



## **Hermantown Planning & Zoning Meeting – September 20, 2022**

Because of attendance limitations at the regular meeting location due to the health pandemic, Hermantown's September 20, 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*  
September 20, 2022  
7:00 PM

- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES**
  - 3A. August 16, 2022 regular meeting.
- 4. PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.
- 5. PUBLIC HEARINGS**
  - 5A. An application by Bluemoon Properties/Robb Stauber for a Subdivision to create a 135-foot-wide parcel of 1.0 acres and a 3.89-acre lot accessed by way of a flag lot of 31.75-foot width at 5140 Morris Thomas Road. The property is located in an R-3 zoning district.
  - 5B. An application by Soumis Construction Inc. for a Special Use Permit for the construction of a twinhome/duplex at 373x Stebner Road. The property is located in a R-3 Residential zoning district.
  - 5C. An application by Titan Premier LLC for a preliminary and final plat for the subdivision of 25 acres into 4 lots. The property is located at 5639 Maple Grove Road and is located in a S-1 Residential zoning district.
  - 5D. An application by Bethany Cemetery Association for a rezoning of an 8.1-acre parcel located at 4938 Hermantown Road. The parcel is currently zoned P, Public with a proposed rezoning to R-3, Residential
- 6. CONTINUING BUSINESS**
- 7. NEW BUSINESS**
- 8. COMMUNICATIONS**
  - 22-94 Logged Correspondence
- 9. COMMISSION MEMBER REPORTS**

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

PLANNING & ZONING COMMISSION  
September 20, 2022  
**ADJOURN**

CITY OF HERMANTOWN  
PLANNING & ZONING COMMISSION  
August 16, 2022 Meeting Summary  
7:00 PM

**1. ROLL CALL**

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

Members Absent:

Others Present: Eric Johnson, Community Development Director; Edstrom's, 5195 Miller Trunk Hwy.; Parker Hemmingsen, 400 W Front St., Albert Lea, MN; Myrna & Ralph Johnson, 4774 Anderson Rd.; Peggy Harri, 3773 Keene Creek Ln.; Kevin Shea, 4777 Anderson Rd.; Dave & May Miller, 4793 Anderson Rd.; Paul & Tammy Johnson, 3884 Okerstrom Rd.; Dianne Wentz, 4269 Keene Creek Ct.; Jan Dorvinen, 4755 Keene Creek Ct.; Lynn Tracey, 3919 Getchell Rd.; Jerry Reno, 3919 Getchell Rd.; Steve & Hayne Saarela, 58XX Highway 194; David Manderfeld, 4780 Hermantown Rd.; Alex Bushey, 800 B W Railroad St.; Tammy Johnson, 3884 Okerstrom Rd.; Pete Pavlovich, 3979 Sangstrom Rd.; Jim & Vivian Gangl, 3783 Keene Creek Ln.; and Diane Langlee, 3719 Keene Creek Ln.

**2. APPROVAL OF AGENDA**

Motion made by Corey Kolquist to approve the August 16, 2022 agenda as presented. Seconded by Buckley Simmons. Motion carried.

**3. APPROVAL OF MINUTES**

Motion made by Dante Tomassoni to approve the July 19, 2022 minutes as presented. Seconded by Valerie Ouellette. Motion carried.

**4. PUBLIC DISCUSSION**

None.

**5. PUBLIC HEARING**

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.

Eric Johnson, Community Development Director, presented the proposed subdivision to the members. 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.

Lynn Tracey, 3919 Getchell Rd., stated that the existing home does have city water and sewer services.

Motion made by Samuel Clark to approve the application by 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. Seconded Valerie Ouellette. Motion carried 7 to 0.

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.

Eric informed the commission members of the application of Steven Saarela, who is requesting approval of a Special Use Permit 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.

Steven Saarela, 6038 Charles Rd., Saginaw, stated the building is for personal use only.

Motion made by Corey Kolquist to approve the application by Steven Saarela for the construction of a 2,520 square foot garage (accessory structure) at 58xx Highway 194. Seconded Beth Wentzlaff. Motion carried 7 to 0.

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.

Eric advised the members that the applicant has applied for a Commercial Industrial Development Permit (CIDP) to develop an existing 8.8-acre site located at 519x Miller Trunk Highway (395-0010-00575).

The applicant, Philip Nyhusmoen, 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.

Eric has been notified by the applicant that a wetland delineator has been on the proposed site, and that the applicant has revised the site plan to reflect 24 parking spaces instead of the 12 originally indicated in the staff report.

Philip Nyhusmoen spoke to the commission regarding the newly updated site plan, which completely avoids any wetlands on the property.

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

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.

Item 5D was withdrawn from the Agenda.

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.

Eric apprised the commission members that the applicant, P&R Development, LLC, is requesting a 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 multi-family housing project on the southern portion of the property.

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 commission previously approved a Planned Unit Development (PUD), which will not be affected by this rezoning.

Corey Kolquist asked what is the City's viewpoint when it comes to spot zoning.

Eric stated that under the comprehensive plan, City staff will be looking at the rezoning issue over the entire area as a whole, at a future date. Discussions with the City Attorney have indicated other communities have encountered challenges with spot zoning and that none of those have held up in court.

Corey also asked what would happen if the commission approved the zoning change and P&R Development pulled out of the project, you could have bars, restaurants, etc. on the site.

Eric stated that was correct as the zoning would be C, Commercial.

Samuel Clark does not agree with the City staff's recommendation to approve the rezoning under the comprehensive plan. He believes it doesn't maintain suburban natural characteristics, nor does it develop new or existing park. He stated that doing a small area plan before doing a rezoning of this size would be a good approach.

Pete Pavlovich, 3979 Sangstrom Rd., stated that rezoning this property to commercial makes this project a small footprint to make the economics work, as well as the height being able to also leave a small footprint.

The following residents spoke about their concerns regarding this project. The main issues were, maintain the suburban character; keeping Hermantown's small-town community feel; when property turns into commercial developments, the residential properties become degraded; concern of a 60 ft. apartment complex in a resident's back yard; putting together a referendum or survey to see what the residents of Hermantown want; this building will give its residents an opportunity to be part of this tight-knit community; the larger issue being the stretching of the R3 zoning; impact on Keene Creek; and looking for more of a commitment or concrete plan from the developer.

Kevin Shea, 4777 Anderson Rd.  
David Manderfeld, 4780 Hermantown Rd.  
Dave Miller, 4793 Anderson Rd.  
Tammy Johnson, 3883 Okerstrom Rd.  
Myrna Johnson, 4774 Anderson Rd.  
Alex Bushey, 800B W Railroad St.  
Mary Miller, 4793 Anderson Rd.  
Dave Allison, 3735 Keene Creek Ln.  
Diane Langlee, 3719 Keene Creek Ln.  
Justin Seitz, 4740 Hermantown Rd. (online)

Beth Wentzlaff commented that she is really excited about the new Comprehensive Plan and she believes there is room for trying to develop a little more commercial and trying to hone in on getting a grasp for the City for the future. Because of that, she believes this rezoning is premature.

Valerie Ouellette believes that the commission should wait on this rezoning until the Comprehensive Plan is completed.

Motion made by Samuel Clark to recommend the denial of the 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. Seconded Beth Wentzlaff. Dante Tomassoni recused himself. Motion carried 6 to 0.

**6. CONTINUING BUSINESS**

None.

**7. NEW BUSINESS**

None.

**8. COMMUNICATIONS**

None.

**9. COMMISSION MEMBER REPORTS**

Joe Peterson – None

Corey Kolquist – None

Valerie Ouellette – None

Samuel Clark – None

Beth Wentzlaff – None

Buckley Simmons – None

Dante Tomassoni – None

John Geissler – Community Recreational Initiative (CRI) information shared with members

**ADJOURN**

Motion made by Samuel Clark to adjourn the meeting. Seconded by Valerie Ouellette. Meeting adjourned at 8:25 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:** Bluemoon Properties/Robb Stauber  
**Case No.:** 2022-53-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 applicant owns a five acre property at 5140 Morris Thomas Road, one-quarter mile west of Lavaque Road with a lot frontage of 166'. A single family house and three accessory buildings are located on the property.

