



PLANNING & ZONING COMMISSION

Agenda
June 16, 2026
7:00 PM

- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES**
 - 3A. May 19, 2026 regular meeting.
- 4. PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.
- 5. PUBLIC HEARINGS**
 - 5A. An application by 1 LLC for a Special Use Permit for a 103-unit, 4 story apartment building on a 6.2-acre site located at 4818 Maple Grove Road. The property is located in an HM – Hermantown Marketplace zoning district.
 - 5B. An application by Patty Bastian and Tom Peterson for a Special Use Permit associated with greenhouse sales on a 10-acre property located at 5853 W Arrowhead Road. The property is located in a S-1, Suburban zoning district.
- 6. CONTINUING BUSINESS**
- 7. NEW BUSINESS**
- 8. COMMUNICATIONS**

Correspondence 2026-328 – 2026-329; 2026-338; 2026-340 – 2026-342; and 2026-344.
- 9. COMMISSION MEMBER REPORTS**

Joe Peterson
Corey Kolquist
Beth Wentzlaff
Kevin Hagen
Matthew Fournier
John Stauber
Amanda Radzak
Ryan Johnson

ADJOURN



PLANNING & ZONING COMMISSION

May 19, 2026 Meeting Summary

7:00 PM

1. ROLL CALL

Members Present: Joe Peterson; Corey Kolquist; Beth Wentzlaff; John Stauber; Kevin Hagen; Matthew Fournier; and Ryan Johnson

Members Absent: Amanda Radzak

Others Present: Eric Johnson, Community Development Director; John Mulder, City Administrator; Joe Wicklund, Asst. City Administrator; Chad Ronchetti, Econ. Dev. Dir.; Dave Chura, Duluth; Kim Parmeter, Hermantown; Lucas Mistelske, Grand Lake Township; Brian Hanson, Duluth; Rachel Johnson, Duluth; Derek Pederson, Proctor; Michael Koppy, Hermantown; Rebecca Grandorf, Hermantown; Delaine Carlson, Hermantown, Julie Anderson, Hermantown, Jonathan Thornton, Hermantown; Jackie Dolentz, Hermantown; Kelley O'Leary, Hermantown; Jen Kangas, Hermantown; Toni Doup, Pike Lake; Jim Resberg, Hermantown; Clarissa Ek, Hermantown; Jeff & Kelli Alseth, Proctor; Tom and Mrs. Bates, Hermantown; Brea Schminski, Duluth; Sarah Lofald, Hermantown; JoAnne Bates, Hermantown; A Scarbrough, Duluth, Meagan Elling, Solway Township; and Doug Olsen, Hermantown.

2. APPROVAL OF AGENDA

Motion made by Corey Kolquist to approve the May 19, 2026 agenda as presented. Seconded by Matthew Fournier. Motion carried 5-0.

3. APPROVAL OF MINUTES

Motion made by John Stauber to approve the April 21, 2026 minutes as presented. Seconded by Kevin Hagen. Motion carried 5-0.

4. PUBLIC DISCUSSION

The following people spoke:

Jackie Dolentz, Hermantown – 2045 Comprehensive Plan

Tom Bates, Hermantown – opposition to the Data Center

5. PUBLIC HEARING

5A. An application for a Special Use Permit by Kyle Kloss for grading and filling in a General Development Environment Shoreland Area for the purpose of building a new residential structure and driveway. The property is located at 56xx Hwy 194.

The application has been withdrawn.

5B. An application by Levi Stauber/Cottage Life Investments LLC for a Subdivision to create a 136-foot-wide parcel of 0.65 acres and a 4.18-acre lot accessed by way of a flag lot of 30-foot width at 5245 Maple Grove Road. The property is located in an R-3 zoning district.

Eric Johnson, Community Development Director, presented an application from Levi Stauber/Cottage Lake Investments, LLC, for a 4.83-acre property at 5245 Maple Grove Road.

The proposal would create a new flag lot along the eastern property line, dividing the property into Parcel A (0.65 acres) and Parcel B (4.18 acres). The existing home and one outbuilding would remain on Parcel B, while another outbuilding would be relocated onto Parcel A.

The owner plans to market or develop the new lot in the future. Any future home construction will require coordination for utilities and driveway access. Because the City does not allow lots with only accessory structures, the applicant must provide a \$5,000 escrow until a primary structure is built on Parcel B.

In addition, part of the existing circular driveway must be removed to eliminate the shared driveway access between the two parcels.

Daniel Hill, Hermantown, asked about the placement of the driveway. Eric responded that the driveway may be removed for the installation of utilities and could be rebuilt further from the property line.

Motion made by Corey Kolquist to approve the application by Levi Stauber/Cottage Life Investments LLC for a Subdivision to create a 136-foot-wide parcel of 0.65 acres and a 4.18-acre lot accessed by way of a flag lot of 30-foot width at 5245 Maple Grove Road. The property is located in an R-3 zoning district. Seconded by Kevin Hagen. Motion carried. 4-0. John Stauber abstained.

5C. An application by JLG Enterprises of Hermantown LLP for a Wetland Replacement Plan for 13,503 square feet of wetland impacts in the 63-acre Peyton Acres residential development located at the formerly addressed 3956 Stebner Road and is located in an R-3 zoning district.

Eric presented an application from JLG Enterprises for the final phase of the Peyton Acres development. Since 2020, the applicant has worked with the City of Hermantown Technical Evaluation Panel (TEP) on wetland permits and approvals. Phase 4 exceeds the de minimis wetland impact threshold, requiring the purchase of wetland credits.

The Hermantown TEP conditionally approved the project on April 8, 2026, pending proof of wetland credit purchase. The developer has secured credits for 13,503 square feet of wetlands.

Staff recommends approval of the Wetland Replacement Plan with conditions including purchase of wetland credits, payment of a \$2,025.45 wetland fee, inclusion of conservation covenants, signed consent to approval conditions, and a \$750 administrative fine for violations.

Motion made by Corey Kolquist to approve the application by JLG Enterprises of Hermantown LLP for a Wetland Replacement Plan for 13,503 square feet of wetland impacts in the 63-acre Peyton Acres residential development located at the formerly addressed 3956 Stebner Road and is located in an R-3 zoning district. Seconded by Beth Wentzlaff. Motion carried. 5-0.

5D. An application by Scannell Properties for a Wetland Replacement Plan for 2.31 acres of wetland impacts associated with the 231,000 square foot office/freight distribution facility located at 531x Miller Trunk Highway and is located in a BP – Hermantown Business Park zoning district.

Eric presented an application from Scannell Properties #791, LLC, for approval of a Wetland Replacement Plan related to the proposed Hawkline Business Park development at Highway 53 and Lavaque Bypass Road. The project includes construction of a 231,000-square-foot warehouse/distribution facility in the BP zoning district.

