



## **Hermantown Planning & Zoning Meeting – October 17, 2023**

Hermantown's upcoming Planning & Zoning meeting will include both remote access and in-person access to Council Chambers. The remote access will be available through the platform, "Zoom," which allows the public to view and participate in the meeting via phone or computer. Interested parties can also choose to attend the Planning & Zoning meetings in person at City Hall.

Remote access to 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.
- Everyone has varying levels of comfort regarding remote technology, so grace and understanding are appreciated.



## PLANNING & ZONING COMMISSION

### *Agenda*

October 17, 2023

7:00 PM

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
  - 3A. September 19, 2023 regular meeting.
4. **PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.
5. **PUBLIC HEARINGS**
  - 5A. An application for a Special Use Permit by Michael Tracey for grading and filling in a Natural Environment Shoreland Area for the purpose of constructing a single-family home. The property is located at 3983 Ugstad Road and is located in a R-3, Residential zoning district.
  - 5B. An application by Rainy Day Funding LLC for a Subdivision to create a 136-foot-wide parcel of 0.5 acres and a 1.88-acre lot accessed by way of a flag lot of 30-foot width at 5154 W Arrowhead Road. The property is located in an R-3 zoning district.
  - 5C. Zoning Ordinance text amendments by the City of Hermantown amending Chapter 5 – Land Use Regulations by creating Section 590 – Hermantown Business Park.
6. **CONTINUING BUSINESS**
7. **NEW BUSINESS**
8. **COMMUNICATIONS**
  - 23-132 - Correspondence to Dale Siemsen, 4993 Thompson Rd.
  - 23-155 - Resignation letter from Sam Clark.
9. **COMMISSION MEMBER REPORTS**
  - Joe Peterson
  - Corey Kolquist
  - Valerie Ouellette
  - Beth Wentzlaff
  - Buckley Simmons
  - Dante Tomassoni
  - John Geissler

PLANNING & ZONING COMMISSION  
October 17, 2023

**ADJOURN**



## PLANNING & ZONING COMMISSION

September 19, 2023 Meeting Summary

7:00 PM

### 1. ROLL CALL

Members Present: Joe Peterson; Corey Kolquist; Valerie Ouellette; Samuel Clark; and Councilor John Geissler

Members Absent: Buckley Simmons; Dante Tomassoni; and Beth Wentzlaff

Others Present: Eric Johnson, Community Development Director; Jonathan Thornton, 5869 Hermantown Rd.; Doug Peterson, 3720 Alexander Rd.; Nancy Deever, 3868 Getchell Rd.; Carissa & William Hawn, 3840 Getchell Rd.; Maynard Soulier, 4326 Air Base Rd.; and Greg Zimmerman, 3855 Getchell Rd.

### 2. APPROVAL OF AGENDA

Motion made by Valerie Ouellette to approve the September 19, 2023 agenda as presented. Seconded by Corey Kolquist. Motion carried.

### 3. APPROVAL OF MINUTES

Motion made by Corey Kolquist to approve the July 18, 2023 minutes as presented. Seconded by Samuel Clark. Motion carried.

### 4. PUBLIC DISCUSSION

#### 5. PUBLIC HEARING

5A. An application by Union Cemetery Association for a rezoning of a 6.4-acre parcel located at 3807 Getchell Road. The parcel is currently zoned P, Public with a proposed rezoning to R-3, Residential.

Eric Johnson, Community Development Director, presented to the commission the application of Union Cemetery Association, who owns two parcels associated with the Union Cemetery; 395-0010-07820 and 395-0010-07840, and who is requesting a proposed change to the Hermantown Zoning Map by rezoning the northern 6.4 acres of Union Cemetery from P, Public to R-3, Residential. The property is located at 3807 Getchell Road. The purpose of the rezoning is to facilitate the sale of the property for future residential development.

The following residents spoke about their concerns regarding this project:

William Hawn, 3840 Getchell Rd.;  
Greg Zimmerman, 3855 Getchell Rd.; and  
Nancy Deever, 3868 Getchell Rd.

The main issues/concerns were: effect on wildlife; losing the remote residential setting; pending sale of the property – intentions; increased traffic; and rain/water issues with climate change.

Motion made by Valerie Ouellette to approve the application by Union Cemetery Association for a rezoning of a 6.4-acre parcel located at 3807 Getchell Road. Seconded by Corey Kolquist. Motion carried 4 to 0.

5B. An application by Civil Site Group for a Commercial Industrial Development Permit for a 10,700 square foot building expansion of the Titan Machinery business along with associated site and stormwater improvements. The property is located at 4311 Haines Road and is located in a BLM, Business and Light Manufacturing zoning district.

Eric advised the commission of the applicant, Civil Site Group (Titan Machinery), is proposing a 10,700 square foot building addition. The existing building is used for the storage and rental of construction based equipment as well as parts storage and offices associated with the business. The proposed building addition is for additional storage space and loading docks for deliveries.

Maynard Soulier, 4326 Air Base Road spoke about his concerns for Miller Creek with the proposed expansion. However, once he understood the extent of the project and that no wetland impacts were proposed, he was generally supportive of the project.

Motion made by Corey Kolquist to approve the application by Civil Site Group for a Commercial Industrial Development Permit for a 10,700 square foot building expansion of the Titan Machinery business along with associated site and stormwater improvements. Seconded by Samuel Clark. Motion carried 4 to 0.