The applicant proposes to create a new flag lot along the western border of the existing property. The applicant is proposing a 31.75 foot 'pole/driveway' connection to Morris Thomas Road for a distance of 375 feet with the 'flag' portion of the lot being approximately 166' x 945'. The proposed lot sizes for the two total parcels are:

Parcel A: 135' x 375' / 50,625 sf. or 1.16 acres  
Parcel B: 31.75 x 375' and 166' x 945' / 185,454 or 3.89 acres

The applicant intends to construct a new single-family home on the new parcel and then sell or rent the existing home upon completion of the new residence. This parcel had been previously approved for a flag lot subdivision in 2020, however the property owner at that time did not finalize the split. The property has since been sold with the new owner seeking a flag lot subdivision.

**SITE INFORMATION:**

**Parcel Size:** 5.0 acres  
**Legal Access:** Morris Thomas Road  
**Wetlands:** Yes, at south end of property – N/A  
**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 sewer. The new flag lot will also utilize City sanitary sewer and water services and will be required to pay the associated sewer assessment and City and WLSSD hookup and availability fees.

City wetland inventory maps indicate the potential of a 20,000 square foot wetland area approximately 900’ south of Morris Thomas Road. This potential wetland area is not within the proposed building pad area.

## **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 166’ 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 375’ 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 31.75’ 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 3.61 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 # 395-0012-00150.
- 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 backside of the parcel abuts Wagner Road and the creation of a flag lot would not hinder development in this area.

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 166' by 945' flag lot with a 31.75' by 375' pole abutting Morris Thomas 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 hookup and availability 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.

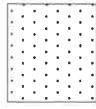
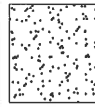















**ATTACHMENTS**

- Location Map
- Proposed Survey and Legal Descriptions

**Location Map**



**LEGEND**

-  BITUMINOUS SURFACE
-  GRAVEL SURFACE
-  EXISTING BUILDINGS
-  FENCE LINE
-  OVERHEAD UTILITIES
-  SECTION SUBDIVISION LINE
-  RIGHT OF WAY LINE
-  BOUNDARY LINE AS SURVEYED
-  PROPOSED PARCEL LINE
-  EXISTING PARCEL LINE
-  PROPANE TANK
-  GUY ANCHOR
-  UTILITY POLE
-  MISC MANHOLE
-  CAST IRON MON
-  CAPPED REBAR RLS. NO. 49505
-  SET CAPPED REBAR RLS. NO. 49505

**PARENT LEGAL DESCRIPTION PER DOCUMENT NO. 1024784**

East One-half of West One-half of Northeast Quarter of Northeast Quarter (E1/2 of W1/2 of NE1/4 of NE1/4), of Section Thirty-four (34), in Township Fifty (50) North of Range Fifteen (15) West of the Fourth Principal Meridian, St. Louis County, Minnesota.

**LEGAL DESCRIPTION OF PARCEL A**

The East 135.00 feet of the North 375.00 feet of the East One-half of West One-half of Northeast Quarter of Northeast Quarter (E1/2 of W1/2 of NE1/4 of NE1/4), of Section Thirty-four (34), in Township Fifty (50) North of Range Fifteen (15) West of the Fourth Principal Meridian, St. Louis County, Minnesota.

Said parcel contains 50,625 square feet or 1.16 acres.

**LEGAL DESCRIPTION OF PARCEL B**

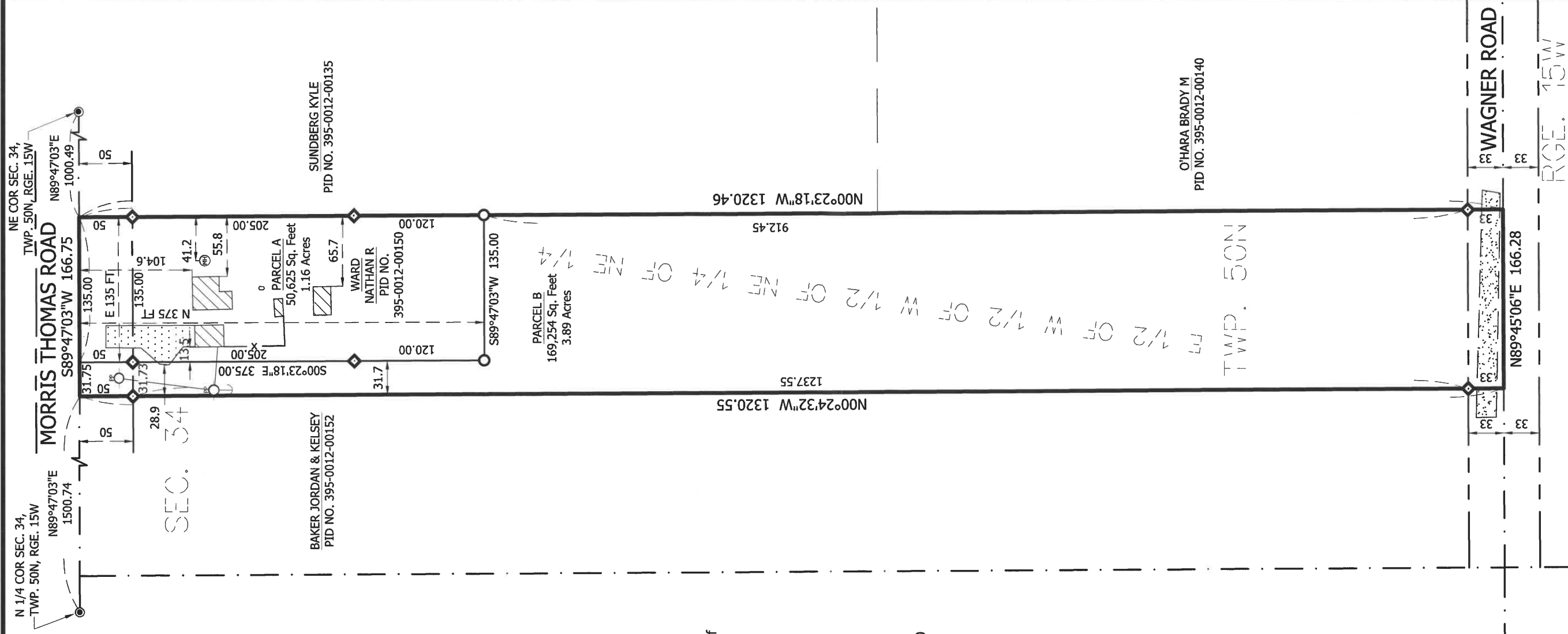
The East One-half of West One-half of Northeast Quarter of Northeast Quarter (E1/2 of W1/2 of NE1/4 of NE1/4), of Section Thirty-four (34), in Township Fifty (50) North of Range Fifteen (15) West of the Fourth Principal Meridian, St. Louis County, Minnesota, EXCEPT the East 135.00 feet of the North 375.00 feet thereof.

Said parcel contains 169,254 square feet or 3.89 acres.



**SURVEYORS NOTES**

- NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
- BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.



**CERTIFICATE OF SURVEY**

CLIENT: ROBB STAUBER REVISIONS:

ADDRESS: 5140 MORRIS THOMAS ROAD  
HERMANTOWN, MN 55811

DATE: 08-18-2022 JOB NO: 18-087A SHEET 1 OF 1



I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*David R. Evanson*  
David R. Evanson  
MN License #49505  
DATE: 08-18-2022















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**5B. 373x Stebner Road– Special Use Permit - Construction of a two-family residential structure in a R-3, Residential Zoning District**

<b><u>Applicant:</u></b>	Soumis Construction, Inc
<b><u>Case No.:</u></b>	2022-54 SUP
<b><u>Staff Contact:</u></b>	Eric Johnson, Community Development Director
<b><u>Request:</u></b>	Issue a special use permit for construction of a two-family residential structure in a R-3, Residential District

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**RECOMMENDED ACTION:**

Approve a Special Use Permit for construction of a two-family residential structure in a R-3, Residential zoning district.

**DESCRIPTION OF REQUEST:**

The applicant (Soumis Construction, Inc.) requests a special use permit to construct a two-family dwelling unit in an R-3 Residential zone.

**SITE INFORMATION:**

<b>Parcel Size:</b>	1.5 acres
<b>Legal Access:</b>	373x Stebner Road
<b>Wetlands:</b>	Yes, in process
<b>Existing Zoning:</b>	R-3, Residential
<b>Airport Overlay:</b>	N/A
<b>Shoreland Overlay:</b>	No
<b>Comprehensive Plan:</b>	Residential

**BACKGROUND**

The applicant purchased the property located at 373x Stebner Road along with abutting land to the north for the purpose of reconfiguring the property lines in order to create a 0.6 acre single family home lot and a 1.5 acre two family home lot. The properties are both zoned R-3, Residential. The property consisting of the proposed two family structure is 1.5 acres in size with a wetland located along the front 150 feet abutting Stebner Road.