The Hermantown TEP reviewed the project in February and April 2026 and directed Stantec to prepare a wetland replacement plan. The TEP also required future wetland impacts from a planned access road to be included in future replacement calculations.

Stantec submitted a plan for impacts to 2.31 acres of wetlands, while the City anticipates additional wetland impacts for the future access road and plans to submit a separate replacement plan later in 2026.

Sarah Lofald, gave a brief background on the site, which was designated a Superfund site by the EPA.

Motion made by John Stauber to approve the application by Scannell Properties for a Wetland Replacement Plan for 2.31 acres of wetland impacts associated with the 231,000 square foot office/freight distribution facility located at 531x Miller Trunk Highway and is located in a BP – Hermantown Business Park zoning district. Seconded by Matthew Fournier. Motion carried. 5-0.

5E. An application by 1 LLC for a Special Use Permit for a 103-unit, 4 story apartment building on a 5.8 -acre site located at 4818 Maple Grove Road. The property is located in an HM – Hermantown Marketplace zoning district.

Eric presented an application from 1 LLC for the proposed Hermantown Apartment project on 5.8 acres of a 30-acre property. The project includes a four-story, 103-unit apartment building on currently undeveloped land with wetlands located throughout the site. Access would be from Maple Grove Road using the existing Stebner Park driveway until future road connections are developed.

The development includes studio, one-, and two-bedroom units, a 45-foot-tall building with a 19,370-square-foot footprint, and 206 surface parking spaces meeting City requirements. A paved 10-foot-wide trail would also connect the apartment building to the City trail system south of the site.

Beth Wentzlaff asked how much wetland would be impacted, and Eric stated approximately 9,500 square feet.

Corey Kolquist asked about existing utility setbacks and snow removal. Eric explained utilities currently extend to the restroom building near the southern park fields and said snow removal is anticipated to be maintained by the City.

Matthew Fournier raised concerns about driveway access and infrastructure planning before development proceeds, including road design, safety near the soccer fields and park, and whether upgrades such as streetlights or sidewalks would be required. Eric stated staff are still discussing future roadway plans and acknowledged the existing driveway will eventually need to be upgraded.

The following people spoke:

Sarah Lofald of Hermantown, who has strong ties to the soccer fields, expressed concerns about how the development could impact the local environment, wetlands, public parks, community character, and traffic management.

Dan Linde, Hermantown Soccer Association is concerned about the current access road being changed to an actual road or that the developer has their own separate access road.

Motion made by Matthew Fournier to table the application by 1 LLC for a Special Use Permit for a 103-unit, 4 story apartment building on a 5.8 -acre site located at 4818 Maple Grove Road. The property is located in an HM – Hermantown Marketplace zoning district. Seconded by Kevin Hagen. Motion tabled 5-0.

5F. A public hearing for an amendment to the City of Hermantown’s Comprehensive Plan’s transportation and utilities chapter pertaining to the expansion of the urban services area.

According to Eric, the City of Hermantown adopted its updated 2045 Comprehensive Plan in the spring 2025. The plan includes seven chapters covering vision and purpose, background and trends, natural resources and recreation, land use, economic and housing development, transportation and utilities, and implementation.

The City of Hermantown has been discussing the extension of sanitary sewer and water services to the Adolph area with St. Louis County and WLSSD, driven by the 2045 Comprehensive Plan and the proposed Google Data Center. The proposed utility extension would follow W. Arrowhead Road to Midway Road and continue south to the Adolph/Section 31 area.

WLSSD determined the City’s Urban Service Boundary (USB) in the 2045 Comprehensive Plan does not align with the WLSSD boundary and recommended amendments. The updated plan would expand the USB to encompass the entire city while identifying short- and long-term growth areas and updating utility planning language and maps accordingly.

Key updates include revised USB maps, expanded narrative language, updated references to the 2001 USB, and new goals supporting phased utility expansion and economic development opportunities throughout the city.

Beth said some proposed changes are being driven by WLSSD requirements and felt the commission’s prior input was not fully reflected in the final plan. She expressed concern that the review process is moving too quickly and that the agenda packet lacked enough detail for a thorough review.

Corey asked for clarification, and Beth explained that extending water and sewer along Midway Road has long been considered a future project that would require a lift station and additional planning. She stressed the importance of a careful process over a fast one.

Matthew asked about WLSSD’s urban service boundary map differing from Hermantown’s map. Eric explained that the City can utilize WLSSD’s system, so the City’s map should align with WLSSD’s rather than the reverse. He noted WLSSD last updated its map around May 2025.

Dave Chura, Duluth – Spoke to concerns about protecting the rural character and the local environment.

Kim Parmeter, Midway Township – Spoke about readiness for jobs, investment, and future business growth in Hermantown.

Lucas Mistelske, Grand Island Township – Shared his 14 years of data center industry experience and offered himself as a resource.

Brian Hanson, Duluth, – Voiced support for business growth and strong public planning processes.

Rachel Johnson, Duluth, – Supported approval of the Comprehensive Plan amendment.

Derek Pederson, Proctor, – Discussed his organization’s role in providing living wages for Northland families.

Rebecca Grandorf, Hermantown – Spoke to page 82 of the Comprehensive Plan, which states that a secondary sanitary sewer trunk line for western Hermantown is not expected to be needed within the next 20 years for residential growth, but could instead support future business development in the southwest portion of the city.

Jill Anderson, Hermantown – Owns a small horse farm and she’s concerned about the Data Center and water concerns and that people are going to be out-taxed.

Jonathon Thornton, Hermantown – Jonathan discussed why he does not want water and sewer extended to his property, noting that those with larger parcels may view the issue differently. He emphasized the importance of the 2022–2024 Comprehensive Plan and stated his belief that decisions surrounding the plan were influenced by the proposed data center. He also believed the 2045 Comprehensive Plan was revised after July 11, 2024, to meet criteria requested by Google.

Jackie Dolentz, Hermantown – She stated that she is not opposed to development, but is opposed to inappropriate development in a residential area. Referencing page 1 of the Comprehensive Plan, she noted the plan emphasizes preserving natural beauty, including creeks, wetlands, and wooded areas, and said the community had no input on changes affecting the southwest corner of Hermantown.

David Thornton, Hermantown – He stated that Hermantown is a diverse city that respects its origins. As a large landowner on the western side of the city, he noted there are few large parcels remaining and questioned whether the Comprehensive Plan truly reflects majority community support.

Tim Resberg, Hermantown – He stated that many people move to Hermantown for its rural and residential character and expressed concern that development of a data center could discourage future residents and negatively impact the community.

Clarissa Ek, Hermantown – She stated that she lives on 10 acres within a quarter mile of the proposed data center and said the project would directly impact her property. Drawing on her experience as a veteran, former union member, and longtime public servant, she expressed strong concerns about the government’s handling of the process.