5C. An application for a Special Use Permit by Civil Site Group for grading and filling in a Natural Environment Shoreland Area for the purpose of constructing a 10,700 square foot building expansion of the Titan Machinery business. The property is located at 4311 Haines Road and is located in a BLM, Business and Light Manufacturing zoning district.

Eric brought forth the application of Civil Site Group (Titan Machinery), who is proposing a 10,700 square foot building addition. The existing building is used for the storage and rental of construction based equipment as well as parts storage and offices associated with the business. The proposed building addition is for additional storage space and loading docks for deliveries.

The property is adjacent to Miller Creek with the creek being the properties western boundary. There is a Natural Environment Shoreland Area associated with Miller Creek. The proposed building addition is not within the shoreland area, however the rear gravel storage area is within the shoreland area and the proposed lot improvements require a Special Use Permit.

Motion made by Valerie Ouellette to approve the application for a Special Use Permit by Civil Site Group for grading and filling in a Natural Environment Shoreland Area for the purpose of constructing a 10,700 square foot building expansion of the Titan Machinery business along with associated site and stormwater improvements. Seconded by Corey Kolquist. Motion carried 4 to 0.

## **6. CONTINUING BUSINESS**

6A. Update on alternative Urban Areawide Review document for the proposed Hermantown Business Park.

Eric provided the commission with an update of the Alternative Urban Areawide Review document.

**7. NEW BUSINESS**

Eric introduced a new zoning district called “Hermantown Business Park District” and he will be providing additional information at the October 17, 2023 Planning & Zoning meeting.

**8. COMMUNICATIONS**

23-132 – Correspondence to Dale Siemsen, 4993 Thompson Rd.

**9. COMMISSION MEMBER REPORTS**

Joe Peterson – None

Corey Kolquist – Asked about P&R Properties as it relates to the Engwalls project

Valerie Ouellette – Will be absent at the October 17, 2023 meeting

Samuel Clark – Resigning from Planning & Zoning Commission

Beth Wentzlaff – Absent

Buckley Simmons – Absent

Dante Tomassoni – Absent

John Geissler – None

**ADJOURN**

Motion made by Valerie Ouellette to adjourn the meeting. Seconded by Samuel Clark. Meeting adjourned at 7:44 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. 3983 Ugstad Road– Special Use Permit - Filling and grading within a Natural Environment Shoreland Overlay Zone**

**Applicant:** Michael Tracey

**Case No.:** 2023-57 SUP

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

**Request:** Issue a special use permit for filling and grading within a Natural Environment Shoreland Overlay for construction of a single family home and associated driveway

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**RECOMMENDED ACTION:**

Approve a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone.

**DESCRIPTION OF REQUEST:**

The applicant desires to subdivide his property and build a single family residence on a property at 3983 Ugstad Road. The proposed single family home and driveway are within a Natural Environment Shoreland Area and will require filling and grading within an approximately 9,000 square feet area of disturbance.

**SITE INFORMATION:**

**Parcel Size:** 2.65 acres  
**Legal Access:** 3983 Ugstad Road  
**Wetlands:** None per the National Wetland Inventory  
**Existing Zoning:** R-3, Residential  
**Airport Overlay:** None  
**Shoreland Overlay:** Yes – Natural Environment Shoreland  
**Comprehensive Plan:** Residential

**BACKGROUND**

The applicant owns the property at 3983 Ugstad Road and is looking to subdivide the northern portion of the lot in order to build a new single family residential home and related driveway. The Department of Natural Resources has identified an unmapped tributary to the Midway River along the western right of way associated with Ugstad Road. The proposed driveway and house location work is on the western edge of a Natural Environment Shoreland Area and is expected to impact approximately 9,000 square feet of shoreland area.

Prior to the issuance of any building permit, the applicant will be required to subdivide the property in order to create the new lot.

### **Wetlands**

Per the National Wetland Inventory (NWI) there are no wetlands associated with the property.

### **Shoreland Area**

Per the Department of Natural Resources, there is an unmapped tributary to the Midway River along the western right of way associated with Ugstad Road. The majority of the property is located within a Natural Environment Shoreland Area and is subject to the requirements of the City's Shoreland Ordinance as it pertains to grading a filling within a shoreland area.

### **Special Use Permit**

The Special Use Permit is for filling and grading within a Shoreland zone. There are general conditions for all SUPs. 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;**

Conditions placed on the SUP to minimize the clearing and grading within the shoreland area meet the intent of the zoning ordinance to protect natural resources. The development of a single family residence is an allowed use within the R-3 zoning district.

- 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 within an area marked for residential development on the Hermantown Comprehensive Plan. The purpose of the Shoreland Overlay Zone is to protect public waterways. Impervious surface caps are included to prevent excessive runoff from constructed surfaces and the proposed impervious surface is below maximum limits.



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 applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2.

- A. No impervious surface or clearing, grubbing and grading will be allowed within 50 feet of the Ordinary High Water Level of the unnamed tributary.
- B. The elevation of the lowest floor level shall be at least three feet above the Ordinary High Water Level of unnamed tributary.