**ZONING ANALYSIS**

Two-family dwellings are allowed by Special Use Permit (SUP) in the R-3 – Residential Zoning District. There are specific conditions which apply to two-family dwellings in addition to the standard regulations in the zoning district. The existing property meets the minimum lot dimensions associated with the construction of a two-family dwelling.

Table 1. Twin Home Requirements	Requirement	Provided
Minimum lot area	1.0 acre	1.5 acre
Minimum lot width	150 feet	176 feet
Minimum depth of front yard	50 feet	50 feet minimum
Minimum side yard	40 feet	40 feet minimum
Minimum distance from nearest condominiums, town homes, two-family dwellings	200 feet	Greater than 200 feet.
Minimum living area per unit	792 sq. ft.	1,640 sq. ft.

### Utilities

There are existing water and sanitary sewer service in Stebner Road. The applicant is required to provide new lateral residential connections to the proposed two-family structure and future single family lot as well as being responsible for any connection or availability fees.

### Wetlands

A wetland delineation is scheduled for late September. The National Wetland Inventory (NWI) shows the potential presence of a wetland along the 150 feet abutting Stebner Road. This potential wetland runs the length of the property with potential upland building area on the eastern 160 feet. The applicant will be required to finalize the wetland delineation and apply for any impacts prior to the issuance of any building permits.

### Special Use Permit

The Special Use Permit is for construction of a two-family residential structure in a R-3, Residential zoning district. Staff finds the following in regard to the criteria for Special Use Permits in the Zoning Ordinance:

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

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

The proposed use is compatible with development within the vicinity which is characterized by low and medium density residential and residential compatible uses.

- 2. The proposed use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the proposed development;**

The proposed use will not interfere with the use and enjoyment of surrounding properties which consists of low density residential. The property and setbacks are of sufficient size to not interfere with neighboring properties.

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

The property is in an area marked for residential development in the Comprehensive Plan. A two-family home is consistent with the density and purpose of the R-3 – Residential zoning district.

**4. The proposed use will not result in a random pattern of development with little contiguity to existing programmed development and will not cause negative fiscal and environmental effects upon the community.**

The proposed use is similar to uses of nearby properties in density and style.

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

The project will meet requirements for minimum distance from other two-family dwellings and minimum living area per unit. Refer to Table 1 for specifics of the zoning analysis.

**Findings of Fact and Recommendations**

Staff recommends approval of the special use application to construct a two-family dwelling subject to the following:

1. The applicant shall connect to public sewer and water services at their own cost and be responsible for any connection or availability fees.
2. Prior to issuance of a building permit, the applicant will submit a site plan showing the lot dimensions and location of the two-family residence relative to the side lot lines.
3. 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.
4. Prior to issuance of a building permit, all necessary permits shall be obtained.
5. Prior to the issuance of a building permit, the applicant is to submit an application for a wetland delineation and impacts for review and approval by the Hermantown Technical Evaluation Panel.
6. The applicant shall sign a consent form assenting to all conditions of this approval.
7. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

## **ATTACHMENTS**

- Location Map
- Proposed Site Plan
- Proposed Floor Plan
- Proposed Building Elevation