Joanne Bates, Hermantown – She referenced comments from a St. Louis County Commissioner meeting stating that approximately 30,000 gallons of leachate containing PFAS is entering Lake Superior. She said WLSSD accepts waste from outside areas but claimed Duluth lacks treatment capability for PFAS, resulting in discharge into the lake. She also mentioned a partially funded

reverse osmosis plant in Canyon that requires state bonding approval. Additionally, she noted claims that data centers may involve PFAS through coolants and fire suppression materials, and said WLSSD had indicated to the Hermantown City Council they could handle wastewater from the proposed data center.

Sarah Lofald, Hermantown – She said the committee has an opportunity to regain community trust, but expressed concern that the process has instead been eroding trust in the City Council and staff. She added that repeated calls for transparency have not been adequately addressed.

Jim Klukkert, Duluth – He spoke about non-disclosure agreements, stating his belief that government agencies allowing employees to sign them forfeit public trust.

Alexis Scarbrough, Duluth – She expressed concern that planning is not adequately forward-looking and that the process is moving too quickly based on unproven promises.

Meagan Elling, Solway Township – She expressed concerns about water and sewer extensions, stating she believes they are being extended primarily for the data center and would not otherwise be expanded. She also opposed urbanization of Hermantown, raised concerns about future infrastructure maintenance costs, and questioned who is responsible for the Comprehensive Plan changes.

Doug Olsen, Hermantown – He stated he supports development and economic growth, as well as people and the community, and emphasized the importance of following the Constitution. He referenced the “4 P’s” from his business experience—people, product, process, and profit—saying they must work together, and he called for a better process in the current situation.

Corey Kolquist, commission member, Hermantown – He said he grew up in Hermantown and has served on the committee for 10 years, describing it as a passion to improve the community and future opportunities for children. He stated his involvement is not driven by other motives and expressed support for responsible growth and development.

Beth Wentzlaff, commission member, Hermantown – She reflected on her husband’s family having lived in Hermantown since 1906 and described it as a privilege. She said she would not have approved the Comprehensive Plan change and believes more time is needed to pause and discuss it further.

Ryan Johnson, commission member, Hermantown – He said he is interested in the 2045 Comprehensive Plan and noted projections that St. Louis County may see population decline while Hermantown is expected to grow. He stated that accommodating developments such as a data center that require utilities could help support that projected growth and address broader regional trends.

Motion made by Corey Kolquist to approve the amendment to the City of Hermantown’s Comprehensive Plan’s transportation and utilities chapter pertaining to the expansion of the urban services area. Seconded by John Stauber. Motion carried. 4-2.

6. CONTINUING BUSINESS

Eric brought up about staff bringing up the ADU and that will move forward at a date soon, maybe July.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

Correspondence 2026-037 – 026-123; 2026-125 – 2026-135; 2026-140 – 2026-149; 2026-152 – 2026-155; 2026-167 – 2026-206; 2026-211 – 2026-235; 2026-239 – 2026-314; 2026-316 – 2026-324.

9. COMMISSION MEMBER REPORTS

Joe Peterson – None
Corey Kolquist – None
Beth Wentzlaff – None
Kevin Hagen – None
Matthew Fournier – None
John Stauber – None
Amanda Radzak – Absent
Ryan Johnson – None

ADJOURN

Motion made by John Stauber to adjourn the meeting. Seconded by Corey Kolquist. Meeting adjourned at 9:26 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant



5A. 4818 Maple Grove Road Hermantown Apartments – Special Use Permit

<u>Applicant:</u>	1 LLC
<u>Case No.:</u>	2026-11-SUP
<u>Staff Contact:</u>	Eric Johnson, Community Development Director
<u>Request:</u>	Special Use Permit (SUP), 103 unit apartment

DESCRIPTION OF REQUEST

Applicant (1 LLC) is requesting a Special Use Permit (SUP), to construct a 4 story, 103-unit apartment building on 6.2 acres in the HM – Hermantown Marketplace Zoning District at 4818 Maple Grove Road.

SITE INFORMATION

Lot Size:	6.2 acres
Legal Access:	4818 Maple Grove Road
Wetlands:	Yes, have been delineated and approved by the TEP
Existing Zoning:	HM – Hermantown Marketplace
Airport Overlay:	No
Shoreland Overlay:	No
Comprehensive Plan:	Mixed Use

Background

1 LLC (Applicant) is the property owner of 30 acres of which 5.8 acres is being proposed to be used for this project. The applicant is proposing the Hermantown Apartment project, which consists of a 4 story, 103-unit apartment building. The site is currently undeveloped with topography generally sloping from the west to the east. There is a large wetland along the southern portion of the proposed project as well as numerous wetlands of varying sizes throughout the overall 30 acre parcel. The property has access from Maple Grove Road to the north and is proposing to utilize the access driveway to Stebner Park for the project until there is additional development of a road network in this area.

The proposed project consists of a mix of studio, one and two-bedroom apartments ranging in size from 418 square feet to 1026 square feet. The proposed building is 45 feet in height, to the mid point of the roof and has a footprint of approximately 19,370 square feet. The project proposes 206 surface parking spaces which meets the City requirements of two parking spaces per residential unit.

The project proposes a paved, 10 foot wide trail connecting the proposed apartment to the City’s trail system located just south of the building.

There was a public hearing at the May 19, 2026 Planning and Zoning Commission meeting with questions from the board concerning the use of Stebner Park driveway as the entrance to this development and when/if the driveway would be rebuilt to a roadway status.

City staff has discussed the driveway and its future use. There are 80% construction documents currently done for the future roadway with the anticipated construction date for the road being shortly after the completion of this proposed project. The rationale being that the City wants to avoid construction traffic on a new roadway surface and rather use the existing driveway during the construction of the proposed project, then the new road would be constructed.

City staff would coordinate access to this project site and the soccer fields as the plans for the road project are closer to finalization. In addition, the Applicant has contacted Hermantown Youth Soccer Association to discuss coordination between the two sites as well.

Lastly, attached are conceptual graphics of the future roadway from Maple Grove Road into the overall site area.

Special Use Permit

The Special Use Permit is for the construction of multiple family residential within the Hermantown Marketplace Zoning District. 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 City's Comprehensive Plan envisions this area for mixed use development. The proposed project is the first phase of development, with the Applicant working with the City on future master planning.

- 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 meet the intent of the zoning ordinance to promote mixed use development. The development of multiple family housing is an allowed use within the HM – Hermantown Zoning District with a Special Use Permit.

- 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 mixed use development on the Hermantown Comprehensive Plan. Mixed use development is typically a combination of residential and commercial uses, with this project being the first phase of development.

- 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 (multiple family housing) is allowed with a Special Use Permit under the HM – Hermantown Marketplace Zoning District.

