



Hermantown Planning & Zoning Meeting – December 20, 2022

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

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
 - 3A. September 20, 2022 regular meeting.
4. **PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.
5. **PUBLIC HEARINGS**
 - 5A. An application by Evergreen Lawn Service for a Commercial Industrial Development Permit for the construction of an 8,400 square foot office building with 12 parking spaces. The property is located at 535x Rose Road and is located in a C, Commercial zoning district.
6. **CONTINUING BUSINESS**
7. **NEW BUSINESS**
8. **COMMUNICATIONS**
9. **COMMISSION MEMBER REPORTS**

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

ADJOURN

CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION
September 20, 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; Robb Stauber, 4860 Breezy Point Rd.; Kurt Johnson, 1515 Woodland Ave.; Michael Jordan, 3731 Stebner Rd.; Penny Johnson, 1515 Woodland Ave.; Carol & John Muehlbauer, 3785 Stebner Rd.; Barbars Olson Vogler, 2541 Providence Rd.; Brian Olson, 5280 Midway Rd.; and Mike Vogler, 3765 Stebner Rd.

2. APPROVAL OF AGENDA

Motion made by Buckley Simmons to approve the September 20, 2022 agenda as presented. Seconded by Dante Tomassoni. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Valerie Ouellette to approve the August 16, 2022 minutes as presented. Seconded by Corey Kolquist. Motion carried.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARING

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.

Eric Johnson, Community Development Director gave notice to the members that the applicant, Blulemoon Properties/Robb Stauber, 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 approxmiately 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 and 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 fianlize the split. The property has since been sold with the new owner seeking a flag lot subdivision.

Valerie Ouellette was not clear of the address associated with this project.

Eric clarified that the address was 5140 Morris Thomas Road and provided a map for the Commission's review.

Robb Stauber, 4860 Breezy Point Rd., Island Lake. Robb introduced himself and said what a great job Eric had done on his presentation this evening and that the property is set up perfectly for what would be a beautiful home.

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

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.

Eric advised the commission that the applicant, Soumis Construction, is requesting a special use permit to construct a two-family dwelling unit in an R-3 Residential zone.

Soumis Construction 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 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.

Motion made by Valerie Ouellette to approve the application by Soumis Construction Inc. for a Special Use Permit for the construction of a twinhome/duplex at 373x Stebner Road. Seconded by Samuel Clark. Motion carried 7 to 0.

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.

Eric presented that the applicant, Titan Premier, LLC 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.

Titan Premier, LLC is proposing to subdivide the two existing parcels totaling 25.0 acres located at 5639 Maple Grove Road into 4 residential lots, each being a minimum of 5.0 acres in size with one of the lots being a flag lot and meeting the dimensional requirements. 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.

Buckley Simmons asked if the pole portion of the lot, associated with the flag lot, could not exceed 500 feet.

Eric confirmed that it does come in right at 500 feet.

Valerie Ouellette did not see the maps split into the separate lots. Joe Peterson shared his screen with Valerie.

Motion made by Corey Kolquist to approve the application by Titan Premier LLC for a preliminary and final plat for the subdivision of 25 acres into 4 lots. Seconded by Buckley Simmons. Motion carried 7 to 0.

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.

Eric advised the commission that the applicant, Bethany Cemetery Association, 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.

City Staff is requesting 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. The purpose of the rezoning is to facilitate the sale of the property for future residential development.

Joe Peterson asked about utilities on this property.

Eric stated that the sanitary sewer is on the west side of the property, and that water is located on the east side.

Corey asked if the property surrounding the public land is zoned R3.

According to Eric, that is correct.

John Geissler asked, with utilities, what are the lots sizes

Eric noted they are one-half an acre, with a minimum of 100 feet road frontage.

Samuel Clark asked in terms of rezoning versus just selling the property, could a future buyer propose a PUD or something along those lines.

Eric stated that could happen, and that they would be buying it at their own risk.

Sam asked in terms of rezoning, historically, how often does this happen in the City of Hermantown.

Eric stated that in his almost 7 years with the City, prior to 2022, there had been only one. He went on to say that from then, three that have come forward in 2022, two were from cemeteries, looking to divest themselves of the land.