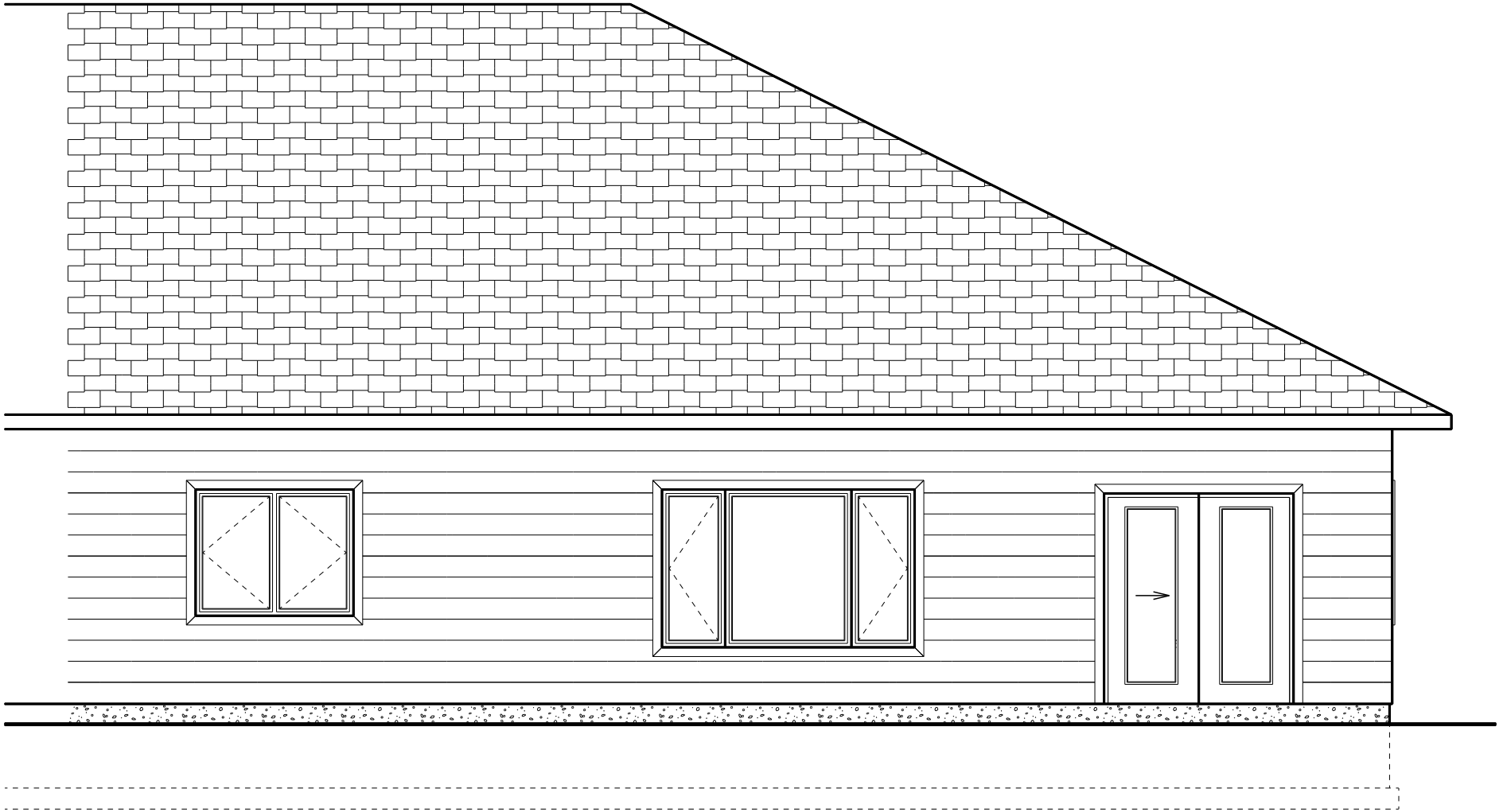




NORTH ELEVATION



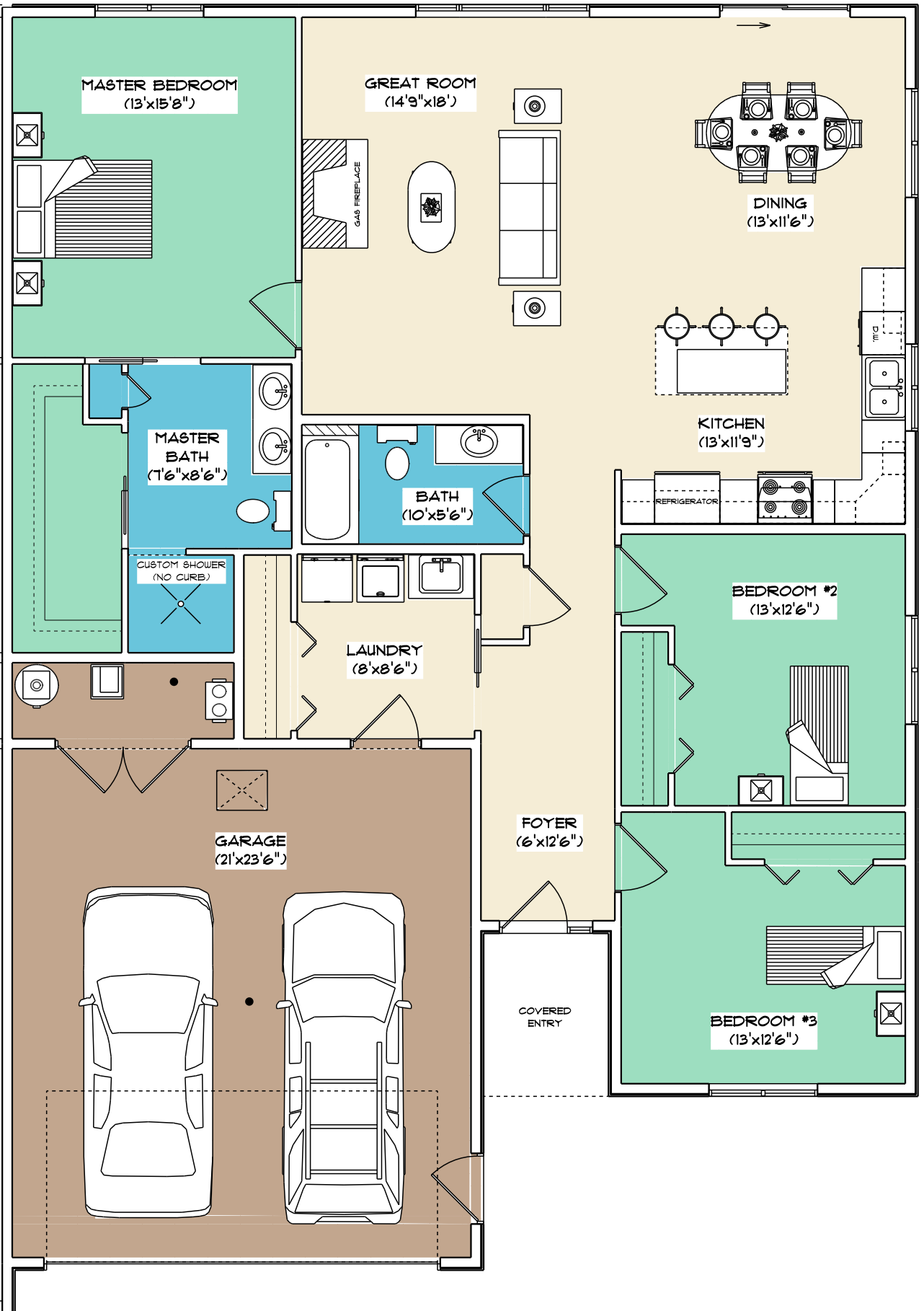
EAST ELEVATION

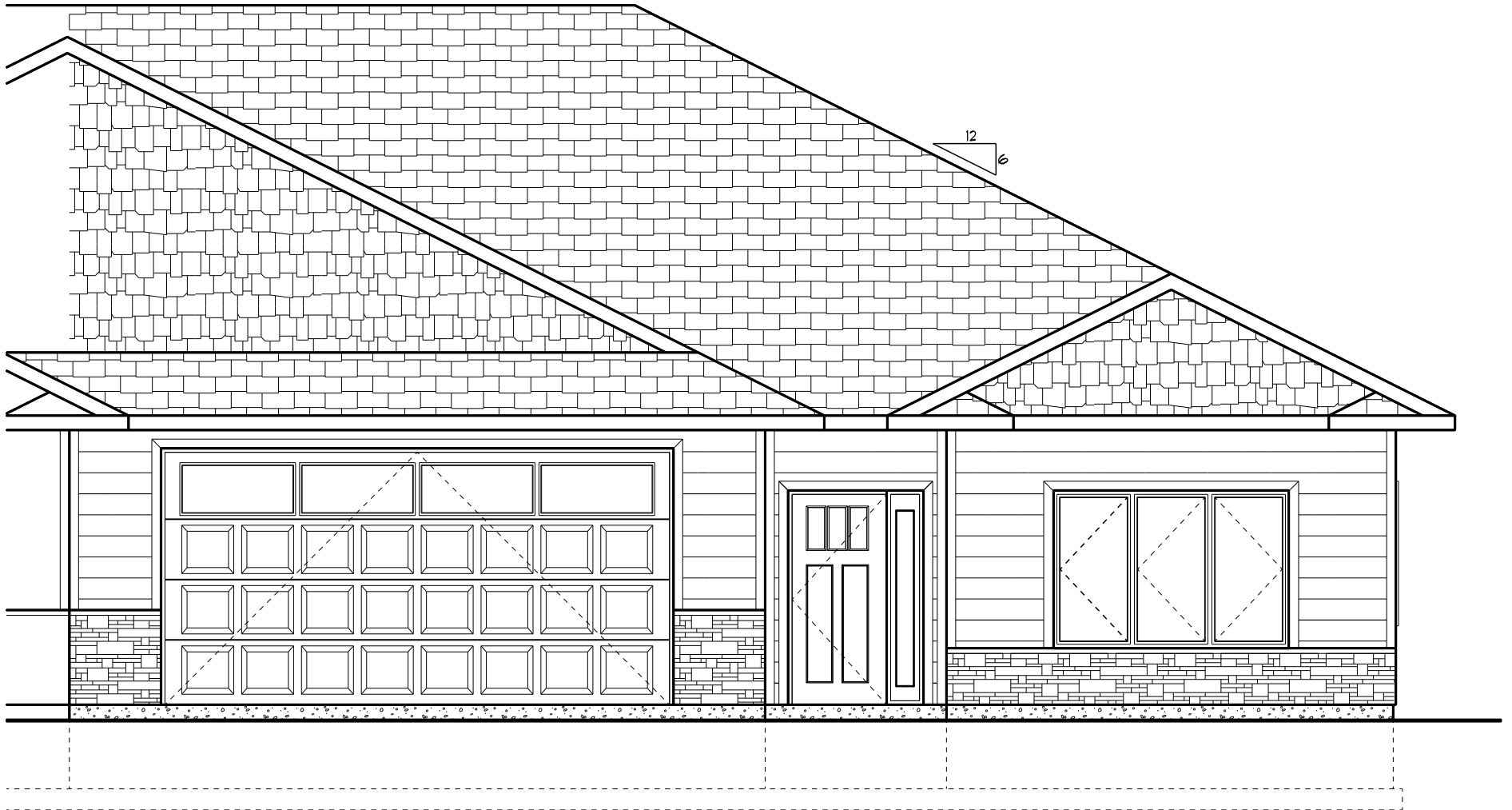


SOUTH ELEVATION

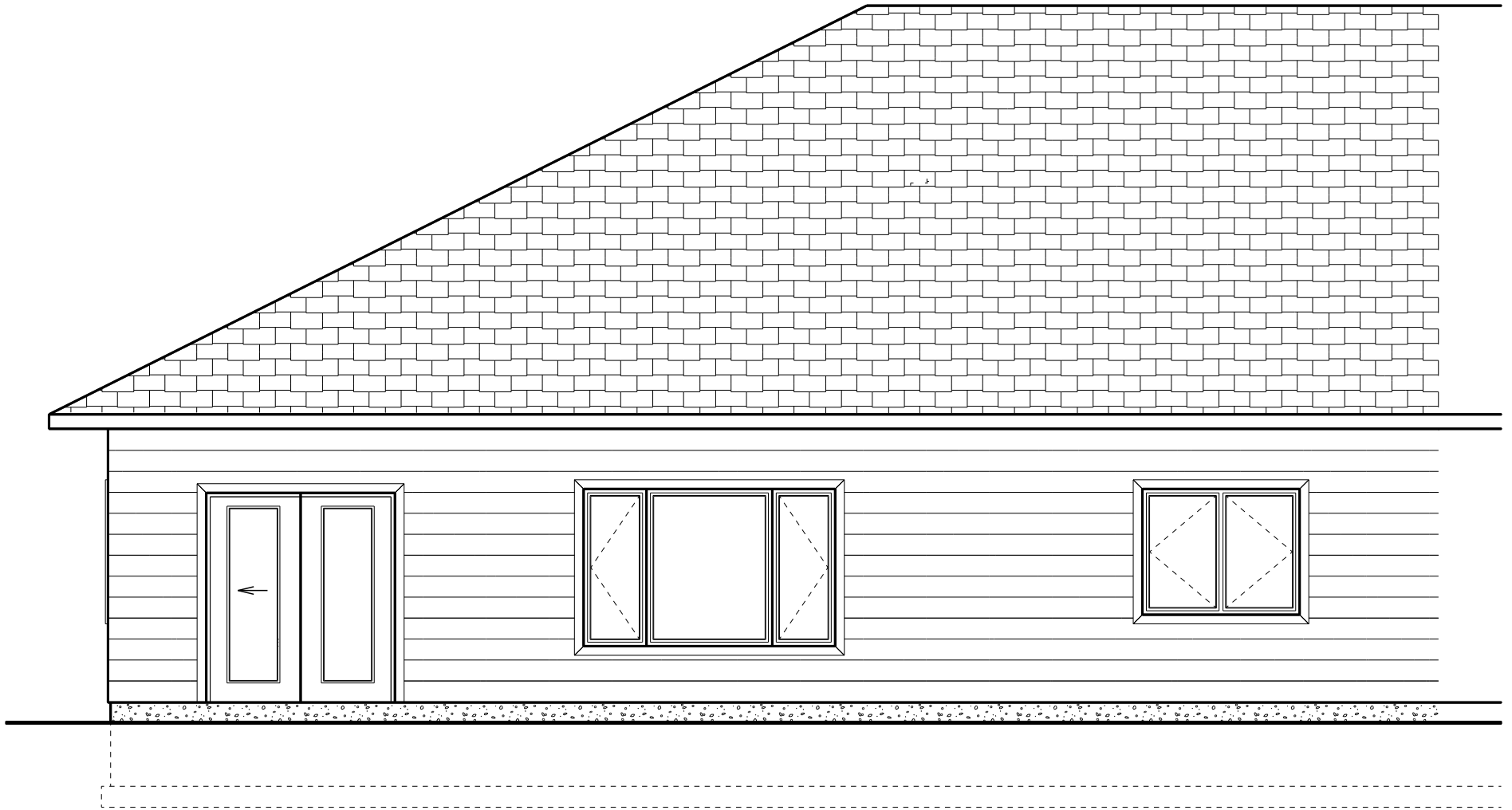
**Location Map**







NORTH ELEVATION

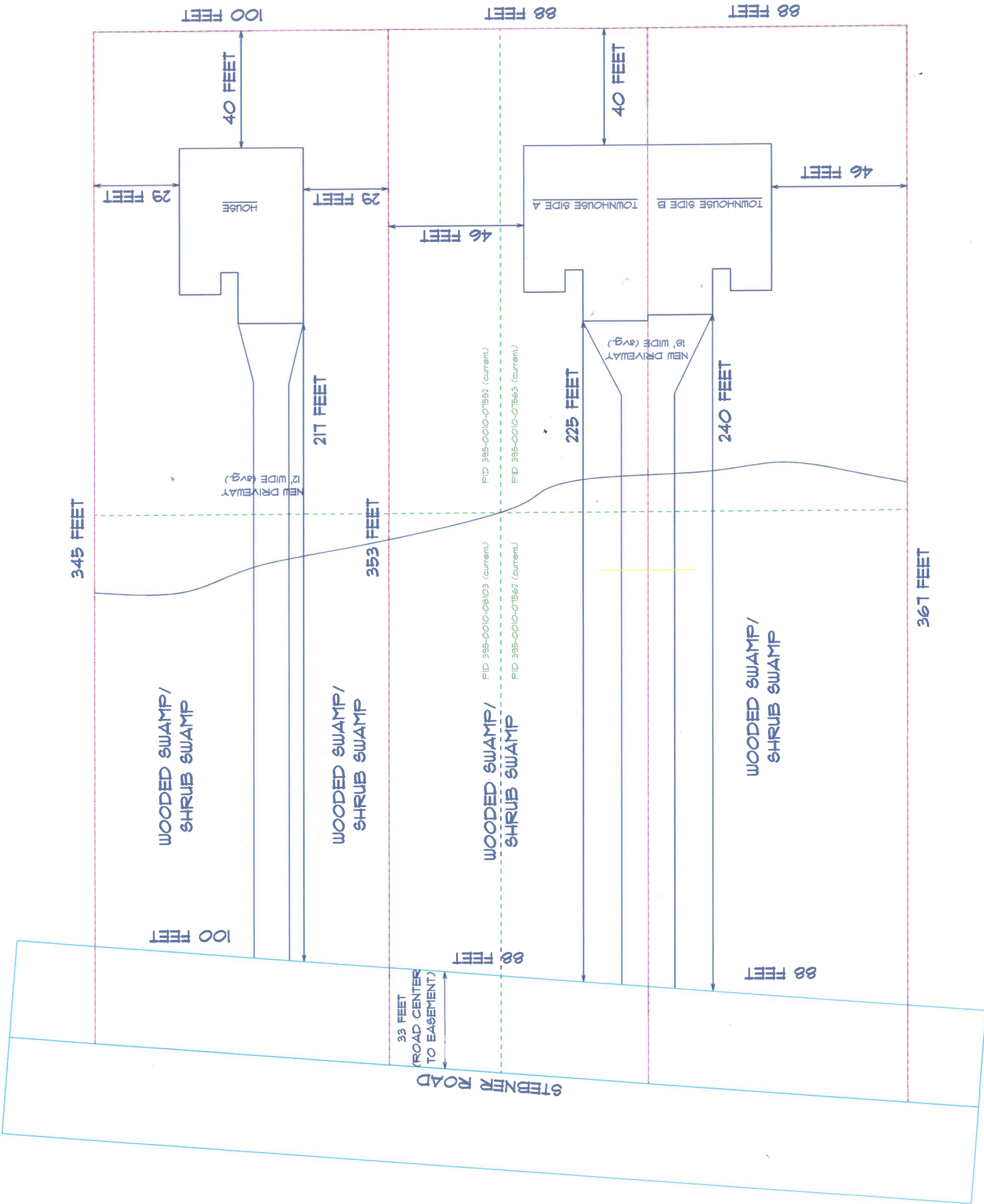


SOUTH ELEVATION



WEST ELEVATION





# MAPLE GROVE HOMESITES

LOCATED IN PART THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 50 NORTH, RANGE 15 WEST OF THE FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA

KNOW ALL PERSONS BY THESE PRESENTS: That Titan Premier, LLC, a Texas limited liability company, owner of the following described property:

Certificate of Title 354184

SE1/4 of SW1/4 Section 17 Township 50 North of Range 15 West of the Fourth Principal Meridian, EXCEPT the W'ly 260 feet thereof, AND FURTHER EXCEPTING the N'ly 293 feet lying E'ly of the W'ly 260 feet thereof.

Has caused the same to be surveyed and platted as MAPLE GROVE HOMESITES and does hereby dedicate to the public for public use the public way(s) and/or the drainage and utility easement(s) as created by this plat.

In witness whereof said Titan Premier, LLC, a Texas limited liability company, have hereunto set their hand this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Kevin Kuklis, Member

STATE OF MINNESOTA  
COUNTY OF ST. LOUIS

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by Kevin Kuklis.

Notary Public, \_\_\_\_\_ County, \_\_\_\_\_ State  
My Commission Expires \_\_\_\_\_

I, David R. Evanson, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

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

David R. Evanson, Licensed Land Surveyor  
Minnesota License Number 49505

STATE OF MINNESOTA  
COUNTY OF ST. LOUIS

The foregoing Surveyor's Certificate was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by David R. Evanson, Minnesota License Number 49505.

Notary Public, St. Louis County, Minnesota  
My Commission Expires \_\_\_\_\_

CITY OF HERMANTOWN PLANNING COMMISSION

We do hereby certify that on the \_\_\_\_\_th day of \_\_\_\_\_, 2022 the City Council of Hermantown, Minnesota has approved MAPLE GROVE HOMESITES.

