:**

Requested is the proposed change to the Hermantown Zoning Map by rezoning 4747 Hermantown Road (395-0010-07050 and 395-0010-07045) from R-3, Residential to C, Commercial. The purpose of the rezoning is to allow for the applicant to potentially pursue a multifamily housing project on the southern portion of the property.

**BACKGROUND:**

The Applicant has had exploratory conversations with City staff regarding the possible construction of a multifamily housing development at the former Engwall's Floral site. There are two potential routes to facilitate this type of development; the submission of a Planned Unit Development which would allow for the creation of site specific setbacks and density while maintaining a maximum of 43 feet of building height or the rezoning of the property to C, Commercial which allows for multifamily housing. The C,

Commercial zoning district has district wide setbacks in place along with a 65 foot maximum building height.

The applicant has chosen to pursue a property rezoning as that would provide greater flexibility for a project design in the future.

At this time, the applicant has not applied for any building/development related permits.

The property is bordered by the R-3, Residential zoning district. There is a C, Commercial zoning district located at the intersection of Hermantown Road and Haines Road. The Salem Lutheran Church property is located between the subject parcels and the C, Commercial zoned properties. City staff has contacted Salem Lutheran Church to gauge their receptiveness to a rezoning of their property in order to create an extension of the C, Commercial area along Hermantown Road to the Engwall's property.

The properties at 4770 and 4776 Hermantown Road are both zoned R-3, Residential, however each property is utilized in a more commercial manner. 4770 Hermantown Road is a Kidz Kollege learning Center (daycare) and 4776 Hermantown Road houses an antique and estate treasures business. The Keene Creek townhome development is also located on the south side of Hermantown Road in close proximity of the subject parcels. Future rezonings of 4770 and 4776 Hermantown Road may be contemplated in the future.

There is an approved Planned Unit Development for the northern 8 acres of the subject property. A rezoning of the parcels would not affect the previously approved development.

### **Utilities**

The City extended a sanitary sewer main through parcel 395-0010-07050 in 2020 and 2021. The location of the sewermain was coordinated with the property owner in order to not impede redevelopment of the property as the property owner has been contemplating the sale of the property for the last 6 years. New development would be able to access the sanitary sewer via manholes installed as part of the City's project.

City watermain are located in Hermantown Road and Anderson Road. Any redevelopment projects will need to extend watermain service into the property in order to be developed.

### **Wetlands**

A wetland delineation was performed in 2018 and approved in 2019 as part of the City's sanitary sewermain project. The subject property was fully delineated at that time. Redevelopment of the property has been discussed with the Hermantown TEP members, however any wetland impacts will need to be reviewed and approved by the TEP prior to future project approvals.

### **Zoning**

Applicant is requesting a rezoning from R-3, Residential to C, Commercial. The Applicant is potentially pursuing an apartment building(s) on the southern portion of the property. A rezoning to C, Commercial would allow the applicant to apply for a Commercial Industrial Development Permit (CIDP) in order to construct a multifamily housing project. A CIDP is reviewed and approved by the Heramtnown Planning and Zoning Commission with no City Council review or approval required.

Dimensional standards would change as follows:

<b>Dimensional Standards</b>	<b>R-3</b>	<b>C</b>
<b>Height</b>	35 feet	65 feet
<b>Setbacks</b>		
<i>Front</i>	50 feet	35 feet
<i>Side (abutting street)</i>	10 feet	35 feet
<i>Side</i>	10 foot minimum, 25 foot aggregate	10 feet
<i>Rear</i>	40 feet	40 feet
<b>Minimum lot area</b>	½ acre	none
<b>Minimum lot width</b>	100 feet	none
<b>Maximum lot coverage</b>	35%	50%