The following residents spoke about their concerns regarding this project. The main issues were previous City administration who advised the property would always be zoned P – Public; concerns for the existing cemetery; donated land to the cemetery being used for uses other than what it was initially intended for – a cemetery; loss of green space; possible loss of peaceful setting at the cemetery; any profits be put back into the cemetery only; and concerns about multi-family or apartment building being built on the land.

Carol Muehlbauer, 3785 Stebner Rd.
Jason Bright, 4962 Hermantown Rd.
John Muehlbauer, 3785 Stebner Rd.
Brian Olson, 5280 Midway Rd.
Peter Miller, 4905 Hermantown Rd. (via Zoom)

Dennis Velander, 3315 Hutchinson Rd., President of the Bethany Cemetery Association indicated that the most recent conveyance of the land, states that a single man, a widow, gave the land to the Bethany Cemetery Association June 5, 1939, and recorded August 9, 1939. According to his knowledge, that would not be part of Peter Olson's bequest to Bethany Cemetery.

He noted that the cemetery currently has another approximately 15 to 20 acres of useable lot land. It is anticipated that another mausoleum will be built at the cemetery as they are filling up quite rapidly with cremations.

Valerie asked about the timeframe when Mr. Elliott gave the land to the Bethany Cemetery Association and when Carol Muehlbauer's relative donated land to the cemetery.

Eric clarified that the current landowner is Bethany Cemetery Association and that any issues related to donated land from years past would have to be settled between those parties and that the City, nor the Planning Commission, would be involved in those issues/discussions.

Eric also noted that any person or entity of owned property, whether residentially or commercially zoned within the City, can apply for a Planned Unit Development.

Sam Clarke stated that this item should be tabled until the Comprehensive Business Plan is reviewed.

Eric clarified that the nature of the Comprehensive Business Plan is not to look at small individual lots on a case by case bases. Rather, it looks at big picture, large acreage lots, and corridors, etc. The plan is not looking at 3 or 4 acre sites.

Motion made by Dante Tomassoni to approve the application by Titan Premier LLC for a preliminary and final plat for the subdivision of 25 acres into 4 lots. Seconded by Corey Kolquist. Motion carried 5 to 2.

6. CONTINUING BUSINESS

The Comprehensive Plan Steering Committee will be having their first meeting on September 27, 2022 and Eric should have an update for the Planning & Zoning Commission at the October 18, 2022 meeting.

7. NEW BUSINESS

Councilor Geissler informed the Planning Commission that the City Council voted to approve the rezoning of the Engwall’s property from R-3, Residential to C, Commercial. It was a good discussion at the Council level with the decision being made based upon prior use of the property, and its proximity to other commercial zoned property.

8. COMMUNICATIONS

22-94 Logged Correspondence

9. COMMISSION MEMBER REPORTS

Joe Peterson – None

Corey Kolquist – Good cooperative conversation tonight

Valerie Ouellette – None

Samuel Clark – None

Beth Wentzlaff – None

Buckley Simmons – None

Dante Tomassoni – None

John Geissler – CRI update

ADJOURN

Motion made by Buckley Simmons to adjourn the meeting. Seconded by Corey Kolquist. Meeting adjourned at 8:13 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant



5A. 535x Rose Road – Commercial Industrial Development Permit (CIDP)

- Applicant:** Rob Miller (Evergreen Lawn Service)
- Case No.:** 2022-81-CIDP
- Staff Contact:** Eric Johnson, Community Development Director
- Request:** Approve a Commercial Industrial Development Permit with conditions for a 8,400 square foot office/shop building.

RECOMMENDED ACTION:

Approve a Commercial Industrial Development Permit (CIDP) in order to develop an existing 20 acre site located at 535x Rose Road (395-0010-02550). The applicant is proposing to develop the property for an 8,400 square foot office/shop building.

DESCRIPTION OF REQUEST:

The applicant is proposing to develop the property in order to construct a 8,400 square foot office/shop building with 12 parking spaces. The project involves the construction of the building along with a driveway onto Rose Road; a gravel parking lot with 12 spaces with room for truck access/movement along the north and south sides of the building and stormwater facilities.