### **Findings of Fact and Recommendations**

Staff recommends approval of the special use application to grade and fill within a Natural Environment Shoreland Area in order to construct a single family dwelling, subject to the following:

1. The approval is for a Special Use Permit for filling and grading in a Natural Environment Shoreland area for the purpose of constructing a single family structure and driveway. The Community Development Director may approve minor variations to filling and grading as long as the variations do not result in any wetland impacts.
2. The City will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
  - a. The smallest amount of bare ground is exposed for as short a time as feasible;
  - b. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
  - c. Adequate methods to prevent erosion and trap sediment are employed;
  - d. Fill is stabilized to accepted engineering standards;
  - e. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;
  - f. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;
  - g. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
  - h. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.
3. The applicant shall sign a consent form assenting to all conditions of this approval.

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

**ATTACHMENTS**

- Location Map
- Shoreland Overlay Map

# Location Map



# Shoreland Map







**5B. Subdivision Application to create a flag lot in an R-3 zoning district**

**Applicant:** Rainy Day Funding LLC  
**Case No.:** 2023-62-SUB-A  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Subdivision of an R-3 zoned property to create a flag lot.

**DESCRIPTION OF REQUEST:**

The property owner owns a 2.33 acre property at 5154 W. Arrowhead Road. The property has a lot dimension of 166' x 625'. The property is currently vacant..

The property owner proposes to create a new flag lot along the eastern border of the existing property. The property owner is proposing a 30 foot 'pole/driveway' connection to W. Arrowhead Road for a distance of 160 feet with the 'flag' portion of the lot being approximately 166' x 465'. The proposed lot sizes for the two total parcels are:

Parcel A: 136' x 160' = 23,000/43,560 or 0.5 acres

Parcel B: 33' x 160' and 166' x 465' = 109,000/ 43,560 sf. or 1.88 acres

The property owner intends to market both properties for sale. Any new home applications will require coordination with the City Utility Clerk for utility hook ups and Public Works regarding driveway locations.

**SITE INFORMATION:**

**Parcel Size:** 2.33 acres  
**Legal Access:** 5154 W. Arrowhead Road  
**Wetlands:** Yes, in the SW corner of the property per the NWI  
**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.

There are existing City water and sanitary sewer services to the parent property which served a previous home. There is City water and sanitary sewer mains located in W. Arrowhead 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 in the southwest corner 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 new 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 160’ 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 30’ 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 1.77 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 # 395-0070-00560.
- 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.

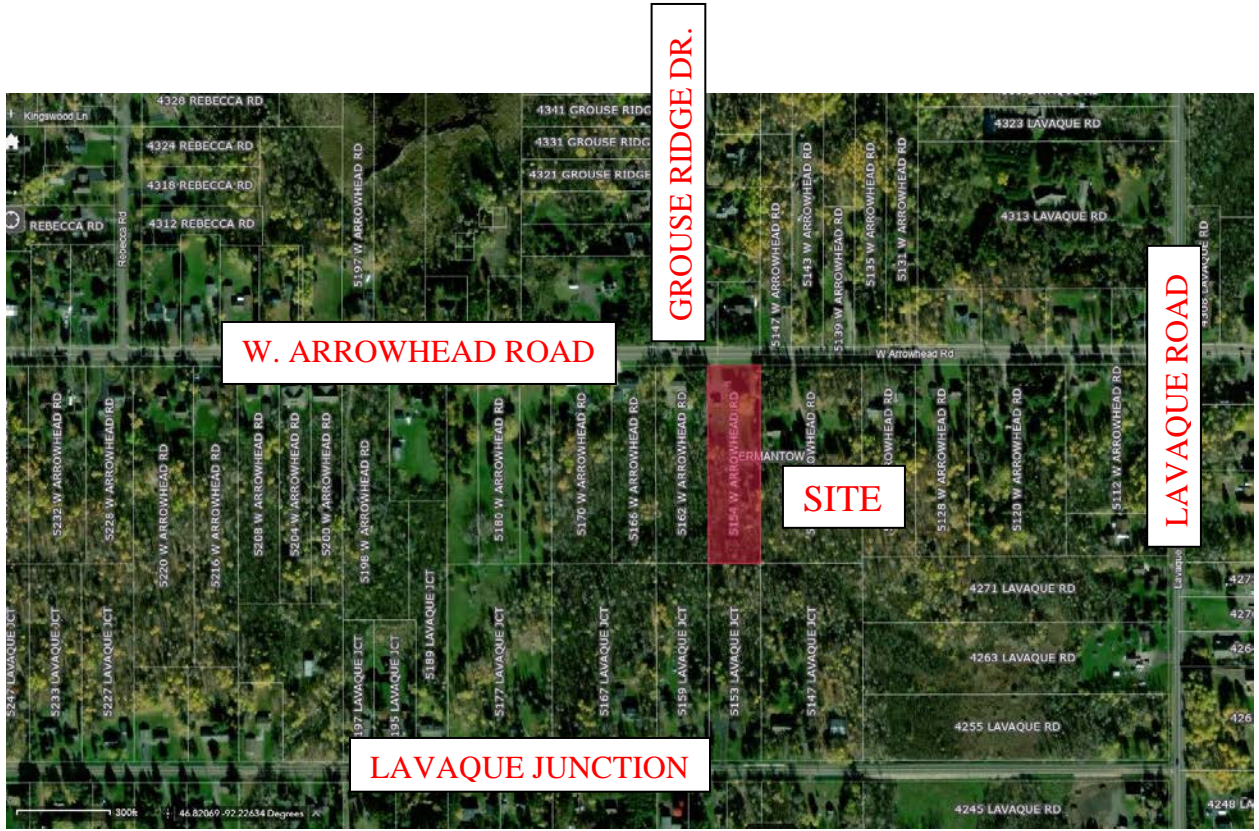
**RECOMMENDATION:**

1. Recommend approval of the creation of a 166' by 465' flag lot with a 30' by 160' pole abutting W. Arrowhead 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