Mayor, City of Hermantown \_\_\_\_\_ City Clerk, City of Hermantown \_\_\_\_\_

ST. LOUIS COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Nick C. Stewart  
County Surveyor \_\_\_\_\_ Deputy \_\_\_\_\_

ST. LOUIS COUNTY AUDITOR

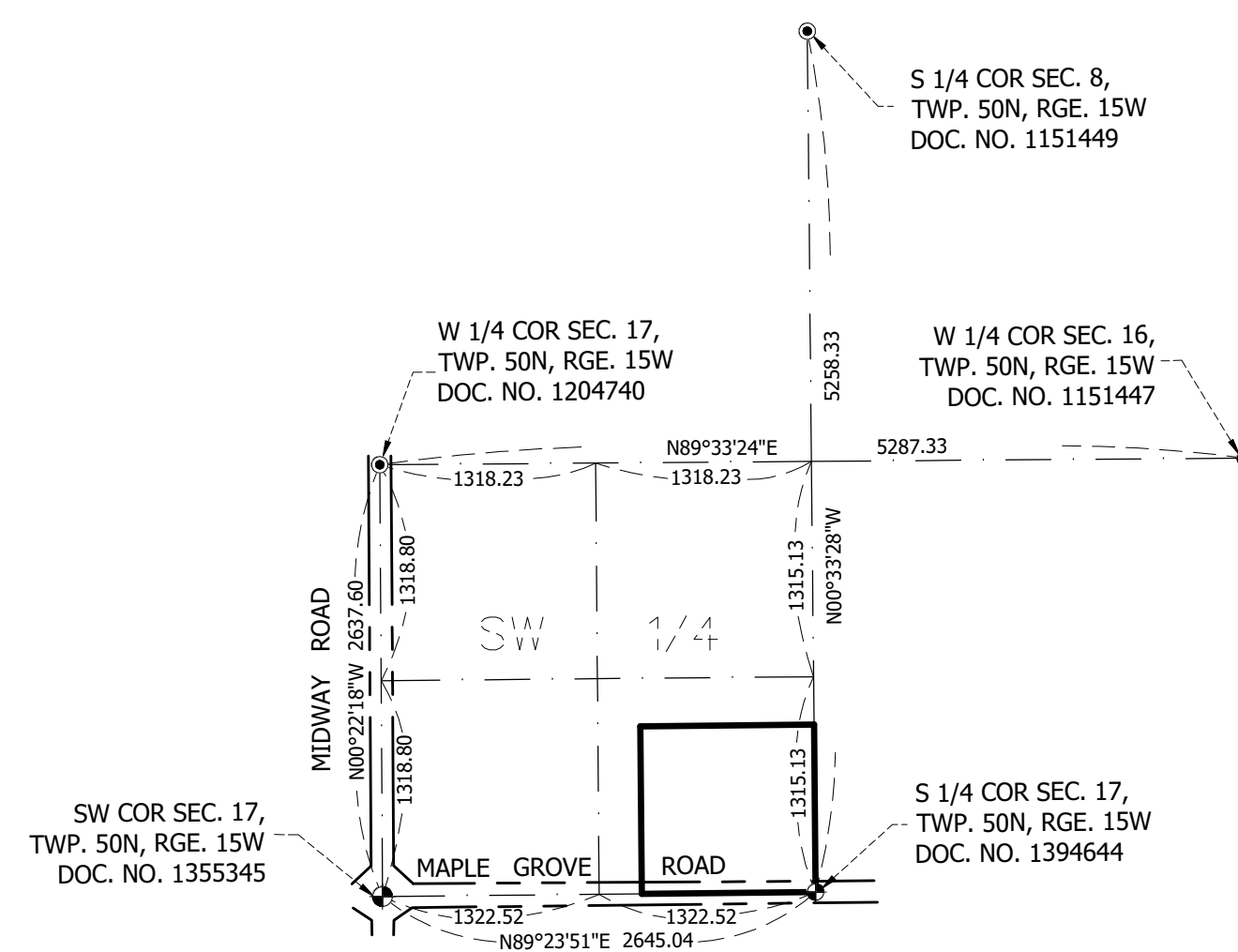
Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and to Minnesota Statutes, Section 272.12, taxes payable in the year 20\_\_\_\_ on the land hereinbefore described have been paid; there are no delinquent taxes and transfer entered this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Nancy Nilsen  
County Auditor \_\_\_\_\_ Deputy \_\_\_\_\_

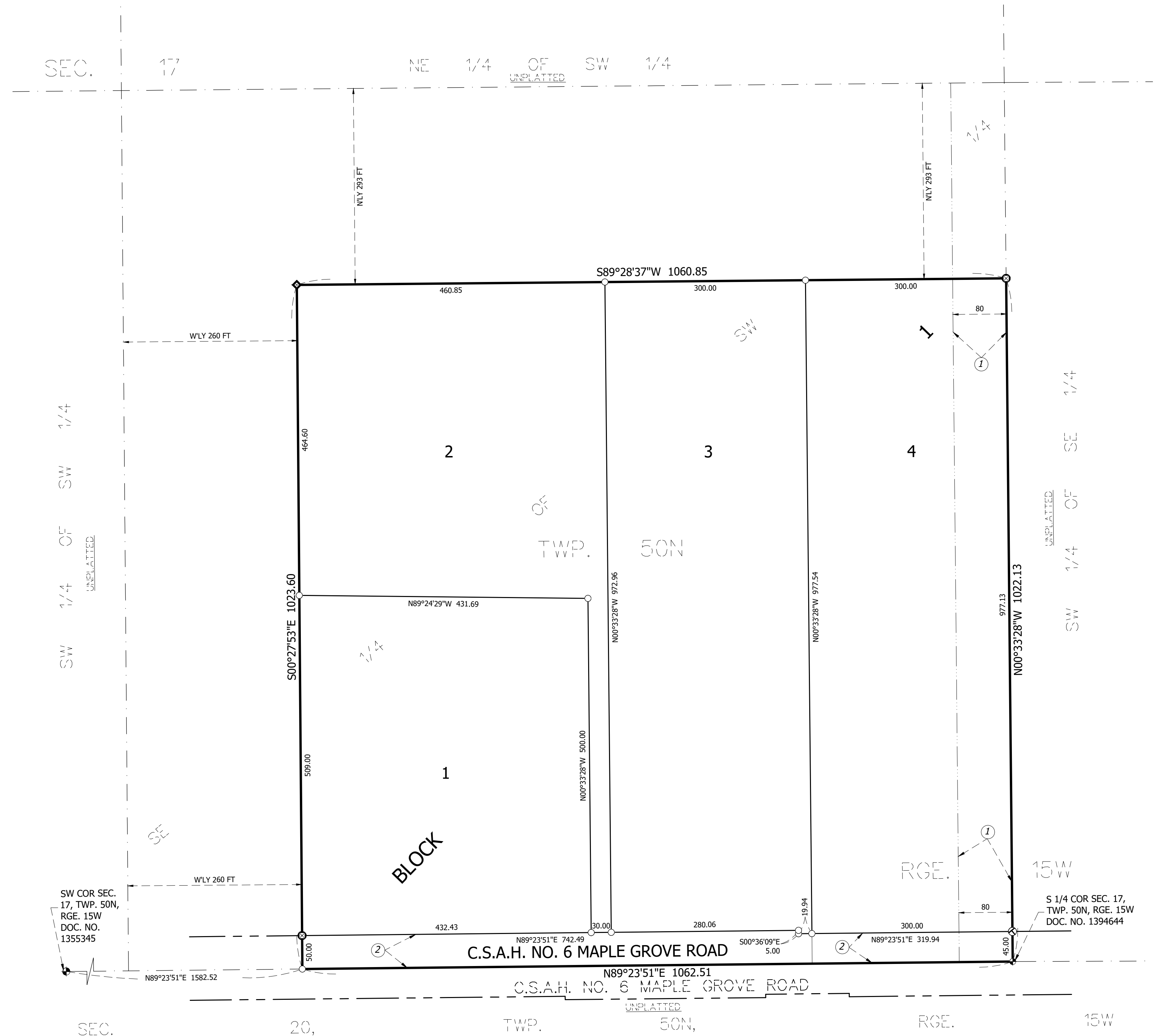
ST. LOUIS COUNTY REGISTRAR OF TITLES

I hereby certify that this plat of MAPLE GROVE HOMESITES was filed in this office of the Registrar of Titles for public record on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., as Document No. \_\_\_\_\_ affecting Certificate(s) of Title No. 354184

Wendy Levitt  
Registrar of Titles \_\_\_\_\_ Deputy \_\_\_\_\_



BREAKDOWN SOUTHWEST QUARTER  
SEC. 17, TWP. 50N, RGE. 15 W  
NO SCALE



**LEGEND**

	SECTION SUBDIVISION LINE
	RIGHT OF WAY LINE
	EXISTING EASEMENT LINE
	PLAT BOUNDARY LINE
	LOT LINE
	CAST IRON MONUMENT
	ALUMINUM CAPPED MONUMENT
	FOUND BRASS CAPPED MONUMENT
	FOUND T-STAKE MONUMENT RLS. NO. 13794
	FOUND CAPPED REBAR CAP ILLEGIBLE
	FOUND CAPPED REBAR RLS. NO. 49505
	SET CAPPED REBAR RLS. NO. 49505

**SURVEYOR'S NOTES**

- GAS PIPELINE EASEMENT PER BOOK NO. 1074 OF DEEDS, PAGE NO. 291. NO EASEMENT WIDTH PROVIDED IN THIS DOCUMENT. OTHER DOCUMENTATION INDICATES A POSSIBLE WIDTH OF 80 FEET WHICH APPEARS CONSISTENT WITH CURRENT USE/OCCUPATION.
- HIGHWAY EASEMENT PER DOCUMENT NO'S 604435 AND 478618.
- BEARING ARE BASED ON THE SOUTH LINE OF THE SW 1/4 OF SEC. 17, TWP. 50N, RGE. 15W, WHICH IS SAID TO HAVE A BEARING OF N89°23'51"E.