SITE INFORMATION:

- Parcel Size:** 20 acres
- Legal Access:** 535x Rose Road
- Wetlands:** Yes, delineated in October 2022
- 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	20 acres
Lot Width	None	647 feet along Rose Road ROW
Front Yard	35 feet ROW	475 feet from Miller Trunk Highway right of way
Rear Yard	40 feet	746 feet
Side Yard	10 feet	29 feet minimum

Lot coverage	50%	1.0%
Maximum Building Height	65 feet	32 feet
Parking	5 spaces (1 per 250 sq. ft. of office space)	12 spaces
Airport Safety Zone: 3		
Maximum Building Elevation	1580'	1429'

Stormwater Management

The property is 20 acres in size. The proposed impervious surface consists of the 8,400 square foot building, 50,250 square feet of class 5 gravel parking/lot/driveway, 3,385 square feet of concrete sidewalk for a total of 62,035 square feet of impervious area (7.1%).

Storm water runoff from the site will sheet flow away from the building across gravel pavement to open swales. Open swales will drain to a detention/infiltration pond that will be installed for storm water treatment and temperature control. The pond outlet will be directed towards the northwest corner of the property.

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 Rose Road. Currently, Rose Road ends at the east property line of this property. As part of the City requirements, the applicant will extend Rose Road approximately 115 feet to the west. The road will be improved to City standards. Driveway access will be from the improved portion of Rose Road with the driveway acting as a hammerhead turnaround. This portion of the turnaround will be dedicated as additional right of way to the City.

Utilities

The project will access the existing water main in the Rose Road right of way. The applicant will need to coordinate with the City in order to connect into the line and will have to pay the water connection and availability fees. The applicant will need to submit final engineering plans to the City Engineer before issuance of the Commercial Industrial Development Permit.

Sanitary sewer will be handled by an on-site holding tank. The applicant has had initial conversations with St. Louis County regarding the use of a holding tank. The County has indicated that this is acceptable.

Building Architecture

The proposed building is 8,400 square feet in size and approximately 32 feet in height. The façade is comprised of steel siding with an awning on the front (north) and side (east) façades.

The building is comprised of three interior bays; a 1,200 square foot office area, a 1,200 square foot heated garage area and a 6,000 square foot unheated garage area.

There are six proposed overhead doors for storage of vehicles and materials. These doors are located on the north and south 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

A wetland delineation was performed in October 2022. There are wetlands along the northern and western portion of the property. The proposed driveway will impact the existing northern wetland and will require an application for wetland impacts which will be reviewed and acted upon by the Hermantown Technical Evaluation Panel. The wetland impacts appear to fall within the permitted allowances of a de minimus exemption.

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:

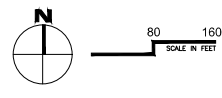
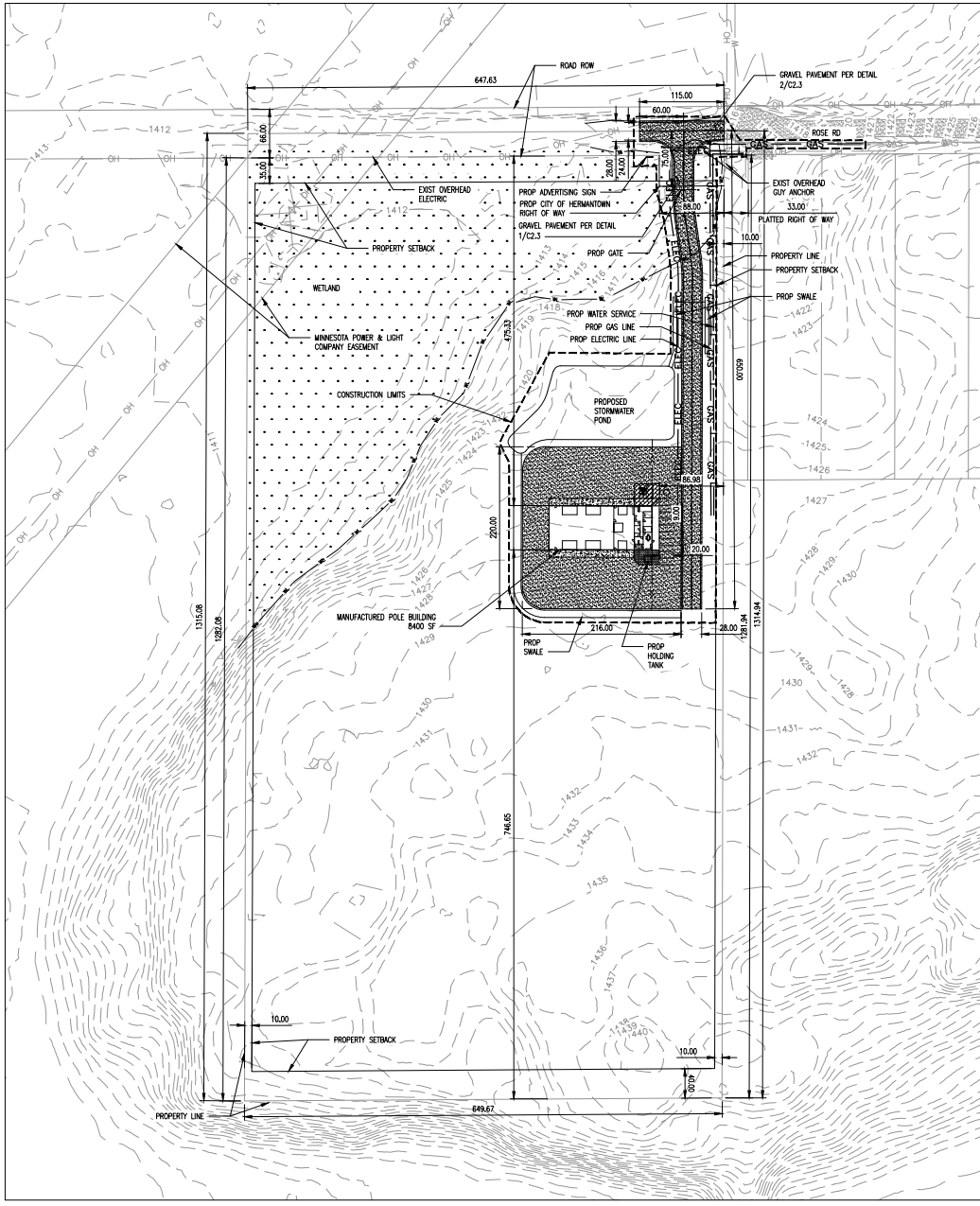
1. The applicant is seeking to construct a 8,400 square foot, one-story office/shop building. The applicant will need to supply final site engineering and architectural plans prior to the issuance of the Commercial Industrial Development Permit (CIDP).
2. The proposal meets the requirements of Section 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 submit for wetland impacts to the Hermantown TEP 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 water connection fees.
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:

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

Location Map





CIVIL SITE LEGEND:

- OH — EXISTING OVERHEAD ELECTRIC LINE
- W — EXISTING WATER MAIN
- GAS — EXISTING GAS LINE
- << — EXISTING STORM CULVERT
- 1419 — EXISTING MINOR CONTOUR LINE
- 1420 — EXISTING MAJOR CONTOUR LINE
- TREE LINE —
- GAS — PROPOSED GAS LINE
- << — PROPOSED STORM CULVERT
- | — PROPOSED WATER LINE
- ELEC — PROPOSED ELECTRIC LINE
- — PROPOSED CONSTRUCTION LIMITS
- — EXISTING POWER POLE
- ◻ (dotted) — EXISTING WETLAND
- ◻ (stippled) — EXISTING GRAVEL PAVEMENT
- ◻ (cross-hatched) — PROPOSED GRAVEL PAVEMENT
- ◻ (diagonal lines) — PROPOSED CONCRETE (SIDEWALK OR PAVEMENT)
- ◻ (grid pattern) — PAVEMENT TO CONFORM WITH ADA REQUIREMENTS
- △ — PROPOSED STORM SEWER APRON
- ⊞ — PROPOSED ACCESSIBLE PARKING STALL
- ⊞ (with number) — PROPOSED PARKING STALL COUNT

SITE DATA	
SITE/PARCEL SIZE	19.58 AC (852,950 SF)
PROJECT AREA (ESTIMATED)	2.87 AC (125,000 SF)
BUILDING AREA	8,400 SF (0.99% COVERAGE)
PROPOSED IMPERVIOUS/PERVIOUS AREA (ESTIMATED)	1.50 AC/1.30 AC
FLOOD ZONE CLASSIFICATION	ZONE C
AIRPORT ZONING OVERLAY	ZONE C
LAND USE CLASSIFICATION	C, COMMERCIAL
WETLAND IMPACTS	9,990 SF