# Location Map







### LEGEND

- GRAVEL SURFACE
- HYDRANT
- WATER VALVE
- WELL
- FIELD MEASURED DIMENSION
- RECORD DIMENSION
- OVERHEAD UTILITIES
- SECTION SUBDIVISION LINE
- CENTER LINE
- RIGHT OF WAY LINE
- BOUNDARY LINE AS SURVEYED
- EXISTING PLAT LINE
- PROPOSED PARCEL LINE
- CONCRETE CURB & GUTTER
- UTILITY POLE
- FOUND T-STAKE MONUMENT
- SET CAPPED REBAR RLS. NO. 49505

**PARENT LEGAL DESCRIPTION PER DOCUMENT NO. 14363218**  
 The East Half of the North Half of Lot 14, Block 15, Duluth Homesteads Subdivision Plat, St. Louis County, Minnesota.

**LEGAL DESCRIPTION FOR PARCEL A**  
 The North 160.15 feet of the West 136.00 feet of the East Half of the North Half of Lot 14, Block 15, DULUTH HOMESTEADS SUBDIVISION PLAT, according to the recorded plat thereof, St. Louis County, Minnesota.

Said parcel contains 21,780 Sq. Feet or 0.50 Acres.

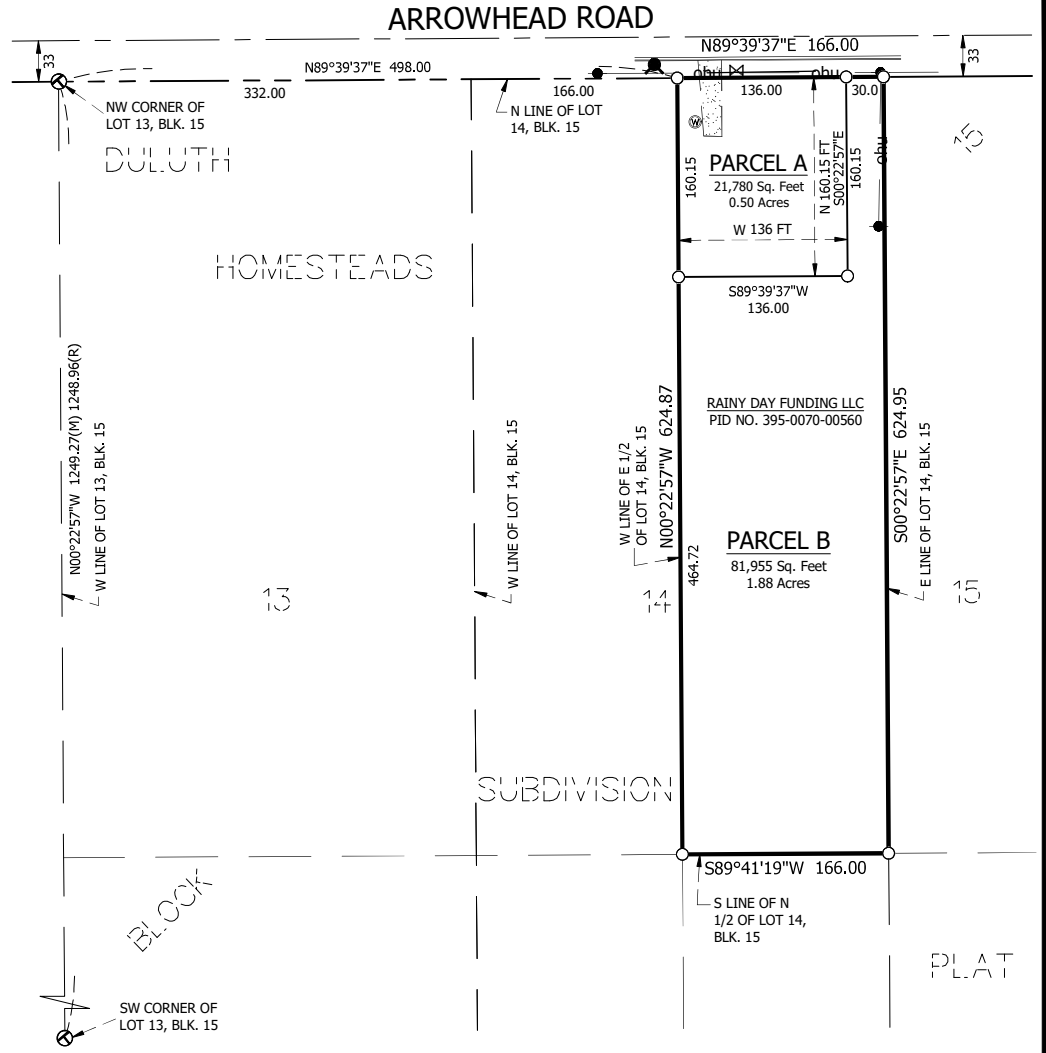
**LEGAL DESCRIPTION FOR PARCEL B**  
 The East Half of the North Half of Lot 14, Block 15, DULUTH HOMESTEADS SUBDIVISION PLAT, according to the recorded plat thereof, St. Louis County, Minnesota.

