



## **Hermantown Planning & Zoning Meeting – July 16, 2024**

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*  
July 16, 2024  
7:00 PM

**1. ROLL CALL**

**2. APPROVAL OF AGENDA**

**3. APPROVAL OF MINUTES**

3A. June 18, 2024 regular meeting.

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

**5. PUBLIC HEARINGS**

5A. An application by Clear Vision Builders LLC for a Special Use Permit for the construction of a two-family home located at 380x Stebner Road. The property is located in an R-3 zoning district.

5B. An application by Peter Walkowiak. for a rezoning of parcels 395-0140-00065 and 395-0140-00070 (53xx Sunnyview Road) from P, Public to R-3, Residential zoning district.

**6. CONTINUING BUSINESS**

**7. NEW BUSINESS**

**8. COMMUNICATIONS**

**9. COMMISSION MEMBER REPORTS**

Joe Peterson  
Corey Kolquist  
Valerie Ouellette  
Beth Wentzlaff  
Kevin Hagen  
Matthew Fournier  
John Stauber  
John Geissler

**ADJOURN**



## PLANNING & ZONING COMMISSION

June 18, 2024 Meeting Summary

7:00 PM

### 1. ROLL CALL

Members Present: Joe Peterson; Valerie Ouellette; Beth Wentzlaff; Matthew Fournier; John Stauber; and Kevin Hagen

Members Absent: Corey Kolquist and Councilor John Geissler

Others Present: Eric Johnson, Community Development Director; Donalda Romano, 5146 Arrowhead Rd.; Mary Murphy, 5180 W Arrowhead Rd.; and Delaine Carlson, 5153 Lavaque Jct. Rd.

### 2. APPROVAL OF AGENDA

Motion made by Valerie Ouellette to approve the June 18, 2024 agenda as presented. Seconded by Matthew Fournier. Motion carried.

### 3. APPROVAL OF MINUTES

Motion made by Matthew Fournier to approve the May 21, 2024 minutes as presented. Seconded by John Stauber. Motion carried.

### 4. PUBLIC DISCUSSION

#### 5. PUBLIC HEARING

5A. An application by Soumis Construction, Inc. for a Special Use Permit for the construction of a two-family home located at 5154 W Arrowhead Road. The property is located in an R-3 zoning district.

Eric Johnson, Community Development Director presented to the members that the applicant, Soumis Construction, Inc., purchased the property at 5154 W Arrowhead Road in the spring of 2024. The property is zoned R-3, Residential and is approximately 2.33 acres in size.

This property was subdivided into a flag lot in 2023 with the purpose of the previous owner of marketing each parcel for a single family home with the subdivided property allowing for the construction of 2 homes.

Assuming approval of the special use permit, the applicant would request a property line adjustment which would move the existing property line to the centerline of the proposed structure, with there continuing being two separate lots with 1 unit on each lot for a total of two units.

Mary Murphy, 5180 W. Arrowhead Road spoke to the history of the Jackson homes and expressed her concern with the loss of the homes and the extent of new development in the City.

Donalda Romano, 5146 W. Arrowhead Road spoke to her preference to this proposal vs. the previous approved plan for a flag lot with two seperate homes. She also read a statement from her husband Mark, who was not in attendance.

Motion made by Valerie Ouellette to approve the. Seconded by Beth Wentzlaff. Motion carried 6 to 0.

**6. CONTINUING BUSINESS**

None.

**7. NEW BUSINESS**

Discussion of potential rezoning of two parcels on Sunnyview Road from P, Public to R-3, Residential. These lots are the former location of the Brand Pet Cemetery.

**8. COMMUNICATIONS**

None.

**9. COMMISSION MEMBER REPORTS**

Joe Peterson – None  
Corey Kolquist – Absent  
Valerie Ouellette – None  
Beth Wentzlaff – None  
Kevin Hagen – New member  
Matthew Fournier – None  
John Stauber – None  
John Geissler – Absent

**ADJOURN**

Motion made by Valerie Ouellette to adjourn the meeting. Seconded by Matthew Fournier. Meeting adjourned at 7:55 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. 380x Stebner Road – Special Use Permit - Construction of a two-family residential structure in a R-3, Residential Zoning District**

**Applicant:** Clear Vision Builders LLC  
**Case No.:** 2024-41 SUP  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** 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:**

3W properties, Inc. (Applicant) requests a special use permit to construct a two-family dwelling unit in an R-3 Residential zone.