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

The Applicant will be required to submit final construction plans including site, grading, utility, stormwater and building plans. These plans will need to be reviewed and approved by City staff prior to construction.

Zoning Analysis

The Hermantown Marketplace allows a multiple family dwelling with the approval and issuance of a Special Use Permit. The Planning and Zoning Commission is a recommending body to the City Council with this type of application.

In addition, City staff will administratively review the site, grading, utility, stormwater and building plans associated with the project. Upon approval of these documents, permits will be issued to commence with the project construction.

Setbacks

Setbacks within the marketplace are generally less than other commercially zoned property. The Hermantown Marketplace zone district is intended to create a dynamic, easily identifiable commercial district that can accommodate daytime, evening, and weekend activity, incorporating a mix of uses that feature superior design and are easily accessible and pedestrian friendly. This is the first proposed development on the south side of maple Grove Road within the marketplace with master planning of this area continuing in the near future.

Setback standards in the HM Zoning District and proposed setbacks are shown in Table 1:

Table 1. HM – Hermantown Marketplace Requirements	HM Requirement	Proposed
Minimum lot area	None	6.2 acre property
Minimum lot width (at setback line)	None	+/-268 feet

Minimum front yard	5 feet from public ROW	85' minimum from ROW
Minimum side yard	5 feet	100 feet minimum
Minimum rear yard	5 feet	280 feet minimum
Parking	2 spaces per unit – 206 spaces	206 spaces

Stormwater

The proposed plan shows a stormwater pond for the development on the north portion of the project. Stormwater will be collected through a series of inlets located in the parking lot and drive aisle and then piped to the stormwater pond with eventual discharge to the adjacent wetland. The applicant’s engineer has submitted preliminary stormwater calculations for the proposed project which will be reviewed and approved by the City Engineer.

The stormwater pond and inlet/drainage system will be owned and maintained by the Applicant.

Utilities

The Applicant will connect to public water and sewer main which are located on the eastern side of the Stebner Park drive. Detailed plans for new public utilities will be reviewed and approved by the City Engineer prior to issuance of the building permit. No new public utilities will be accepted by the City until reviewed by the City Engineer and accepted by resolution of the City Council. The applicant is required to pay all applicable connection and availability fees associated with the utility work.

Driveway, Parking, and Traffic

The Applicant plans to connect to the existing Stebner Park asphalt driveway at two points. These driveway connections and parking lot/islands will have curb and gutter driveway and will be privately owned and maintained. The SE corner of the parking lot proposes a future stub to land located to the east.

The internal drive aisles are 26 feet in width which can accommodate City fire equipment.

Park Dedication Fees

The property owner will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. Park dedication fees will be paid according to the following schedule. Payments are due at the time of approval of the Final PUD or as agreed to in the development contract.

Development Type	Recommended
Multi-family, 2+ bedroom units	\$800
Multi-family, 1 bedroom and studio	\$400
Per bedroom fee	\$150

Stormwater Utility Fees

Upon the completion of the project, a stormwater utility will be assessed on a square foot basis of impervious surface (building, sidewalk, parking lot). The site is eligible for a 50% credit by constructing the stormwater pond which will address stormwater quality and quantity.

Architecture

The exterior materials for the proposed apartment consist of LP siding & trim (horizontal & vertical mix), stone accents on the base of the building, and architectural shingles for roofing. The proposed structure is 45 feet in height measured at the mid point of the roofline.

There is an exterior trash enclosure located in the NW corner of the site. The trash enclosure will use similar LP siding as the building and is approximately 8 feet in height. The trash enclosure is setback approximately 30 feet from the western property line and 80 feet from the north property line.

Landscaping/Buffer

The Applicant is proposing a mixture of interior and perimeter deciduous trees a minimum of 2.5 inches in caliper diameter. The Applicant will continue coordination with City staff on the tree species and extent of seed/sodded areas.

Summary

Staff recommends approval of the Special Use Permit (SUP), to construct a 103 unit apartment building with site improvements on an 6.2 acre property located in a HM – Hermantown Marketplace Zoning District with the following conditions:

1. The proposed SUP meets the intent of the HM – Hermantown Marketplace Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The proposed development meets the Comprehensive Plan for mixed use development.
3. The Special Use Permit is hereby approved is hereby expressly subject to the following conditions:
 - 3.1 That the Project will be constructed as described in the plans accompanying the Application and the conditions contained herein.
 - 3.2 The Zoning Administrator of the City of Hermantown shall be notified at least five (5) days in advance of the commencement of the work authorized hereunder and shall be notified of its completion within five (5) days thereafter.
 - 3.3 No change shall be made in the Project without written permission being previously obtained from the City of Hermantown.
 - 3.4 Applicant shall grant access to the site at all reasonable times during and after construction to authorized representatives of the City of Hermantown for inspection of the Project to see that the terms of this permit are met.
 - 3.5 Applicant is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.

3.6 Trees and brush cannot be burned on the property, but may be chipped and shredded.

3.7 An MPCA Stormwater Permit and erosion control measures must be in place prior to the start of operations.

3.8 All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the utility.

3.9 The Applicant 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.

4 Dimensional requirements of lot, setbacks, and roadways shall be according to the attached site plan and table 1.

Table 1. HM – Hermantown Marketplace Requirements	HM Requirement	Proposed
Minimum lot area	None	6.2 acre property
Minimum lot width (at setback line)	None	+/-268 feet
Minimum front yard	5 feet from public ROW	85' minimum from ROW
Minimum side yard	5 feet	100 feet minimum
Minimum rear yard	5 feet	280 feet minimum
Parking	2 spaces per unit – 206 spaces	206 spaces

5 The Applicant will have one year from the date of the SUP approval to commence with construction.

6 Applicant to submit final construction documents (site, water, storm sewer, sanitary sewer, etc.) according to City standards and coordinated with the City Engineer as part of the Final SUP process.

7 The applicant is responsible for all City and WLSSD availability, hook-up and CAF fees associated with the SUP.

8 The applicant is responsible for all City Engineer and Attorney fees related to the review and approval of the SUP.

9 The applicant shall pay park dedication fees according to the following schedule. Payments are due at the time of approval of the Final SUP/building permit.