**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:**

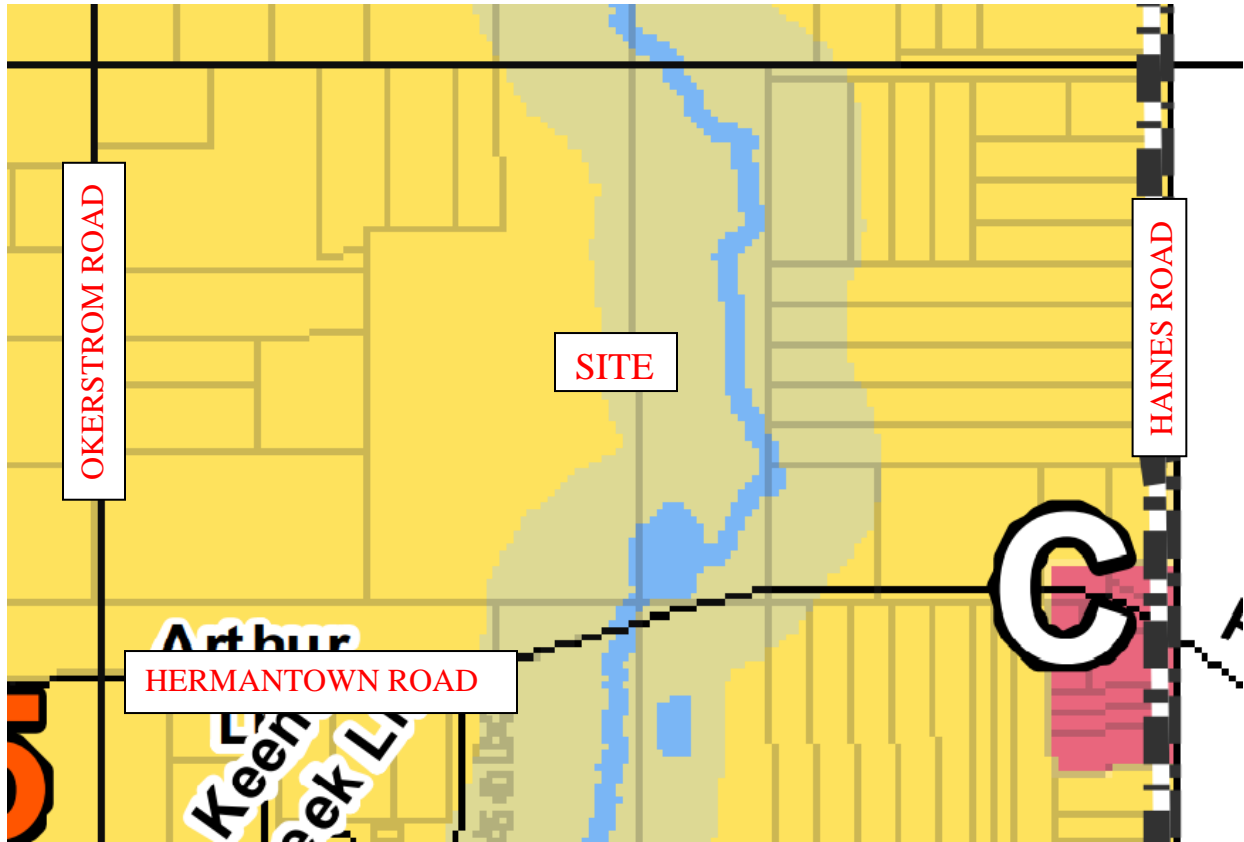
The proposed rezoning meets the criteria of the Comprehensive Plan and the overall goals and policies of the Zoning Ordinance. Staff recommends approval of the rezoning based on the following findings:

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. C, Commercial is compatible with the surrounding uses as it mirrors the commercial character of abutting properties and development of the site could be complementary to the area.
3. C, Commercial zoned property is located approximately 660 feet to the east at the Hermantown Road/Haines Road intersection.