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**5C. Radar Run Subdivision – Preliminary and Final Plat**

**Applicant:** Titan Premier, LLC  
**Case No.:** 2022-14 SUB-P  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Approval of a Preliminary and Final Plat

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**DESCRIPTION OF REQUEST:**

Applicant is requesting approval of a Preliminary and Final Plat for the subdivision of a 25.0 acre parcel into 4 residential lots. The property is located at 5639 Maple Grove Road and is in a S-1 zoning district.

**SITE INFORMATION:**

**Parcel Size:** 25.0 acres  
**Legal Access:** 5639 Maple Grove Road  
**Wetlands:** None per the NWI  
**Existing Zoning:** S-1, Suburban  
**Airport Overlay:** N/A  
**Shoreland Overlay:** None  
**Comprehensive Plan:** Suburban

**Development Details**

The applicant is proposing to subdivide the two existing parcels totally 25.0 acres located at 5639 Maple Grove Road into 4 residential lots, each being a minimum of 5.0 acres in size. The proposed lots directly abut Maple Grove Road and will take access from the existing right of way/road. There is an existing garage located on the property from the previous residence which will be incorporated into one of the lots.

**Zoning Analysis:**

The property is zoned S-1, Suburban which requires a minimum of 5.0 acre lots and 300 feet of road frontage. Three of the proposed lots meet both of these requirements with the fourth lot being a flag lot which meets the minimum dimensional requirements.

**Plat**

The applicant is proposing to divide the 25.0 acre property into 4 lots. A preliminary plat has been provided as part of the application. A final plat prepared by a registered land surveyor will be required for the project.

### Utilities

These proposed lots are in a section of the City which does not have City utilities. Each lot will have its own private well and septic system and will require permit review and approval by St. Louis County.

### Stormwater

These are single family lots and as such are not required to have an additional stormwater requirements. Each lot will incur a monthly stormwater utility fee once they are developed.

### Access

The 4 lots directly abut Maple Grove Road with access being provided from the existing right of way/road.

### Wetlands

The National Wetland Inventory (NWI) does not show the potential presence of wetlands on the overall 25.0 acre site.

### Park Dedication Fees

The applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per lot/unit will be paid at the time of final Plat approval. Bedroom fees at the rate of \$150/bedroom will be paid at the time of building permit.

### **Summary**

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

1. The proposed preliminary plat meets the intent of the S-1, Suburban Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The preliminary plat is in accordance with and conformity to the Hermantown Comprehensive Plan and Hermantown Zoning Ordinance.
3. The lots will be served by private well and septic systems which will be constructed by the individual builder/homeowner. This work will require permit review and approval by St. Louis County.
4. The preliminary and final Plat hereby approved is hereby expressly subject to the following conditions:
  - a. Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
  - b. Trees and brush cannot be burned on the Land, but may be chipped and shredded.
  - c. Erosion control measures must be in place prior to any construction on the Final Plat.
  - d. The Property Owner shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.

- e. Prior to issuance of a building permit, all necessary permits shall be obtained, including, without limitation, any permits required by the Minnesota Pollution Control Agency.
5. The Applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per lot/unit will be paid at the time of final Plat approval. The applicant/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.
6. Final plat approval will be void if: (1) a final plat is not recorded with St. Louis County within one calendar year of preliminary plat approval; and (2) the City has not received and approved a written request for a time extension within one calendar year of final plat approval.
7. The title of the land underlying the plat shall be approved by the City Attorney.
8. Lots 1, 3 and 4 will meet the minimum standards for lot area (5 acres) and width (300'), all other design standards of the Hermantown Zoning Ordinance, including but not limited to:
  - a) Section 1020.02.2. Frontage. The entire required frontage of each lot must abut on a street that has been officially accepted by the City of Hermantown or other governmental body with jurisdiction over such street, except as provided for flag lots and cul-de-sacs
  - b) Section 1010.04 Flag Lots. Flag lots may be allowed in the S-1, R-1, and R-3 Zoning Districts provided that:
    - The resulting lots do not violate any provision of the Hermantown Zoning Regulations, Comprehensive Plan, or any other local ordinance.
    - The width of the flag lot at the front yard setback line must meet the lot width requirements of the Hermantown Zoning Regulations.
    - The pole portion of a flag lot shall not exceed 500 feet.
    - 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 portion of the flag lot will not be included in calculating the minimum lot area.
    - Only one flag lot may be created from an existing/mother property.
    - Must be used exclusively for single family dwelling and accessory uses.
    - The City must determine that the creation of the flag lot will not interfere with future development of roads or interior lands.
    - The City must determine that the flag lot provides adequate accessibility of emergency responders.
    - All flag lots must display an address at their closest point of access to a public street for emergency responders.
9. The Applicant shall sign a consent form assenting to all conditions of this approval.
10. The Applicant is responsible for payment of all City Engineer and City Attorney fees incurred by the City in the review and approval of the plat/project.
11. The Applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

**ATTACHMENTS:**

- Location Map
- Preliminary Plat



**Location Map**





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**5D. Zoning Map Amendment – The eastern 8.1 acres of Parcel 395-0010-07720 from P, Public to R-3, Residential**

**Applicant:** Bethany Cemetery Association  
**Case No.:** 2020-55 ZM  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Rezone the eastern 8.1 acres of Parcel 395-0010-07720 from P, Public to R-3, Residential.

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**RECOMMENDED ACTION:**

Staff recommends that the Planning Commission recommend approval of the proposed change to the Hermantown Zoning Map by rezoning the eastern 8.1 acres of Parcel 395-0010-07720 from P, Public to R-3, Residential.

**SITE DATA**

**Address:** 4938 Hermantown Road  
**Comprehensive Plan:** Concept Area 1: Maintain Suburban Character, Preserve Critical Natural Features, Phase Residential Development, Develop Existing and New Park Areas  
**Zoning:** P, Public  
**Lot Size:** 8.1 acres  
**Wetlands:** Yes, per the National Wetland Inventory  
**Shoreland Overlay:** No  
**Airport Zoning:** None

**DESCRIPTION OF REQUEST:**

Requested is the proposed change to the Hermantown Zoning Map by rezoning the eastern 8.1 acres of Parcel 395-0010-07720 from P, Public to R-3, Residential. The purpose of the rezoning is to facilitate the sale of the property for future residential development.

**BACKGROUND:**

Bethany Cemetery Association (Applicant) owns two parcels associated with the Bethany Cemetery; 395-0010-07740 and 395-0010-07720. Parcel 395-0010-07740 and the western portion of 395-0010-07720 contain the cemetery with the eastern 8.1 acres of 395-0010-07720 being vacant. The Applicant does not foresee the need for this eastern portion of land and is seeking rezoning of this portion of property in order to be marketed for residential development.



**Utilities**

There is public water and sanitary sewer within the Stebner Road right of way. Any future residential development will be required to connect to the public utilities and pay any applicable connection and availability fees.

**Wetlands**

Per the National Wetland Inventory (NWI) there is the presence of a wetland on the southern 1/3 of the property. Any proposed wetland impacts in this area of the property will require a wetland delineation for review and approval by the Hermantown Technical Evaluation Panel.

**Zoning**

Applicant is requesting a rezoning from P, Public to R-3, Residential. Applicant has stated the purpose of the rezoning is to facilitate the sale of the property for future residential development. Other than the cemetery property, the surrounding properties are zoned R-3, Residential.

Dimensional standards would change as follows:

<b>Dimensional Standards</b>	<b>P</b>	<b>R-3</b>
<b>Height</b>	50 feet	35 feet
<b>Setbacks</b>		
<i>Front</i>	35 feet	50 feet
<i>Side (abutting street)</i>	35 feet	10 feet
<i>Side</i>	15 feet	10 foot minimum, 25 foot aggregate
<i>Rear</i>	25 feet	40 feet
<b>Minimum lot area</b>	None	½ acre
<b>Minimum lot width</b>	None	100 feet
<b>Maximum lot coverage</b>	35%	35%

**Land Subdivision**

Assuming the 8.1 acre parcel is rezoned, the Applicant will submit an application for an Administrative Parcel Split. The proposed subdivision of Parcel 395-0010-07720 would create 2 parcels, with the western 8 acre portion containing the cemetery and remaining a P, Public zoning and the eastern 8.1 acres being rezoned to R-3 Residential and marketed for residential development.