ZONING DIMENSIONS		
DIMENSION TYPE	REQUIREMENT	PROPOSED
MINIMUM LOT AREA	NONE	19.58 AC
MINIMUM LOT WIDTH	NONE	647 FT
FRONT YARD (FROM R.O.W.)	35 FT	475 FT
CORNER SIDE YARD (FROM R.O.W.)	35 FT	475 FT
SIDE YARD	10 FT	29 FT
REAR YARD	40 FT	746 FT
LOT COVERAGE	50%	15%
BUILDING HEIGHT	65 FT	32 FT
PARKING	INDUSTRIAL WHOLESALING: 1 FOR EACH EMPLOYEE ON THE MAXIMUM WORKING SHIFT	12 SPACES



STATE LAW: 48 HOURS BEFORE EXCAVATING OR DEMOLISHING BUILDINGS, CALL 811 FOR FIELD LOCATION OF UNDERGROUND UTILITY LINES. THIS SERVICE LOCATES UTILITY OWNED LINES BUT NOT PRIVATE LINES.

THE LOCATIONS OF UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED. THE EXACT LOCATION OF ALL UTILITIES (PUBLIC AND PRIVATE) MUST BE DETERMINED BEFORE COMMENCING WORK.



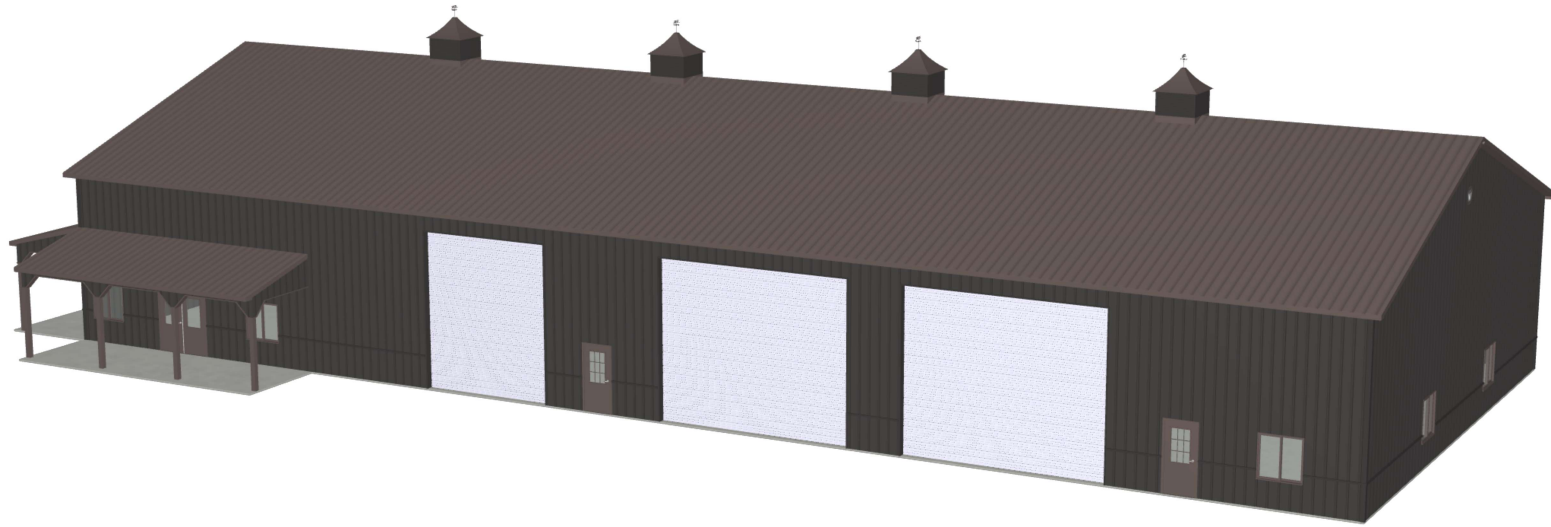
PRELIMINARY
NOT FOR CONSTRUCTION

REV. BY:	DATE:	DESCRIPTION:

ROBERT MILLER/EVERGREEN LAW SERVICE
OFFICE/SHOP BUILDING DEVELOPMENT
536X ROSE ROAD
HERMANTOWN, WI

JOB No: XXXXXXX
DATE: XX/XX/XXXX
DRAWN BY: KCM
DESIGNED BY: KCM

SHEET:
C2.0



ISOMETRIC VIEW FROM THE FRONT



ISOMETRIC VIEW FROM THE BACK

BUILDING COLOR TO BE FINALIZED -
EARTH TONES