**ATTACHMENTS**

- Location Map
- Existing Zoning Map
- Proposed Zoning Map

# Existing Zoning Map



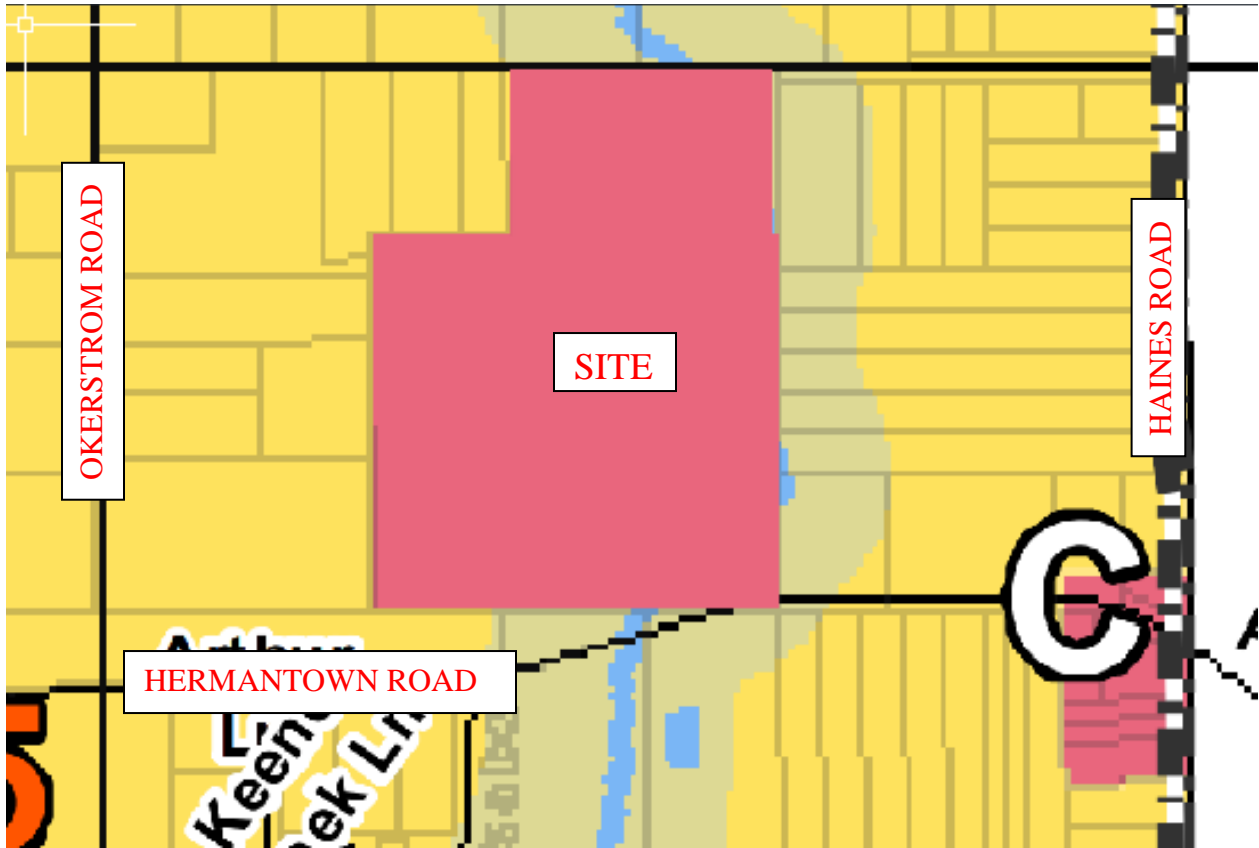
## Hermantown Zoning Districts

- 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

**Location Map**



# Proposed Zoning Map



## 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





**5E. Zoning Map Amendment – Rezone 4715 Hermantown Road (395-0010-06990) from R-3, Residential to C, Commercial**

**Applicant:** Salem Lutheran Church

**Case No.:** 2022-48 ZM

**Staff Contact:** Eric Johnson, Community Development Director

**Request:** Rezone 4715 Hermantown Road (395-0010-06990) from R-3, Residential to C, Commercial

**RECOMMENDED ACTION:**

Staff recommends that the Planning Commission recommend approval of the proposed change to the Hermantown Zoning Map by rezoning 4715 Hermantown Road (395-0010-06990) from R-3, Residential to C, Commercial

**SITE DATA**

**Address:** 4715 Hermantown Road

**Comprehensive Plan:** Concept Area 1: Maintain Suburban Character, Preserve Critical Natural Features, Phase Residential Development, Develop Existing and New Park Areas

**Zoning:** R-3, Residential

**Lot Size:** 5 acres

**Wetlands:** No

**Shoreland Overlay:** Yes, Natural Environment Shoreland Area

**Airport Zoning:** None

**DESCRIPTION OF REQUEST:**

Requested is the proposed change to the Hermantown Zoning Map by rezoning 4715 Hermantown Road (395-0010-06990) from R-3, Residential to C, Commercial. The purpose of the rezoning is to create a commercial zoning corridor from the Hermantown Road/Haines Road intersection to the western property line of the former Engwall’s Florist site.

**BACKGROUND:**

In response to the P&R Development LLC request to rezone the former Engwall’s property from R-3, Residential to C, Commercial zoning district, City staff contacted Salem Lutheran Church to ascertain if they were receptive to a rezoning of their property.

The property is bordered by the R-3, Residential zoning district to the north, south and west. There is a C, Commercial zoning district located to the east at the intersection of Hermantown Road and Haines Road.

The properties at 4770 and 4776 Hermantown Road are both zoned R-3, Residential, however each property is utilized in a more commercial manner. 4770 Hermantown Road is a Kidz Kollege learning Center (daycare) and 4776 Hermantown Road houses an antique and estate treasures business. The Keene Creek townhome development is also located on the south side of Hermantown Road in close proximity of the subject parcels.