Except:  
 The North 160.15 feet of the West 135.00 feet of the East Half of the North Half of Lot 14, Block 15, DULUTH HOMESTEADS SUBDIVISION PLAT, according to the recorded plat thereof, St. Louis County, Minnesota.

Said parcel contains 81,955 Sq. Feet or 1.88 Acres.

### SURVEYOR'S NOTES

1. 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.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)



### CERTIFICATE OF SURVEY

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. Evans*  
 David R. Evans  
 MN License #49505  
 DATE: 09-01-2023

CLIENT: RAINY DAY FUNDING LLC  
 ADDRESS: 5154 W ARROWHEAD RD,  
 HERMANTOWN, MN 55811  
 DATE: 09-01-2023

REVISIONS:  
 JOB NO: 23-258 SHEET 1 OF 1



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**5C. Zoning Text Amendment to Chapter 5 – Hermantown Business park**

<b><u>Case No.:</u></b>	2023-55 Zoning Text Amendment to Chapter 5, Section 590 – Hermantown Business Park
<b><u>Staff Contact:</u></b>	Eric Johnson, Community Development Director
<b><u>Request:</u></b>	Recommend zoning ordinance text amendments to Chapter 5, Section 590 – Hermantown Business Park

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**REQUESTED ACTION**

Recommend zoning ordinance text amendments to Chapter 5, Section 590 – Hermantown Business Park.

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**BACKGROUND**

The City has been working with the property owner along Highway 53, Lavaque Bypass and Abrahamson Road on the creation of a 120 acre business park. To date, the City has engaged Braun Intertec to facilitate a concept master plan and environment scoping documents. The next stage for this is the creation of a Hermantown Business Park zoning district.

The Hermantown Business Park zoning district is intended as a transition between more industrial uses and business uses. This district is appropriate for manufacturing, warehousing, and similar industrial uses because of access to thoroughfares, the full complement of urban services such as sewer and water, and distance from residential districts. These areas are intended to encourage the development of industrial uses which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or other pollutants. These industries shall be compatible with each other and with surrounding land uses.

The 120 acre land area is currently comprised of three different zoning districts: C, Commercial; C-1, Office/Light Industrial and C-1A, Office/Light Industrial/Adult Uses. In addition, there are the Airport Safety Zones 2 and 3 associated with this 120 acre area.

Once specific zoning code language is adopted, City staff will continue work with the property owners to determine the extent of the 120 acres that the new zone district will encompass.

**ATTACHMENTS:**

- Section 590 Hermantown Business Park draft ordinance

## **Section 590 – BP – Hermantown Business Park**

**590.01 Purpose.** The Hermantown Business Park zone district is intended as a transition between more industrial uses and business uses. This district is appropriate for manufacturing, warehousing, and similar industrial uses because of access to thoroughfares, the full complement of urban services such as sewer and water, and distance from residential districts. These areas are intended to encourage the development of industrial uses which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or other pollutants. These industries shall be compatible with each other and with surrounding land uses.

**590.02 Permitted Uses.** The following uses shall be permitted after the issuance of a Commercial Industrial Development Permit.

**590.02.1.** Office warehouse, office showroom;

**590.02.2.** Warehouses;

**590.02.3.** Distribution centers;

**590.02.4.** Light manufacturing;

**590.02.5.** Laboratories for research and development;

**590.02.6.** Manufacturing, assembly, packaging or fabrication;

**590.02.7.** Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto as determined by the Zoning Administrator, provided these uses are not explicitly mentioned as permitted or special uses elsewhere in the ordinance.

**590.03 Permitted With Conditions.** The following uses shall be permitted upon issuance of a Zoning Certificate finding that the use is in compliance with the applicable development guidelines and performance standards identified in this Section, as well as any specific conditions included for each particular use.

**590.03.1. Gasoline service station.**

**590.03.1.1.** All on-site utility service installations shall be placed underground.

**590.03.1.2.** Canopy and canopy support systems shall be compatible with the design of the principal structure.

**590.03.1.3.** All portions of the site designed for vehicle travel or storage shall be paved.

**590.03.1.4.** Outdoor storage may only take place in locations so designated and screened on the site plan approved as part of the Zoning Certificate.

**590.03.2. Industrial equipment sales, service, storage and repair.**

**590.03.2.1.** Any elements of the business operated outside a building, including storage of items for sale, long-term storage, and sales/display areas shall be located on an improved, paved surface. Screening may be required as part of the Zoning Certificate.

**590.03.3. Retail sales.**

**590.03.3.1.** Parking areas shall be paved.

**590.03.3.2.** Site access must be from a paved street.

**590.03.4. Restaurants.**

**590.03.4.1.** The gross floor area shall not exceed 2,500 square feet in size.

**590.03.4.2.** Parking areas shall be paved.

**590.03.4.3.** Site access must be from a paved street.

**590.03.4.4.** Restaurants may operate as an accessory use.

**535.03.5. Contractor's Shop and Storage Yard.**

**590.03.5.1.** Outdoor storage areas shall be permitted only in areas depicted on an officially approved site plan as part of a Zoning Certificate approval.