**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:**

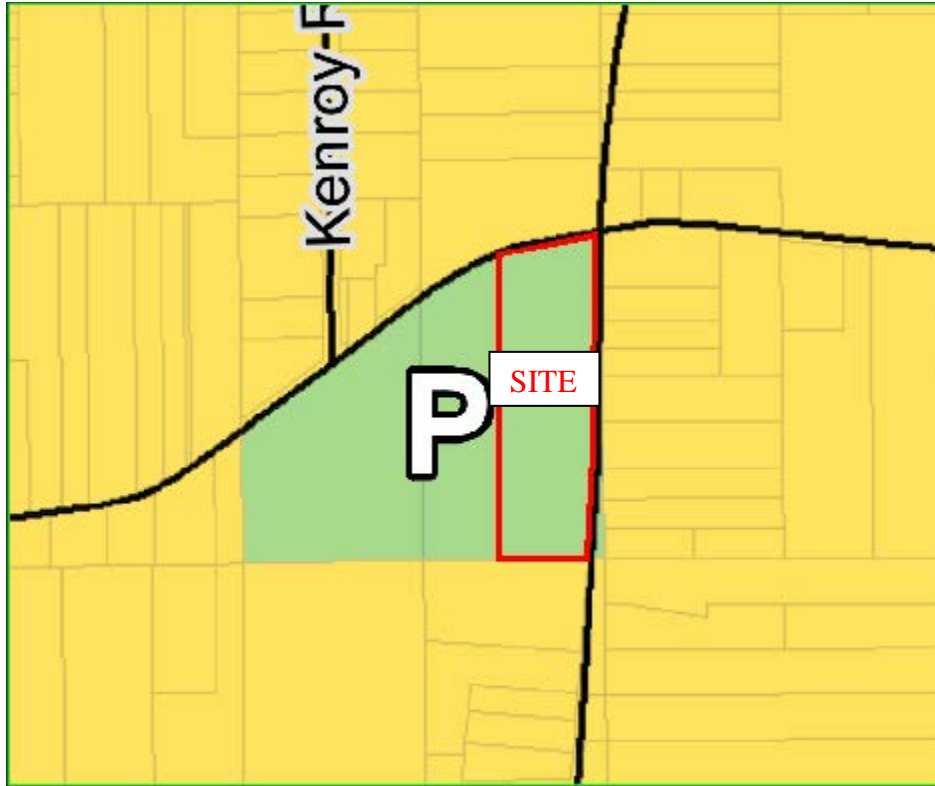
The proposed rezoning meets the criteria of the Comprehensive Plan and the overall goals and policies of the Zoning Ordinance. The 8.1 acre site is located in an area that has an existing residential character and rezoning of the parcel would be complementary to the area. Staff recommends approval of 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 Map



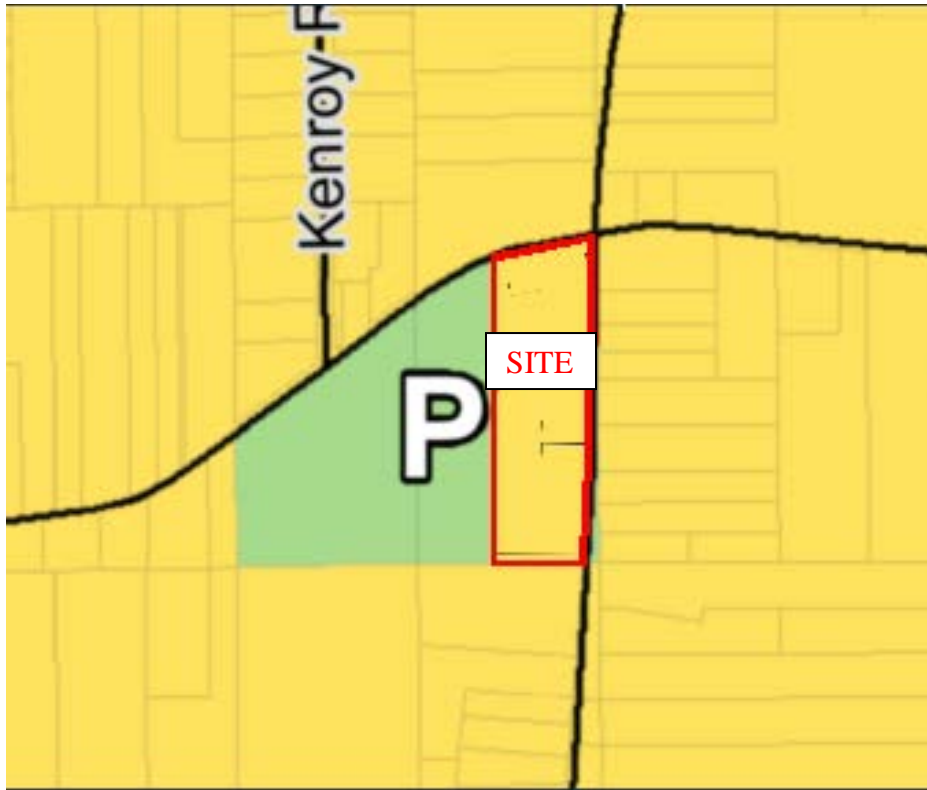
### Hermantown Zoning Districts

	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
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	R1-Residential
	R3-Residential
	R3a-Multiple Family Dwellings
	S1-Rural/Suburban





9-06-22022

To the Hermantown City Council members

From Dave Miller, 4793 Anderson Road

Regarding our neighborhoods and zoning

I have been lucky to be part of a family that has a long and storied history in Hermantown. We live in a rural neighborhood surrounded by great neighbors with plenty of space between us to enjoy all that Hermantown has to offer.

Recently we were made aware of an attempt to change the zoning of the Engwall property on Hermantown from R-3 to Commercial to allow a much more expansive development than was originally approved for the site. I see a number of issues related to this change as follows and some of these issues carry forward from the original plan:

\*Changing the zoning to Commercial could ultimately allow for any commercial development, many of which do not belong in a residential neighborhood

\*Even though there are several grandfathered "commercial" properties in the area the properties are very low impact and add very low loading to the area.

\*Access to this property from either the Anderson or Hermantown Road is limited in placement and involves minimum sight lines due to hills and turns. Although speed limits are 30 MPH the general flow of traffic greatly exceeds posted speed limits. I would suspect there is data on speed provided by the mobile radar trailer.

\*When a single resident asks for a change in setback from a Natural Environmental Shoreland Overlay like Keene Creek I would suspect they would be denied and yet these huge developments get variances, even though they would vastly impact the creek.

\*There is an old cemetery on the property and very close to the proposed building if not under it.

\*When property is zoned commercial it tends to have a long term negative impact on the surrounding neighbor's properties.

\*This proposed development is huge in scope even by the existing R-3 zoning. Going by the information I have been able to glean the proposed building is 65' tall, has 147 units that at 2.8 residents per unit could put 411 people in one building. That number of units could have 1.5 vehicles for a total of 220 vehicles entering and exiting the property daily. These numbers do not include any other development of the property.

\*What could the total number of units be on this property if fully developed?

\*What kind of an impact does a development like this have on our fire, utility and school systems?

Let's think about Hermantown. The web site says "Hermantown MN has the advantage of accessible big city amenities while still allowing for country living and a small town community feel."

If this development was proposed for your neighborhood how would you feel?

If we had a current comprehensive zoning and development plan in place would it protect rural neighborhoods from the continued push to over develop and keep commercial in commercial zones?

I see the push for zoning changes to always allow for bigger and larger zoning changes. Would it make sense to look at some of the old grandfathered commercial properties in residential areas and say that if the property was to change hands or be inactive for over a year that they would return to residential zoning? It doesn't always have to get bigger.

Is taxable valuation worth more than a quality neighborhood?

Is it time to step back and complete a comprehensive zoning and development plan that groups commercial with commercial and residential with residential?

We don't always have to create new zoning variances when a request comes in. Let Eric work with his crew to get a good plan in the works. Give him good guidance, he can do a great job.

We have to plan now to protect the future.

Thank you, your neighbors, Dave and Mary Miller

A handwritten signature in black ink, appearing to read "Dave Miller". The signature is written in a cursive, flowing style.