The rezoning of this property would allow for the creation of a commercial zoning corridor from the Hermantown Road/Haines Road intersection to the western property line of the former Engwall’s Florist site. Future rezonings of 4770 and 4776 Hermantown Road may be contemplated in the future.

**Utilities**

The church is currently served by City utilities. There are no anticipated changes to the property.

**Wetlands**

The National Wetland Inventory shows the potential presence of wetlands on the NW corner of the property. However, there is no site work being contemplated at this time.

**Zoning**

The property is the location of the Salem Lutheran Church. In addition to the church, there is a daycare which operates on the premise as well as a catering business. All of these uses are permitted within the C, Commercial zoning district and would be allowed to continue to operate as-is.

Dimensional standards would change as follows:

<b>Dimensional Standards</b>	<b>R-3</b>	<b>C</b>
<b>Height</b>	35 feet	65 feet
<b>Setbacks</b>		
<i>Front</i>	50 feet	35 feet
<i>Side (abutting street)</i>	10 feet	35 feet
<i>Side</i>	10 foot minimum, 25 foot aggregate	10 feet
<i>Rear</i>	40 feet	40 feet
<b>Minimum lot area</b>	½ acre	none
<b>Minimum lot width</b>	100 feet	none
<b>Maximum lot coverage</b>	35%	50%

**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:**

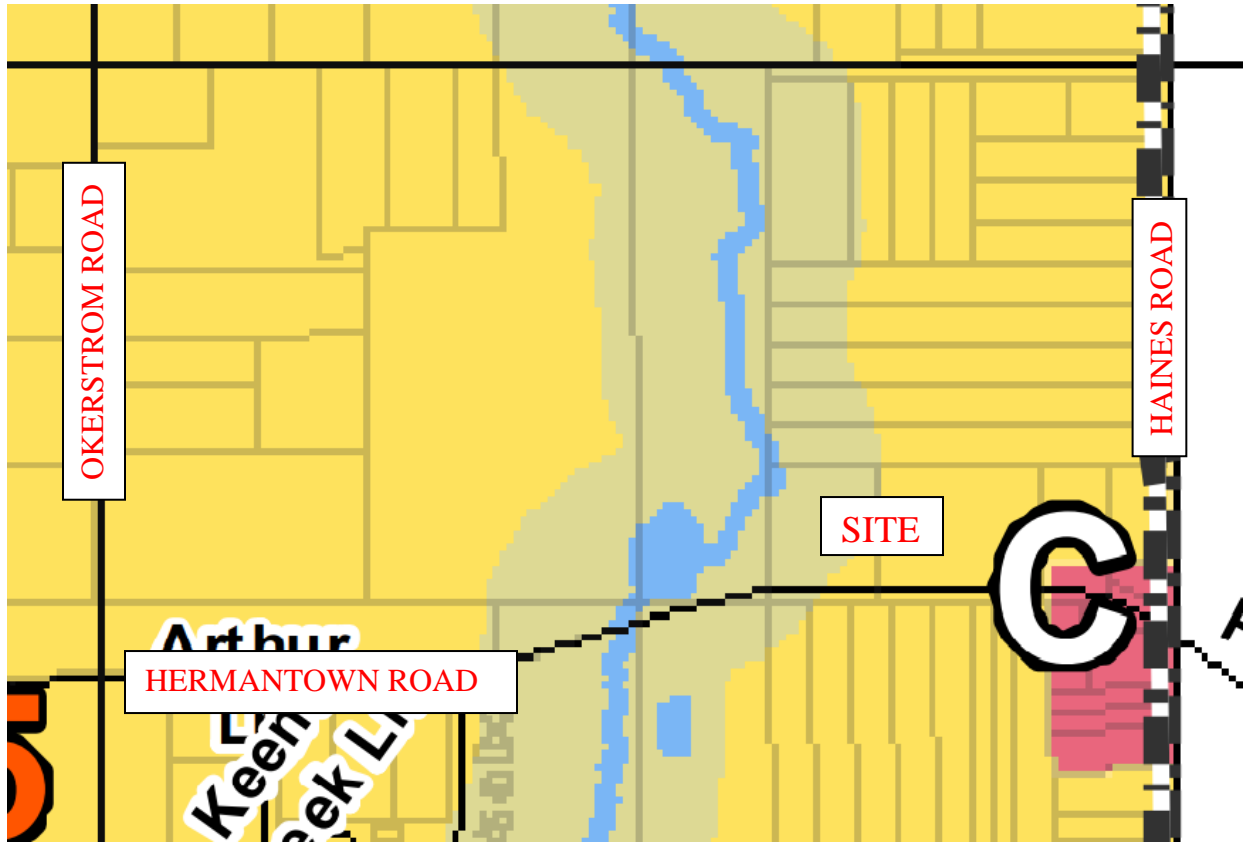
The proposed rezoning meets the criteria of the Comprehensive Plan and the overall goals and policies of the Zoning Ordinance. Staff recommends approval of the rezoning based on the following findings:

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. C, Commercial is compatible with the surrounding uses as it mirrors the commercial character of abutting properties and development of the site could be complementary to the area.
3. C, Commercial zoned property is located to the east and is associated with the Accurate Auto Repair business at the Hermantown Road/Haines Road intersection.

#### **ATTACHMENTS**

- Location Map
- Existing Zoning Map
- Proposed Zoning Map

# Existing Zoning Map



## 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

Location Map



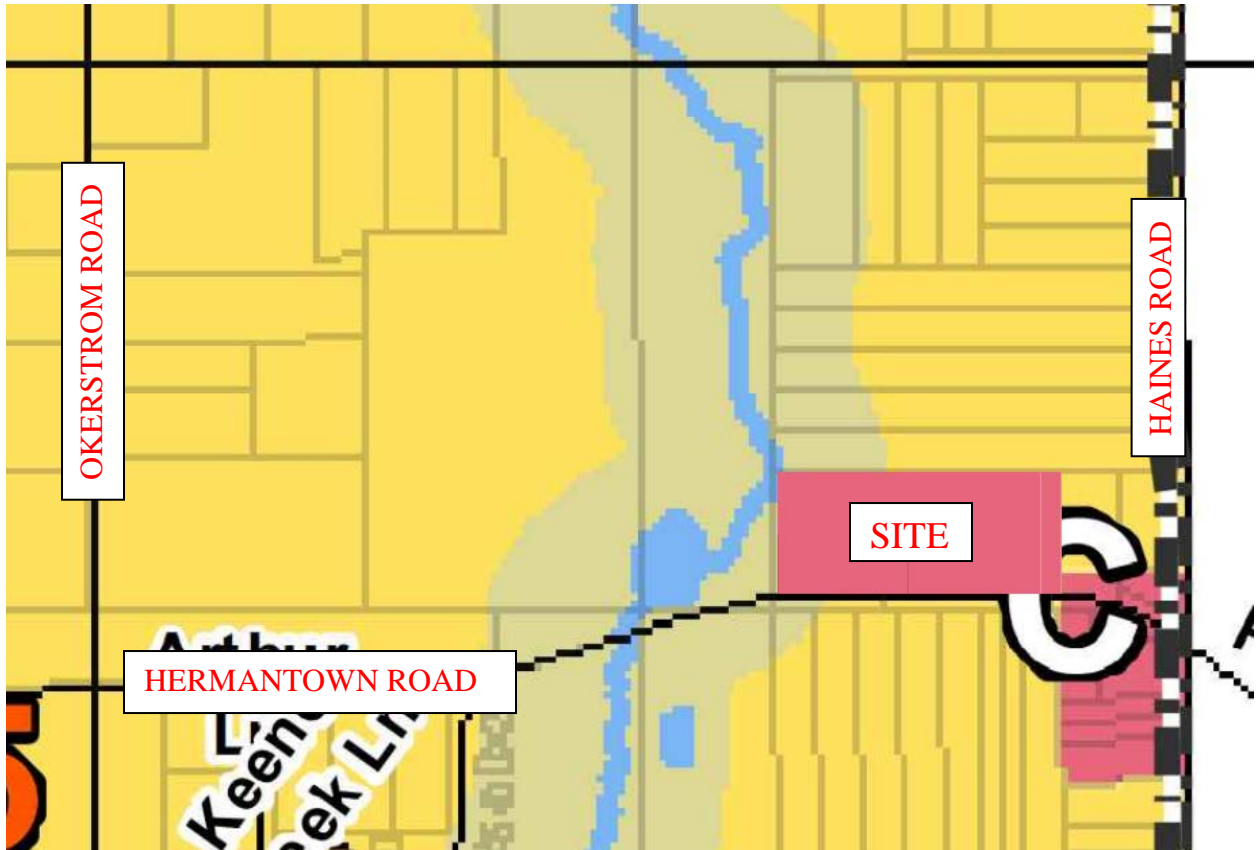
OKERSTROM ROAD

HERMANTOWN ROAD

HAINES ROAD

SITE

# Proposed Zoning Map



## Hermantown Zoning Districts

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