**SITE INFORMATION:**

**Parcel Size:** +/- 2.43 acres  
**Legal Access:** 380x Stebner Road  
**Wetlands:** Yes, delineated in 2023  
**Existing Zoning:** R-3, Residential  
**Airport Overlay:** N/A  
**Shoreland Overlay:** N/A  
**Comprehensive Plan:** Residential

**BACKGROUND**

The Applicant (Clear Vision Builders LLC) has an option to purchase the subject property in the Stebner Woods subdivision. This original property had been subdivided from the Bethany Cemetery property in 2022 with 8 lots being platted for residential development. The original property was rezoned from P, Public to R-3, Residential.

The Applicant is seeking to construct a two-family home (twinhome) on the property. The property is approximately 2.43 acres in size and consists of a large wetland on the south portion of the property and upland area in the northern quarter of the property.

## 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	+/-2.43 acres
Minimum lot width	150 feet	410 feet
Minimum depth of front yard	50 feet	50 feet minimum
Minimum side yard	40 feet	40 feet minimum
Minimum rear yard	40 feet	+/- 107 feet
Minimum distance from nearest condominiums, town homes, two-family dwellings	200 feet	Greater than 200 feet.
Minimum living area per unit	792 sq. ft.	+/- 1,680 sq. ft.

### Utilities

There are existing water and sanitary sewer services in the Stebner Road right of way. The Applicant will be required to stub the new utilities to the new lot in order to provide service to the two-family home. The Applicant is required to obtain the necessary permits and pay any/all connection/availability fees for to the City for these utilities.

### Parcel Split

Any future lot subdivision of the parcel for the purpose of creating a second lot for the two-family structure will be accomplished by an administrative parcel split. Application fee and park dedication will be required at time of application.

### Wetlands

The wetlands on the entire Stebner Woods plat were delineated in 2023. The subject parcel has a large wetland located on the southern ¾ of the property. The Applicant is proposing to locating the proposed structure approximately 90 feet from the right of way in an effort to reduce wetland impacts.

The Applicant will be required to submit an application for wetland impacts to the Hermantown Technical Evaluation Panel for their review and approval prior to issuance of a building permit.

### 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 in a R-3, Residential zoned property, 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 issuance of a building permit, the applicant is required to submit an application to the Technical Evaluation Panel (TEP) for wetland impacts associated with construction of the two-family structure. No building permit will be issued until the TEP reviews and approves the wetland impacts.
6. Any future lot subdivision of the parcel will be accomplished by an administrative parcel split.
7. The approval is for a Special Use Permit for the purpose of constructing a two-family structure. The Community Development Director may approve minor variations as long as the variations do not result in any wetland impacts or setback infringements.
8. The applicant shall sign a consent form assenting to all conditions of this approval.
9. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