Development Type	Recommended
Multi-family, 2+ bedroom units	\$800
Multi-family, 1 bedroom and studio	\$400
Per bedroom fee	\$150

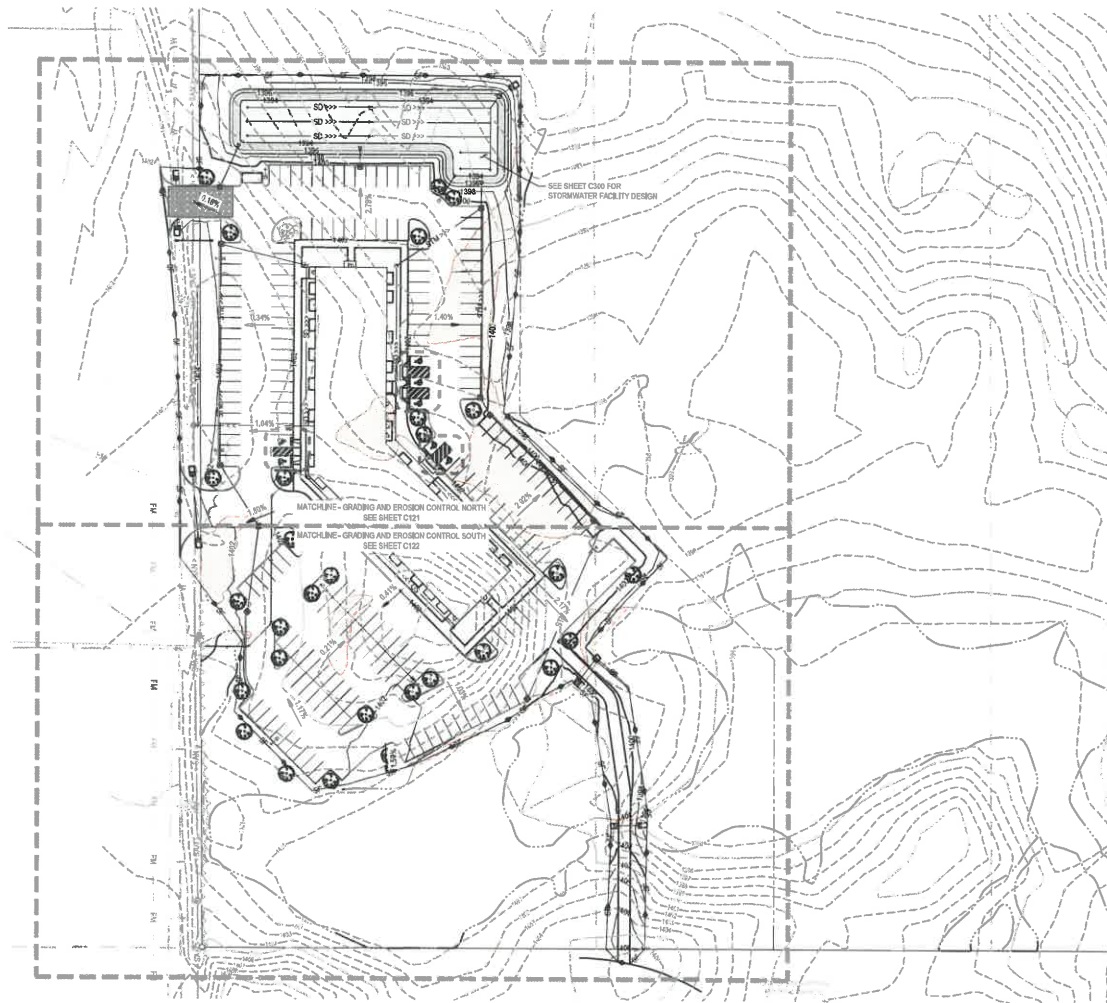
- 10 The Applicant shall sign a consent form assenting to all conditions of this approval.
- 11 The Applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.
- 12 The approval made by this resolution extends only to the Project as defined in this resolution.

ATTACHMENTS:

- Location Map
- Site Plan
- Grading Plan
- Utility Plan
- Landscape Plan
- Floor Plan
- Building Elevation

Location Map





CONTRACTOR NOTE:
 ALL EXISTING UTILITIES SHOWN ON PLANS ARE TO BE VERIFIED HORIZONTALLY AND VERTICALLY PRIOR TO ANY CONSTRUCTION. ALL EXISTING FEATURES INCLUDING BURIED UTILITIES ARE SHOWN AS INDICATED ON RECORD MAPS AND SURVEYS FURNISHED BY OTHERS. UNDERSIGNED ASSUMES NO LIABILITY FOR THE ACCURACY OF THOSE RECORDS AND SURVEYS. CONTACT THE UTILITY OWNERSHIP FOR THE FINAL LOCATION OF EXISTING UTILITIES IN AREAS CRITICAL TO CONSTRUCTION.

GRADING & EROSION CONTROL NOTES:

- CONTRACTOR TO INSTALL DOUBLE SILT FENCE NEAR WETLAND AREAS AS SHOWN ON PLAN
- ALL PROJECT GRADING ACTIVITIES ARE TO BE DONE IN ACCORDANCE WITH THE RECOMMENDATIONS CONTAINED WITHIN THE PROJECT'S GEOTECHNICAL SITE INVESTIGATION REPORT.
- GRADATIONS FOR ALL PROPOSED FILL ARE TO BE REVIEWED BY THE ENGINEER AND/OR GEOTECHNICAL ENGINEER AT LEAST 2 WEEKS PRIOR TO GRADING ACTIVITIES COMMENCE. CONTRACTOR TO COORDINATE WITH PROJECT'S GEOTECHNICAL ENGINEER FOR ALL EXISTING SITE SOILS THAT ARE ANTICIPATED TO BE USED FOR FILL.
- REUSE OF EXISTING SITE SOILS FOR GRADING ACTIVITIES ARE TO BE CONFIRMED WITH THE GEOTECH ENGINEER PRIOR TO CONSTRUCTION. SITE SOILS ARE VARIABLE AND SOME SOIL INVESTIGATIONS INDICATE THAT NOT ALL EXISTING SOILS ARE SUITABLE FOR REUSE. CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE FINAL CUT / FILL VOLUME. CONTRACTOR IS RESPONSIBLE FOR THE IMPORT AND HAUL OFF OF ANY MATERIAL.

ESTIMATED CUT / FILL SUMMARY	
CUT	FILL
1316 CY	23388 CY

1. ACCOUNTS FOR 15% FILL COMPACTION
 2. DOES NOT ESTIMATE STRUCTURAL FILL REQUIRED FOR BUILDING
 3. DOES NOT ESTIMATE THE AGGREGATE AND PAVING REQUIRED FOR PARKING AREA

PLAN
 SCALE: 1" = 60'



Revisions:

#	DATE	DESCRIPTION

LINE IS 1" ON FULL SCALE DRAWING



I HEREBY CERTIFY THAT I PREPARED BY ME OR UNDER MY SUPERVISION AND I AM A DULUTH REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF MINNESOTA.
 DATE: 8/1/2026
 REC: J. XXXXX
 ENGINEER'S NAME, P.E.

PRELIMINARY

STEBNER APARTMENTS
 HERMANTOWN, MN 55811

SPECIAL USE PERMIT
 Project No: 24176
 Issue Date: 1/8/2026

Project Manager: J.E.
 Drawn by: G.C.
 Checked by: J.E.