**590.03.5.2.** Designated outdoor storage areas shall be fully screened from off-site views.

**590.03.5.3.** Outdoor storage areas shall be maintained in a neat and orderly manner.

**590.04 Special Use Permit Required.** The following uses shall be permitted upon issuance of a Special Use Permit. These uses must meet all requirements required under Chapter 7 of this Code, as well as any additional requirements listed below.

**590.04.1. More than one principal building.**

**590.04.1.1.** The site circulation and traffic patterns shall be reviewed to determine adequacy.

**590.04.1.2.** The specific use for each principal building on the site shall be identified and found to be compatible.

**535.04.2. Well drilling equipment; storage and repair.**

**590.04.2.1.** Outdoor storage areas shall be maintained in a neat and orderly manner.

**590.05 Accessory Uses.**

**590.05.1. Outdoor storage.**

**535.05.1.1.** Outdoor storage areas shall be permitted only in areas depicted on an officially approved site plan as part of a Zoning Certificate approval.

**535.05.1.2.** Designated outdoor storage areas shall be fully screened from off-site views.

**590.05.2. Refuse and recycling.**

**590.05.3. Uses incidental to primary use.**

**590.06 Dimensional Standards**

**535.06.1.**

Dimension Type	Requirement
1. Minimum lot area	1 acre – within Airport Safety Zone 3 2.5 acres – within Airport Safety Zone 2
2. Minimum lot width	100 feet
3. Minimum depth of front yard (from R.O.W.)	20 feet
4. Minimum depth of corner yard (from R.O.W.)	20 feet
5. Minimum side yard setbacks	20 feet
6. Minimum rear yard setbacks	20 feet
7. Maximum lot coverage	65%
8. Maximum building height	60 feet

**590.07 Performance Standards.** No structure or premises within the HBP district shall be used for one or more of the uses allowed under this Section unless its use complies with the following regulations.

**590.07.1.** Processes and equipment employed in production of goods or any other use of the land shall conform to the following standards:

**590.07.1.1.** Vibration. Any vibration discernable beyond the property line to the human sense of feeling for five minutes or more duration (cumulative) in any one hour and any vibration producing a particle velocity of more than 0.035 inch per second are prohibited.

**590.07.1.2.** Glare and heat. Any operation producing intense glare or heat shall be performed within an enclosure so as not to be perceptible at the property line.

**590.07.1.3.** Industrial Waste Material. All liquid and solid wastes shall be identified in all processes and operations and approved disposal methods identified, and all governmental standards met.

**590.07.1.4.** Noise. Noise levels inside and outside of all buildings must meet federal, state, and local requirements as may be amended from time to time.

**590.07.1.5.** Air pollution. All emissions shall meet federal, state, and local requirements as may be amended from time to time, and all governmental standards met.

**590.07.2.** Manufacture of a product which decomposes by detonation or produces dioxin will not be permitted.

**590.07.3.** All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in a minimally visible location on the site. Whenever possible, such containers shall be located in a location behind buildings and out of view from the public right-of-way. If such containers cannot be sited behind the buildings on the site, they shall be fully screened by a fence.

**590.07.4.** There shall be no access to a property which is within 50 feet of the intersection of the nearest curb cut of any public streets unless it can be demonstrated that adherence to this standard will cause undue hardship to the property owner.

**590.07.5.** Areas to be paved. Prior to issuance of a Zoning Certificate for any uses where a paved parking area is required, a cash escrow or other financial instrument in a form acceptable to the City shall be provided, to be fully refundable upon completion of the paved area. The cash escrow or financial guarantee shall be in the amount of 25% of the cost of the paving improvements, or \$10,000, whichever is more.

**590.08. Design Guidelines.** All buildings erected shall be a type of construction as defined in the Minnesota Building Code

**590.08.01. Building Design (Architecture).**

**590.08.01.1 Materials.** The following standards shall apply to all sides of any building and all sides of a building shall be finished with the same materials.

**590.08.01.1.1** Exterior wall surfaces of all buildings shall be primarily faced with brick, stone, pre-cast panel, cast-in-place panel, architectural concrete in combination with glass or other permitted materials

**590.08.01.1.2** Prohibited primary building materials include, Masonite, asphaltic exterior wall or roof material, aluminum or steel siding, non-architectural sheet metal, non-textured concrete block, and vinyl.

**590.09.01. Site Planning.**

**590.09.01.1 Parking and circulation.**

**590.09.01.1.1 Automobile spaces.** The number, size, and design of parking spaces and aisles shall conform to the standards for uses set in the C – Commercial zone district.

**590.09.01.1.2 Pedestrian circulation.** Clearly defined pedestrian walkways or paths shall be provided from parking areas to primary building entrances. Walkways and parking lots shall be designed so that pedestrians do not have to cross parking aisles and landscape islands to reach building entries. All internal walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

**590.09.01.1.3 Screening.**

**590.09.01.1.3.1** Landscape plans shall be developed with an emphasis upon the boundary or perimeter of the proposed site, to the immediate perimeter of the structure, parking areas, and along areas to be screened

**590.09.01.1.3.2** All parking lots shall be screened from the adjacent properties. The height and depth of the screening shall be consistent with the height and size of the area for which screening is required. All walls and fences shall be architecturally harmonious with the principal structure.

**590.09.01.1.4 Parking lot lighting.**

**590.09.01.1.4.1** The type and location of parking lot lighting shall prevent direct glare onto adjoining property, streets, or skyward.