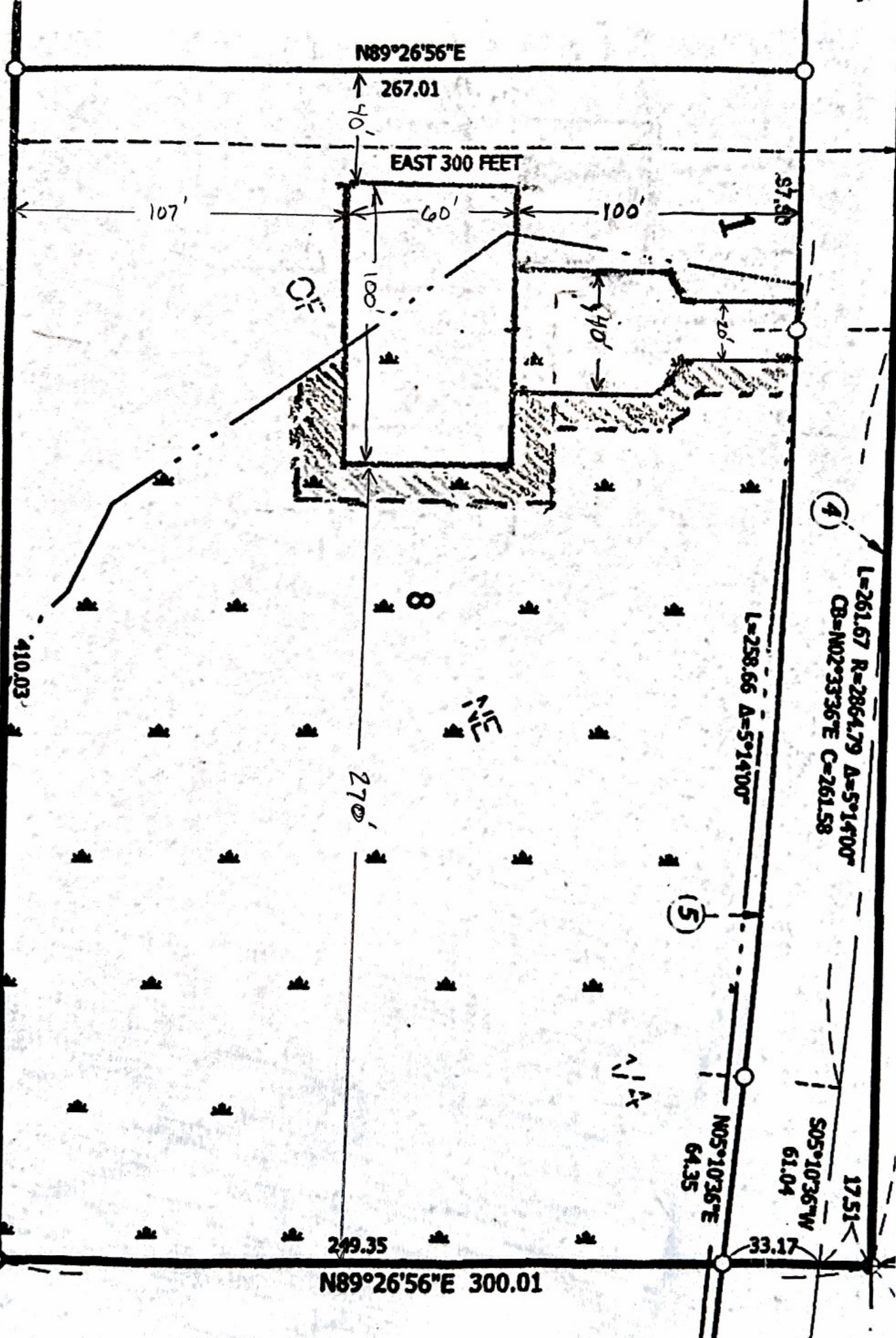
#### **ATTACHMENTS**

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



# Location Map





Approximate Wetland Impacts: 9,000 SF.  
 \* Wetland delineation impacts are less.

L=261.67 R=2864.79 A=5°14'00"  
 CB=N02°33'36"E C=261.58

L=258.66 A=5°14'00"

N05°10'36"E  
 64.35

S05°10'36"W  
 61.04

17.51

33.17

N89°26'56"E 300.01

N89°26'56"E

267.01

EAST 300 FEET

40'

107'

60'

100'

100'

40'

20'

8

FILL

270'

(5)