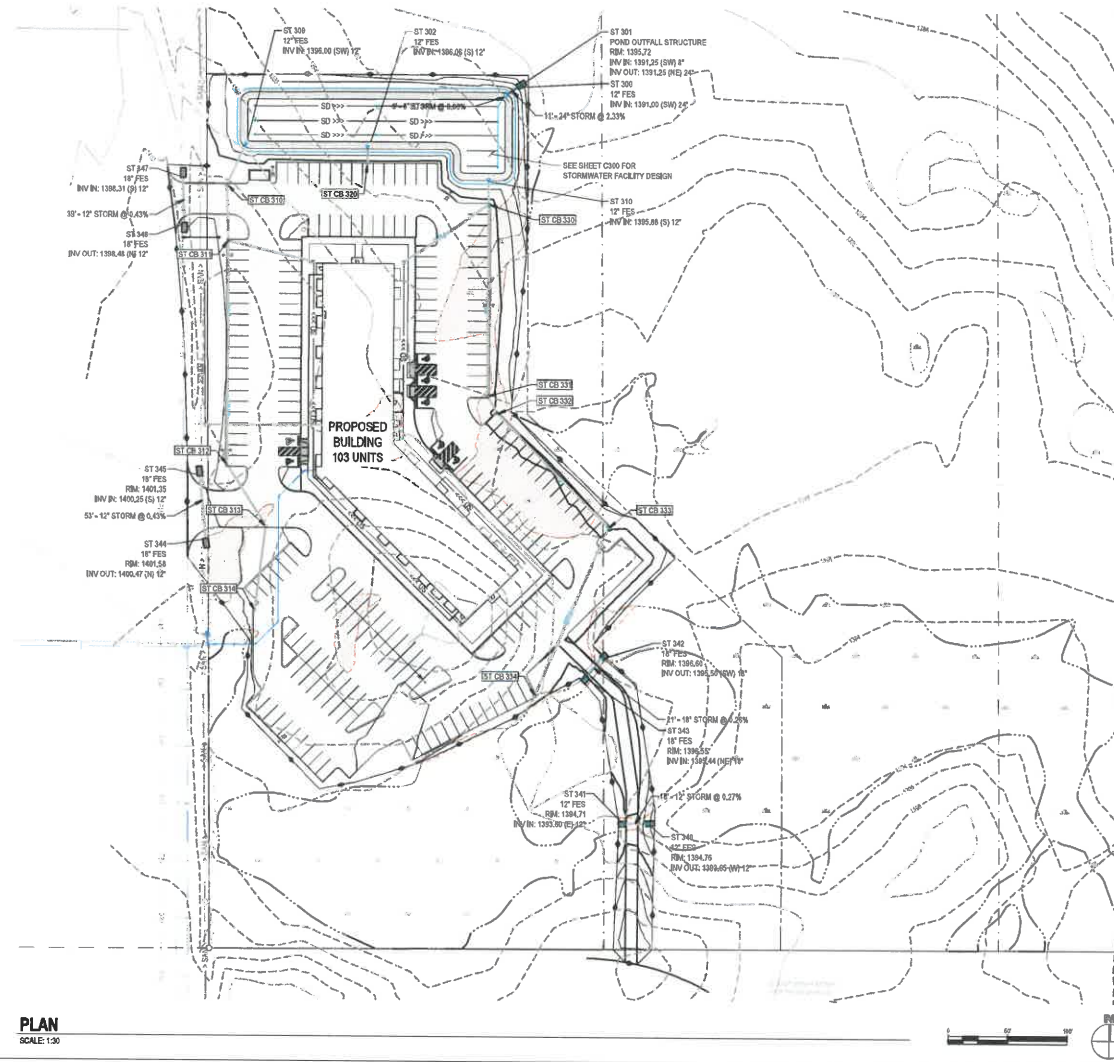
OVERALL GRADING AND EROSION CONTROL PLAN

C120

ISSUED FOR SPECIAL USE PERMIT

CONTRACTOR NOTE:

ALL EXISTING UTILITIES SHOWN ON PLANS ARE TO BE VERIFIED HORIZONTALLY AND VERTICALLY PRIOR TO ANY CONSTRUCTION. ALL EXISTING FEATURES INCLUDING SURVEY UTILITIES ARE SHOWN AS INDICATED ON RECORD MAPS AND SURVEYS FURNISHED BY OTHERS. WINDSOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THESE RECORDS AND SURVEYS. CONTACT THE UTILITY COMPANIES FOR THE FINAL LOCATION OF EXISTING UTILITIES IN AREAS CRITICAL TO CONSTRUCTION.



CATCH BASIN TABLE	
STRUCTURE	STRUCTURE DETAILS
ST CB 310 W/2 SLUMP	RBM = 1400.07 INV IN = 1398.24 12" S INV OUT = 1398.24 12" NE
ST CB 311 W/2 SLUMP	RBM = 1400.70 INV IN = 1398.57 12" S INV IN = 1398.57 12" E INV OUT = 1398.57 12" N
ST CB 312 W/2 SLUMP	RBM = 1400.70 INV IN = 1397.88 12" SE INV OUT = 1397.88 12" N
ST CB 314 W/2 SLUMP	RBM = 1401.33 INV IN = 1398.80 12" N
ST CB 328 W/2 SLUMP	RBM = 1400.03 INV OUT = 1399.50 12" N
ST CB 328 W/2 SLUMP	RBM = 1400.00 INV IN = 1398.88 12" S INV IN = 1398.88 12" SW INV OUT = 1398.88 12" N
ST CB 331 W/2 SLUMP	RBM = 1400.27 INV IN = 1398.78 12" SE INV OUT = 1398.78 12" N
ST CB 332 W/2 SLUMP	RBM = 1399.38 INV IN = 1398.88 12" SE INV OUT = 1398.88 12" NW
ST CB 333 W/2 SLUMP	RBM = 1401.38 INV IN = 1397.52 12" SW INV OUT = 1397.52 12" NW
ST CB 334 W/2 SLUMP	RBM = 1400.82 INV OUT = 1398.20 12" NE

PLAN
SCALE: 1/32"



Know what's below.
Call before you dig.
CALL 1-800-4-A-DIG BEFORE YOU DIG.
CALL 811 OR VISIT 811.CA TO REGISTER YOUR PROJECTS.
WE'LL FIND ALL UTILITIES PRIOR TO CONSTRUCTION.

Revisions:

No.	Description

LINE IS 1" ON FULL SCALE DRAWING

WINDSOR ENGINEERS
Duluth | Minneapolis | Ridgeland | Portland
windsorengineers.com

I HEREBY CERTIFY THAT I
PREPARED BY ME OR UNDER
SUPERVISION AND CONTROL
REGISTERED ENGINEER
OF THE STATE OF MINNESOTA.
DATE: 1/8/2026
REC: J. XXXXX
ENGINEER'S NAME, P.E.