**590.09.01.1.4.2** Parking lot lighting shall be consistent with pedestrian scale and shall be between 18 and 30 feet high.

**590.09.01.2 Loading and delivery areas.**

**590.09.02.2.1** Loading and delivery facilities shall generally be located at the rear of the site. When this portion of the site is adjacent to residential uses, loading and delivery facilities shall be screened from view by appropriate setbacks and screening.

**590.09.01.3 Utilities and mechanical equipment.**

**590.09.02.3.1** Utilities, electrical boxes and mechanical equipment shall be screened from the view of public streets and neighboring properties and located away from the primary site and building entrances.

**590.09.02.3.2** Mechanical equipment shall be concealed by building elements that are designed as an integral part of the building or site design, unless prohibited by local utility practices.

**590.09.02.3.3** Utilities shall be buried when feasible.

**590.09.01.4 Trash and storage areas.**

**590.09.02.4.1** Whenever possible, trash enclosures shall be architecturally integrated into the design of the structure, at the rear of the building.

**590.09.02.4.2** Trash enclosures shall be architecturally and aesthetically compatible with the building and site design.

**590.09.02.4.3** All trash enclosures shall be screened from public view to the greatest extent possible.

**590.09.02. Landscaping.**

**590.09.02.1** Landscaping is encouraged to play an integral, functional part in on-site stormwater management and traffic circulation. Stormwater ponds, rain gardens and other appropriate stormwater management methods will count as landscaping.

**590.09.02.2** Plants used in landscape plans shall be resistant to drought, disease, and insects and shall be hardy to the area.

**590.09.02.3** Landscape plans shall be developed with an emphasis upon the boundary or perimeter of the proposed site, to the immediate perimeter of the structure, parking areas, and along areas to be screened

**590.09.03. Specific Use Standards.** In addition to the standards presented elsewhere in this ordinance additional standards shall apply to the following special uses:

**590.09.03.1 Fueling stations.**



**590.09.03.1.1** All structures shall be architecturally and aesthetically consistent to an overall architectural theme.

**590.09.03.1.2** The roof design of all structures, including roof canopies and car washes, shall be architecturally and aesthetically consistent to an overall architectural theme.

**590.09.03.1.3** A traffic circulation plan shall be developed and approved. The plan shall, at a minimum, minimize potentially dangerous traffic movements, provide adequate and safe access to the site, separate pedestrian and auto circulations where practical, and minimize curb cuts.

**590.09.04. Signage.**

**590.09.04.1** Sign size and placement shall be regulated the same as signage in the C-Commercial Zoning District as established by Chapter 14 in the Hermantown Zoning Regulations.

**590.10. Off-Street Parking & Loading.** The following minimum requirements shall apply to all uses within the HBP District.

**590.10.1.** Upon a determination by the City Council based on verifiable information pertaining to parking demand, the off-street parking requirements of this Section may be revised upward or downward as part of a Special Use Permit application.

**590.10.2.** For unlisted uses, off-street parking requirements shall be set by the Zoning Administrator based on the closest comparable listed use.

**590.10.3.** Table 590.10.1, Off-Street Parking Requirements:

<b>Table 590.10.1</b>	
<i>Use</i>	Minimum number of parking spaces required
Gas station and automotive repair	Three spaces, plus four spaces per each service bay.
Manufacturing facilities	Five spaces plus one per each 500 square feet floor area.
Medical office or veterinary clinic	1 space per 200 square feet of floor space.
Office or laboratory	1 space per 250 square feet of floor space.
Restaurant	1 space per 100 square feet of floor space.
Retail	1 space per 250 square feet of floor space.

Warehouse or distribution	The lesser of 1 space per 1,500 square feet of floor space, or 1 for each employee on the maximum working shift.
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**590.10.4.** All off-street parking areas shall be maintained in good repair.

**590.10.5.** Loading docks, berths and facilities.

**590.10.5.1. Loading dock.** A minimum of one loading dock shall be provided for nonresidential buildings with 20,000 square feet or more in floor area

**535.10.5.2. Loading facility.** A loading facility includes the dock, the berth for the vehicle, maneuvering areas, and the necessary screening walls.

**535.10.5.3. Location.** All loading berth curb cuts shall be located 25 feet or more from the intersection of two street rights-of-way. No loading berth shall be located less than 50 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building. Loading facilities shall not occupy the required front yard.

**535.10.5.4. Size.** A loading dock shall have a berth area at least 12 feet wide and 55 feet long.

**535.10.5.5. Access.** Each loading berth location shall permit vehicular access to a street or public alley in a manner which will least interfere with traffic.

**535.10.5.6. Surfacing.** All loading facilities and access ways shall be paved with bituminous or concrete paving to control the dust and drainage.



July 20, 2023

Mr. Dale Siemsen  
4993 Thompson Road  
Hermantown, MN 55811

Re: Access to Parcel 395-0014-00095

Dear Mr. Siemsen:

I am writing as a follow up to our conversations the week of July 17-20, 2023 regarding access to your property (parcel 395-0014-00095) from Benson Road.

In regards to your message stating that per conversations with your neighbors 'declared that the road (Benson Road) did go through to the end.' City staff has obtained historic aerial photos from 1972, 1981, 1991, 2003, 2013 and 2019 which show the gravel surface associated with Benson Road ending in essentially the same place as 2023.