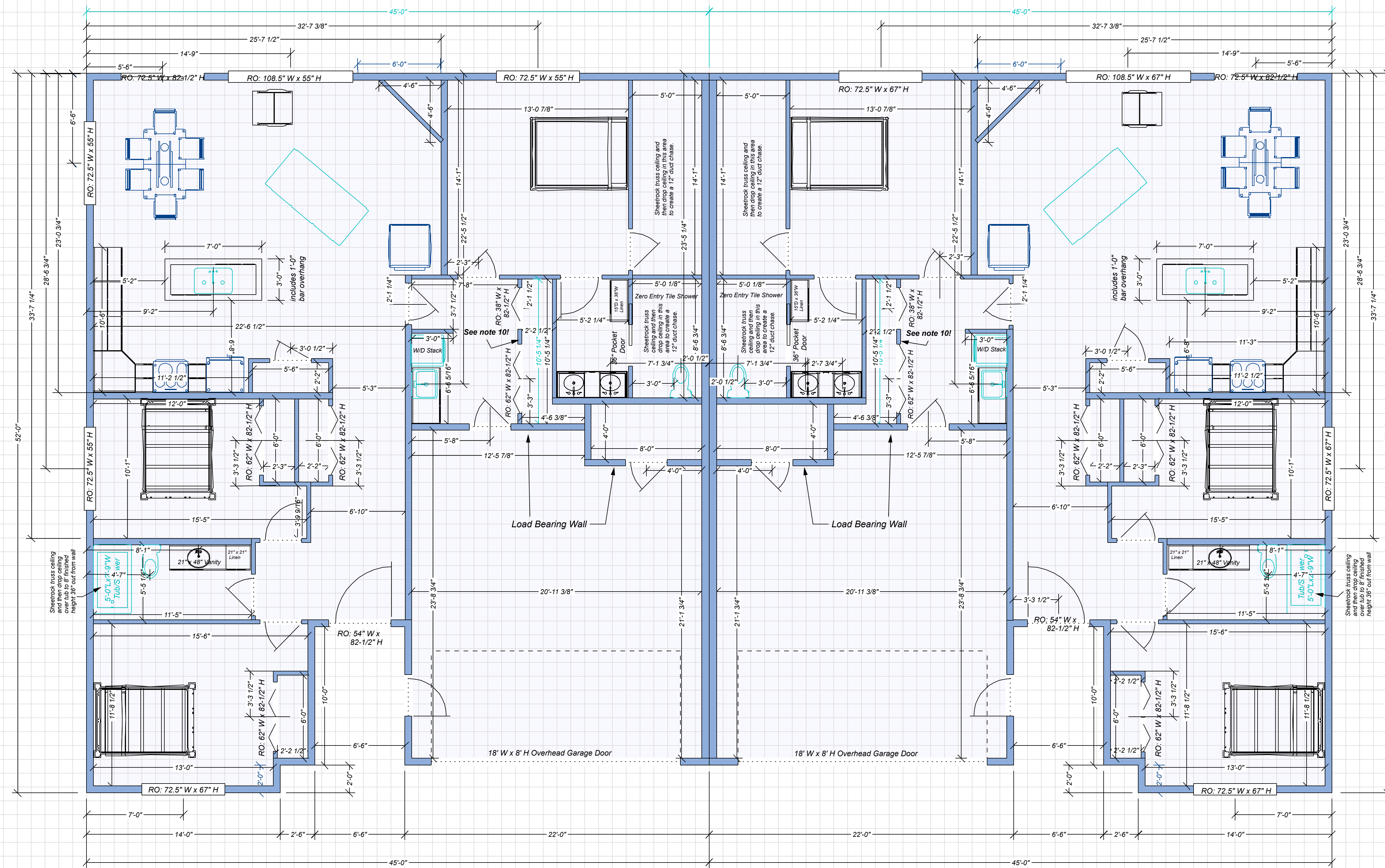
(4)

410.03'

249.35







**Notes:**

1. Center wall is 13-1/4" thick: 5-1/2" Stud Wall - 5/8" Sheetrock - 1" airspace - 5/8" sheetrock - 5-1/2" Stud wall
2. All other exterior walls are 6" including sheeting
3. All exterior dimensions are from sheeting to sheeting (please note this on covered porch)
4. Exterior sheeting should align with exterior of foundation foam
5. Interior Swinging door location is 3" from hinge side inside corner unless otherwise noted
6. Noted door locations are to centerline of door.
7. All swing doors are 36" doors (Front entry has an additional 14" sidelite)
8. Right side unit window height set at bottom of 2x10 header with header tight to top plate.
9. Left unit windows set at 82-1/2" height with exception of front bedroom which is set like right side unit.
10. Closet to have an open shelf above closet doors.  
Frame closet wall at 89-1/2" tall with single top plate over 2x6 headers.  
Hang 2x4's level with top plate as a ceiling between front closet wall and back closet wall.
11. Window RO's include 1.5" vertical and 1" horizontal beyond actual window size.  
Use beveled cedard siding to slope lower sill plate for drainage before installing pan flashing.

**Clear Vision Builders LLC**  
**Project: 4059/61 Ugstad Road, Hermantown**

**Drawing Revision: 2023-Sep-05-R2**

R1: Misc dimension adjustments and additions  
R2: Corrected living room window location and fireplace wall location  
Called out dining room window location on south unit  
Corrected visual size of window in master bedroom

**Scale: 1/4" = 1'-0"**



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**5B. 53xx Sunnyview Road – Zoning Map Amendment**

**Applicant:** Peter Walkowiak

**Case No.:** 2024-42 ZM

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

**Request:** Rezone Parcels 395-0140-00065 and 395-0140-00070 from P, Public to R-3, Residential

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**RECOMMENDED ACTION:**

Staff recommends that the Planning and Zoning Commission hold a public hearing regarding the zoning of parcels 395-0140-00065 and 395-0140-00070 from P, Public to R-3, Residential.