STEBNER APARTMENTS
HERMANTOWN, MN 55811

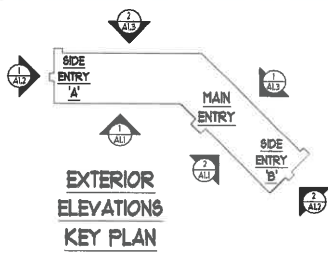
SPECIAL USE PERMIT
Project No: 24176
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COMPOSITE UTILITY PLAN

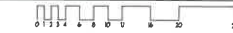
C110

Project Manager: JED
Drawn by: JED
Checked by: JED

ISSUED FOR SPECIAL USE PERMIT

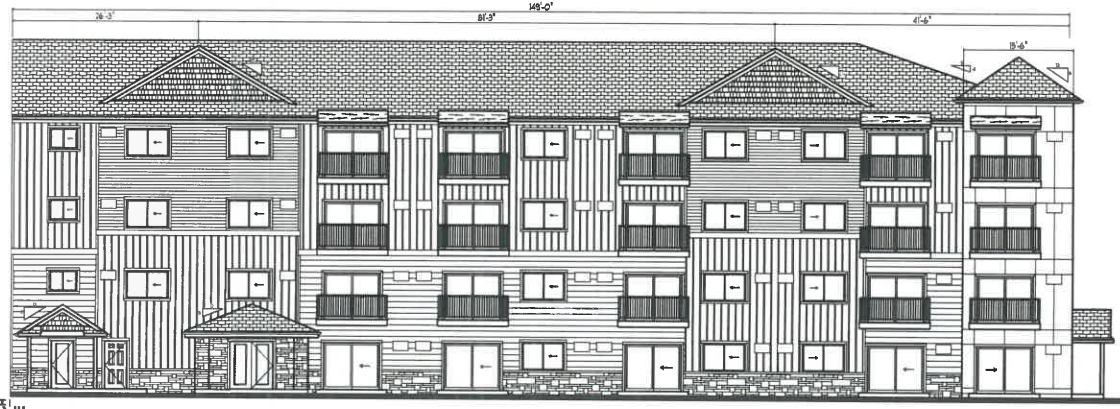


FRONT ELEVATION (LEFT SIDE AS VIEWED FROM FRONT)

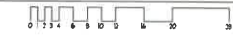


SCALE 1/8" = 1'-0"

LEFT SIDE OF FRONT ELEVATION MATCH LINE RIGHT SIDE OF FRONT ELEVATION



FRONT ELEVATION (RIGHT SIDE AS VIEWED FROM FRONT)



SCALE 1/8" = 1'-0"

LEFT SIDE OF FRONT ELEVATION MATCH LINE RIGHT SIDE OF FRONT ELEVATION

CODE SUMMARY

SCOPE OF WORK: NEW CONSTRUCTION OF A FOUR STORY - 403 UNIT APARTMENT BUILDING, EACH FLOOR AREA IS 1370 SQUARE FEET, TOTAL BUILDING AREA IS 17490 SQUARE FT. BUILDING IS 48 FEET TALL TO MID-POINT OF MAIN ROOF AND 50 FOOT TO MAIN ROOF PEAK.

APPLICABLE CODES: 2020 MINNESOTA STATE BUILDING CODE (IBC) 2020 MINNESOTA STATE ACCESSIBILITY CODE 2020 MINNESOTA STATE MECHANICAL AND FUEL GAS CODE 2020 MINNESOTA STATE FIRE CODE 2020 MINNESOTA STATE PLUMBING CODE 2024 NATIONAL ELECTRIC CODE 2024 MINNESOTA STATE COMMERCIAL ENERGY CODE (DISHAW-WALKER STANDARD 10.0100)

ACCESSIBLE UNITS REQUIRED: 2020 IAC, SECTION 107
 - (3) TYPE A UNITS REQUIRED PER 107.1.1.1.1 TYPE A UNITS = 403 UNITS / 24 = 16.8 - (1) TYPE A UNITS PROVIDED - (1) SECOND ON FIRST FLOOR, (1) 1-BEDROOM ON FIRST FLOOR AND (1) 2-BEDROOM ON FIRST FLOOR
 - ALL REMAINING UNITS TO BE TYPE B UNITS AS REQUIRED PER SECTION 107.1.1.2.2 TYPE B UNITS

OCCUPANT LOAD: 388 OCCUPANTS (7490 SQ.FT. / 200)

OCCUPANCY TYPE: R-2 (IBC SECTION 303.1)

CONSTRUCTION TYPE: 7-4 (IBC TABLE 605.4) NEW FOUR STORY APARTMENT BUILDING WITH APPROVED WPPA
 5 AUTOMATIC FIRE SPRINKLER SYSTEM ALLOWS UP TO 10 FEET TALL AND 4 STORES ABOVE GRADE. IBC TABLE 605.4 BUILDING AREA WITH APPROVED WPPA 4 AUTOMATIC FIRE SPRINKLER SYSTEM ALLOWS UP TO 10,000 SQ.FT. PER FLOOR.

FIRE RATED WALLS: EXTERIOR WALLS - (1) HOUR STAIRWELL AND ELEVATOR WALLS - (1) HOUR CORRIDOR / DWELLING UNIT WALLS - (1) HOUR REQUIRED - (1) HOUR PROVIDED CORRIDOR / MECHANICAL AND LAUNDRY WALLS - (1) HOUR BETWEEN DWELLING UNITS - (1) HOUR DWELLING UNIT / MECHANICAL AND LAUNDRY WALLS - (1) HOUR

NUMBER OF EXITS REQUIRED: 3 PER FLOOR (IBC SECTION 1008)

STAIRWELL EGRESS WIDTH REQUIRED (IBC 1009.4): 44" PER IBC SECTION 1009.4 EGRESS WIDTH MINIMUM BASED ON OCCUPANCY - 91 OCCUPANTS PER FLOOR x 0.3 = 28.1"

OTHER EGRESS COMPONENTS WIDTH REQUIRED (IBC 1009.3.2): 105" PER IBC SECTION 1009.3.2 AND 105" REARERS WIDTH PROVIDED BASED ON OCCUPANCY - 388 OCCUPANTS x 0.3 = 116.4"

EXIT LIGHTING: INTERIOR AND EXTERIOR LED TYPE INTERDEPENDENT; LIGHTS MUST BE LOCATED AT EACH EXIT DOOR PER IBC SECTION 1006.1 AND 1006.3.