Given this information, access to your property will require the extension of Benson Road 100+/- feet in order to have access. This work/cost would be the responsibility of the property owner and required to be designed by a registered engineer and installed by a contractor licensed to do work in the City of Hermantown. Upon completion and acceptance of the road extension by the City Engineer, the City would then own and maintain this new road extension.

Please feel free to contact me at [eric.johnson@hermantownmn.com](mailto:eric.johnson@hermantownmn.com) or 218-729-3618 if you have any questions regarding this letter.

Regards,

A handwritten signature in black ink, appearing to read "Eric Johnson", written over a horizontal line.

Eric Johnson  
Community Development Director

Attachments

**Working together to serve and build our community.**

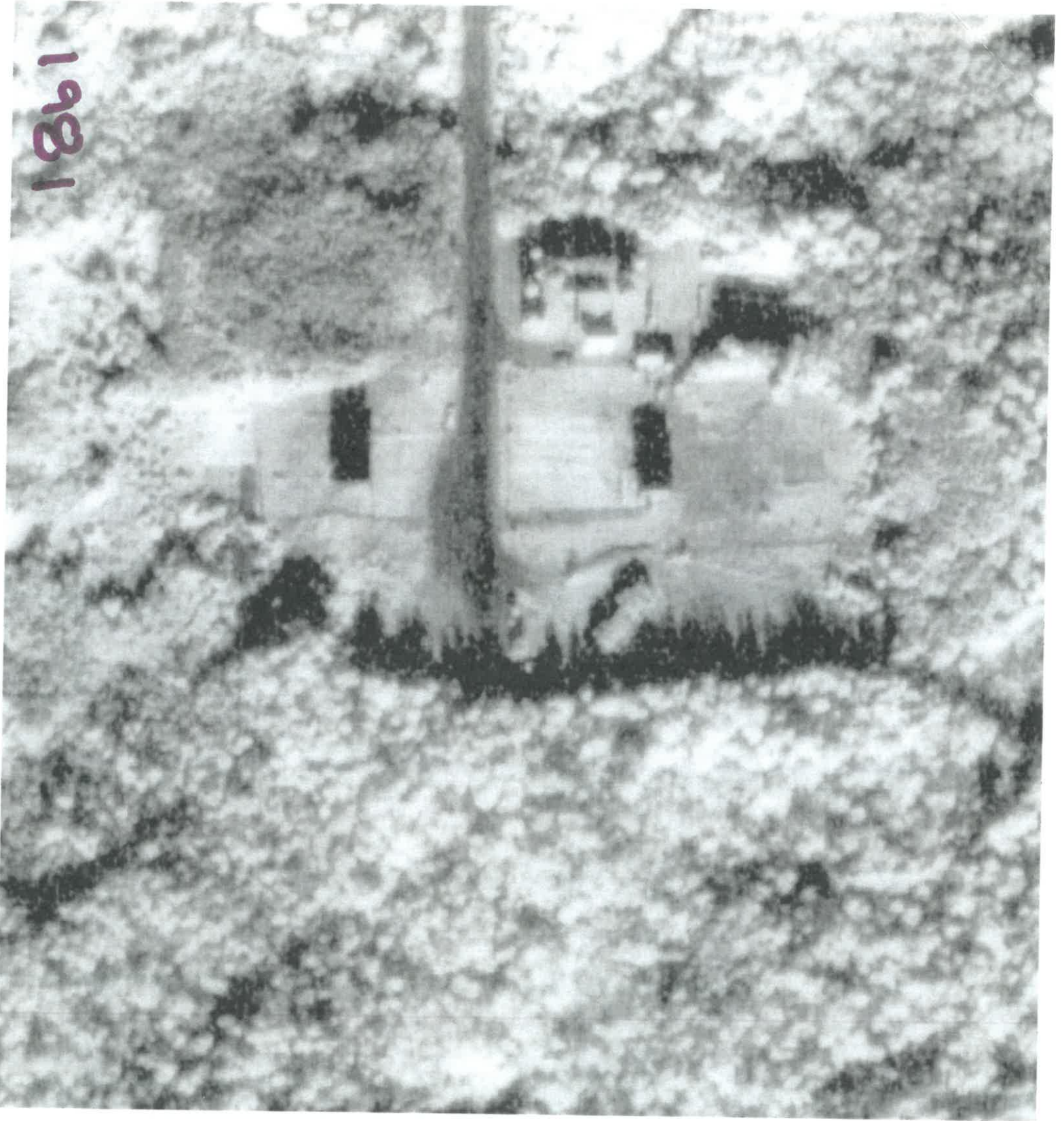
5105 Maple Grove Road, Hermantown, MN 55811  
218-729-3600 [hermantownmn.com](http://hermantownmn.com)

1972





1981



1991





2003





2013

5061 BENSON RD

5055 BENSON RD

5053 BENSON RD

Benson Rd

HERMANTOWN

5058 BENSON RD







2019

Eric Johnson  
City of Hermantown  
Community Development Director

September 26, 2023

Eric,

I am writing this letter to serve as notice of my resignation from the City of Hermantown Planning & Zoning Commission as of September 26th, 2023.

I would like to thank the Mayor and City Council for the opportunity to serve on the commission.

Sincerely,

Sam Clark

*Sam Clark*