**SITE DATA**

**Address:** 53xx Sunnyview Road (Parcels 395-0140-00065 and 395-0140-00070)

**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:** 2.3 acres total

**Wetlands:** None per the National Wetland Inventory

**Shoreland Overlay:** No

**Airport Zoning:** None

**DESCRIPTION OF REQUEST:**

City staff has received a request from the current property owner/applicant (Peter Walkowiak) to rezone two parcels along Sunnyview Road from P, Public to R-3, Residential. The applicant inherited the property in 2021 from Jowan Brand, the previous owner, who had maintained a pet cemetery on the parcels since the 1960's through the early 2000's.

**BACKGROUND:**

In 2015, the City undertook the rezoning of multiple parcels throughout the City in an effort to 'clean-up' the zoning map. The following is information from the staff report at that time:

Applicant has owned the property on the north side of Sunnyview Road for many decades. Staff was recently made aware of the existing pet cemetery, which has not been maintained in many years. Brand

Pet Cemetery appears to have operated from the 1960s through the early 2000s. There are several hundred pets buried on the site. The pet cemetery plots are irregularly marked. Some of the cemetery plots have stone grave markers, while others are more informal.

Ms. Brand was reached at her home in Solway Township. She stated that she maintains a map of the cemetery and regretted that it has not been maintained recently. She is supportive of a rezoning of the property as she intends for it to remain as a pet cemetery indefinitely.

The two parcels were rezoned from R-3, Residential to P, Public by the Hermantown City Council in 2016. The current owner/applicant has contacted the City in the past couple of years inquiring about the ability to rezone the property. The City did order an ownership and encumbrances report to see if there was any formal registration of the property as a cemetery, which there was not.

City staff has discussed this request with the City Attorney to gauge a route moving forward. Per the City Attorney’s comments, City staff will be placing a notice in the Hermantown Star referencing the rezoning as well as providing staff contact information for people to contact should they want to remove any markers or memorials associated with the pet grave sites or even disinter the animals.

Staff has contacted the owner/applicant to verify his concurrence with this and he has responded that he supports this approach.

**Utilities**

The Sunnyview development utilizes private well and septic systems. Any future development on these lots would require permits for these items from St. Louis County and will be required prior to the issuance of any building permits by the City.

**Wetlands**

The National Wetland Inventory does not show any potential wetlands on the two subject parcels.

**Zoning**

Applicant is requesting a rezoning from P, Public to 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 minimum, 25 feet aggregate
<i>Side</i>	15 feet	10 feet minimum, 25 feet aggregate
<i>Rear</i>	25 feet	40 feet
<b>Minimum lot area</b>	None	½ acre with City utilities, 1 acre without
<b>Minimum lot width</b>	None	100 feet
<b>Maximum lot coverage</b>	35%	35%

## **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.

### **SUMMARY & JUSTIFICATION:**

The proposed rezoning meets the criteria of the Comprehensive Plan and the overall goals and policies of the Zoning Ordinance. The two 1.15 acre parcels meet the minimum requirements associated with the R-3, Residential zoning district.

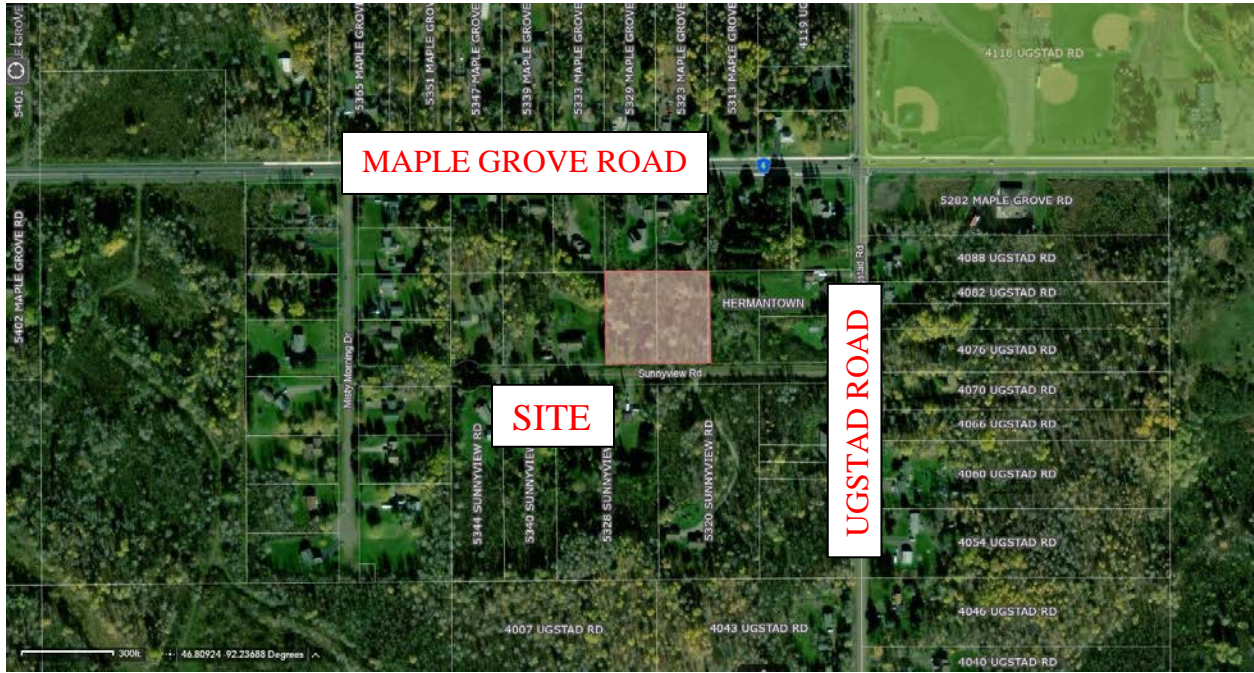
1. The property is included in the suburban development concept area (Area 1) of the Comprehensive Plan within which residential development is currently allowed.

### **ATTACHMENTS**

- Location Map
- November 17, 2015 Staff report
- December 1, 2015 Letter to property owner



# Location Map



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**7A. Brand Pet Cemetery – Sunnyview Road**

<b><u>Applicant:</u></b>	City of Hermantown
<b><u>Location:</u></b>	Sunnyview Road; PINs #395-0140-00065 and 395-0140-00070
<b><u>Case No.:</u></b>	Unassigned
<b><u>Staff Contact:</u></b>	Adam Fulton, Community Development Director
<b><u>Request:</u></b>	Rezone property from R-3, Single Family Residential, to P, Public

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**RECOMMENDED ACTION:**

Planning Commission to recommend whether to bring forward subject properties for rezoning.

**DESCRIPTION OF REQUEST:**

Discussion and recommendation from Planning Commission on the prospective rezoning of Brand Pet Cemetery to P, Public.

**SITE INFORMATION:**

<b>Parcel Size:</b>	2 parcels, each 1.15 acres in size
<b>Legal Access:</b>	Sunnyview Road
<b>Wetlands:</b>	NA
<b>Existing Zoning:</b>	R-3, Single Family Residential
<b>Comprehensive Plan:</b>	Residential

**BACKGROUND:**

Applicant has owned the property on the north side of Sunnyview Road for many decades. Staff was recently made aware of the existing pet cemetery, which has not been maintained in many years. Brand Pet Cemetery appears to have operated from the 1960s through the early 2000s.

There are several hundred pets buried on the site. The pet cemetery plots are irregularly marked. Some of the cemetery plots have stone grave markers, while others are more informal.

Ms. Brand was reached at her home in Solway Township. She stated that she maintains a map of the cemetery and regretted that it has not been maintained recently. She is supportive of a rezoning of the property as she intends for it to remain as a pet cemetery indefinitely.

If recommended by the Planning Commission, a public hearing on the matter could be held at the December 15<sup>th</sup>, 2015 meeting.

**ATTACHMENTS:**

- Rezoning Map

# Brand Pet Cemetery - Prospective Rezoning Sunnyview Road

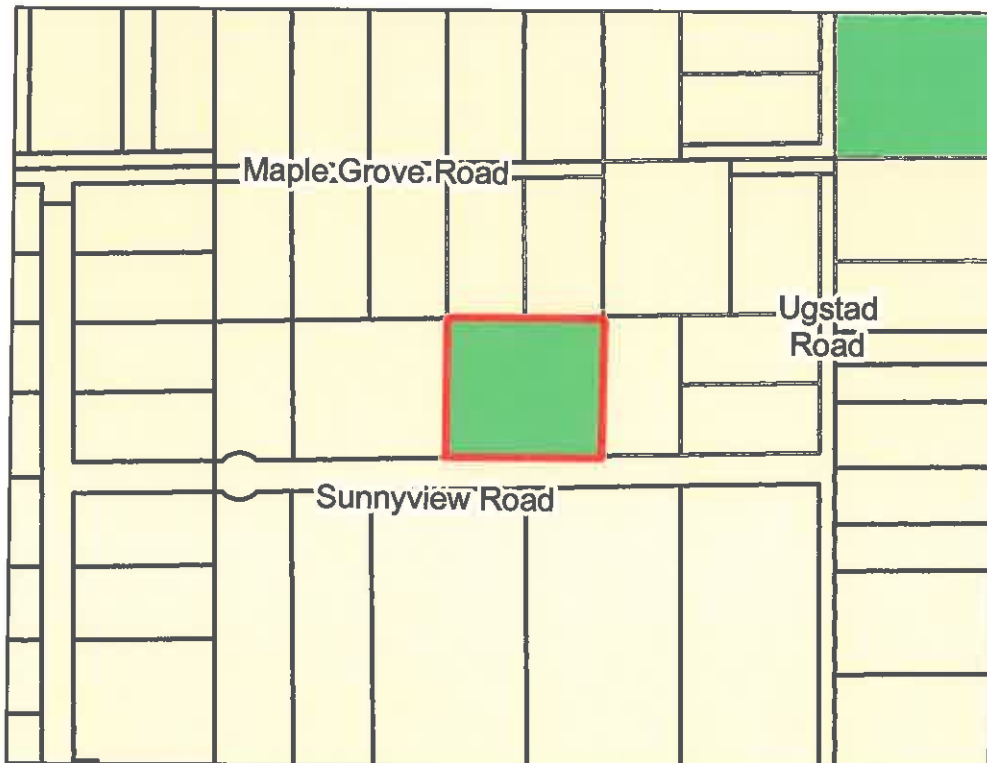
## Existing Zoning



### Legend

- S1 - Rural
- R1 - Single Family Residential
- R3 - Single Family Residential
- R3a - Multiple Family Residential
- O - Conservation / Open Space
- P - Public Facilities
- HM - Hermantown Marketplace
- C - General Commercial
- C1 - Office/Light Industrial
- C1A - Sexually Oriented Uses
- BLM - Business and Light Manufacturing
- M2 - Heavy Industrial

## Proposed Zoning





## Community Development Department

5105 Maple Grove Road  
Hermantown, Minnesota 55811  
(218) 729 – 3600 / (218) 729 – 3620 (fax)  
[www.hermantownmn.com](http://www.hermantownmn.com)

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December 1, 2015

Ms. Jowan Brand  
6742 Seville Rd.  
Saginaw, MN 55779

Re: Your Sunnyview Road parcels # 395-0140-00065 & 395-0140-00070

Dear Ms. Brand,

We are in the process of updating our City's Official Zoning Map. As the map was reviewed for accuracy, it was noted that your two parcels referenced above were zoned "R-3, Single Family Residential" rather than for public uses. This zoning designation is not of great importance, given that your property has historically been used as a pet cemetery. However, it could be important in the future.

To address this, Staff has proposed rezoning your property to "P-Public". This will allow the designation for a pet cemetery to be better identified on public maps in the City. It will also memorialize the public nature of the land use that has been created at the cemetery.

The proposed rezoning is unrelated to your County tax classification, and should have no relation to your property tax statement.

To effectuate the rezoning, the Planning Commission will hold a public hearing on the matter at its December 15, 2015 meeting. That meeting will be held at City Hall, 5105 Maple Grove Road, Hermantown, MN, at 7:00 PM.

Please feel free to contact me if you have any questions. We are happy to work with you to clear up any confusion regarding this issue.

Thank you,

Adam Fulton, Community Development Director  
City of Hermantown  
5105 Maple Grove Road  
Hermantown, MN 55811  
[afulton@hermantownmn.com](mailto:afulton@hermantownmn.com)  
office: 218-729-3618