TRAVEL DISTANCE (IBC 1008): CODE TRAVEL DISTANCE = 200' ACTUAL TRAVEL DISTANCE TO AN EXIT = 64'

PLUMBING FIXTURES (IBC TABLE 2902.1): REARERD PLUMBING FIXTURES PER DWELLING UNIT:
 1 WATER CLOSET, 1 LAVATORY, 1 BATHING WITH SHOWER, 1 KITCHEN SINK AND 1 AUTOMATIC CLOTHES SHAMER CONNECTIONS (1 PER 20 DWELLING UNITS)
 PLUMBING FIXTURES PROVIDED PER DWELLING UNIT:
 1 WATER CLOSET, 1 LAVATORY, 1 BATHING WITH SHOWER, 1 KITCHEN SINK AND 1 AUTOMATIC CLOTHES SHAMER CONNECTIONS (1 PER 20 DWELLING UNITS)

AUTOMATIC SPRINKLER (IBC SECTION 903.3.1.2): 10 BE INSTALLED THROUGHOUT PER WPPA B

APPROXIMATE GROSS FLOOR AREA: 17490 S.F. OF RESIDENTIAL UNITS AND COMMON AREA.

SHEET INDEX:

- A1.1 CODE SUMMARY and EXTERIOR ELEVATIONS
- A1.2 EXTERIOR ELEVATIONS
- A1.3 EXTERIOR ELEVATIONS
- A2.1 FOUNDATION PLAN
- A2.2 FIRST FLOOR PLAN
- A2.3 SECOND and THIRD FLOOR PLAN
- A2.4 FOURTH FLOOR PLAN
- A2.5 ROOF PLAN
- A2.6 UNIT FLOOR PLANS
- A2.7 UNIT FLOOR PLANS
- A2.8 UNIT FLOOR PLANS
- A2.9 STAIR AND ELEVATOR PLANS
- A3.1 CROSS SECTIONS
- A3.2 WALL SECTIONS
- A3.3 ELEVATOR and STAIR SECTIONS
- A4.1 WALL AND CEILING DETAILS
- A5.1 SCHEDULE and DOOR ELEVATIONS

JIM MACKEY ARCHITECT

JIM MACKEY ARCHITECT
 170 Leland Avenue
 St. Paul, MN 55104
 Jim Mackey
 Office 654-44-0565
 Registration # 2708
 Design by
 Todd O'Neil
 Office 654-44-0565
 Cell 953-84-6785
 toddo@jmac.net

Plan Date:
 02/21/2024
 PLSM 23-24
 PLSM 4-24

STEBNER PARK APARTMENTS
STEBNER PARK, LLC
 488 MAPLE GROVE ROAD HERANTON

TCO DESIGN
 Drafting and more design
 2024 Design with a team of
 Professionals
 Decision to construct
 prepared by
 Todd O'Neil
 Office 654-44-0565
 Cell 953-84-6785
 toddo@jmac.net

Design #
tc0202465

A1.1

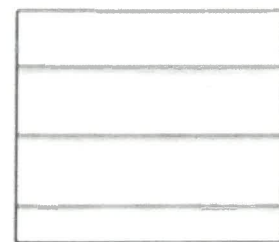
KEY PLAN



1
A1.3 REAR ELEVATION (LEFT SIDE AS VIEWED FROM REAR)
SCALE: 1/8" = 1'-0"
0 4' 8' 16'



2
A1.3 REAR ELEVATION (RIGHT SIDE AS VIEWED FROM REAR)
SCALE: 1/8" = 1'-0"
0 4' 8' 16'



LP SMARTSIDE
1 LAP SIDING



LP SMARTSIDE
BOARD & BATTEN



LP SMARTSIDE
WOOD SIDING



LP SMARTSIDE
CONCRETE LOOK PANELS

- ROOFING: BLACK ARCHITECTURAL SHINGLES
- METAL ROOF ACCENTS: BLACK
- DECKS / RAILINGS: BLACK METAL
- WINDOWS: WHITE
- DOORS: BLACK

5B. 5853 W. Arrowhead Road– Special Use Permit - Greenhouse, nursery, sales and production in a S-1, Suburban zoning district

Applicant: Patty Bastian and Tom Peterson
Case No.: 2026-15-SUP
Staff Contact: Eric Johnson, Community Development Director
Request: Special Use Permit for greenhouse/nursery, sales and production in a S-1, Suburban zoning district

RECOMMENDED ACTION:

Recommend approval of a Special Use Permit for a greenhouse/nursery, retail sales and production at the applicants property at 5853 W. Arrowhead Road, in a S-1, Suburban zoning district.

SITE INFORMATION:

Parcel Size: 10 acres
Legal Access: 5853 W. Arrowhead Road
Wetlands: Yes, per the National Wetland Inventory but not affected by the proposed use
Existing Zoning: S-1, Suburban
Airport Overlay: None
Shoreland Overlay: None
Comprehensive Plan: Rural Residential

Development Details

The applicants (Patty Bastian and Tom Peterson) are proposing to utilize their existing property for a greenhouse/nursery, sales and production, which is a permitted use with a Special Use Permit in a S-1, Suburban zoning district. The applicant is proposing to demolish an existing pole building, regrade the pad area and construct a new 30' x 60' greenhouse on the property and utilize the existing gravel driveway as a parking lot for 3 – 5 cars. The applicant is proposing landscaping around the proposed greenhouse with a mixture of trees, shrubs and native plants. The applicant will continue to use the existing home as a residence.

The applicant currently conducts floral workshops at the property twice a month. Typically, there are 8 people partaking in the classes. In addition, the applicant grows vegetables for a Community Supported Agriculture (CSA) with the majority of the boxes assembled being delivered.

The applicant is proposing to expand upon the CSA model with the proposed greenhouse being open to the public 2 – 3 days a week with their season being from late spring to early fall and their anticipated hours of operation being from 9:00 – 5:00.

The property is located in a rural part of the City with adjacent property owners located to the east, west and south. The closest residential structure to the proposed greenhouse is approximately 300 feet away.

Wetlands

There are existing wetlands located on the north portion of the property. The proposed use of the property does not impact the wetland.

Special Use Permit

The Special Use Permit is for a greenhouse/nursery, retail sales and production. 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 property is located in a rural portion of the City with adjacent neighbors to the east, west and south, with the closest residential structure being approximately 300 feet away from the proposed greenhouse. Wetland impacts are not permitted as part of this Special Use Permit.

- 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 property is located in a rural portion of the City with adjacent neighbors to the east, west and south, with the closest residential structure being approximately 300 feet away from the proposed greenhouse.

- 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 in the Hermantown Comprehensive Plan. The property is located in a rural portion of the City with adjacent neighbors to the east, west and south, with the closest residential structure being approximately 300 feet away from the proposed greenhouse.

- 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 property is located in a rural portion of the City with adjacent neighbors to the east, west and south, with the closest residential structure being approximately 300 feet away from the proposed greenhouse.

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

The applicant will utilize the existing upland area of the property for the greenhouse/nursery. No wetland impacts are permitted as part of this approval.

RECOMMENDATIONS:

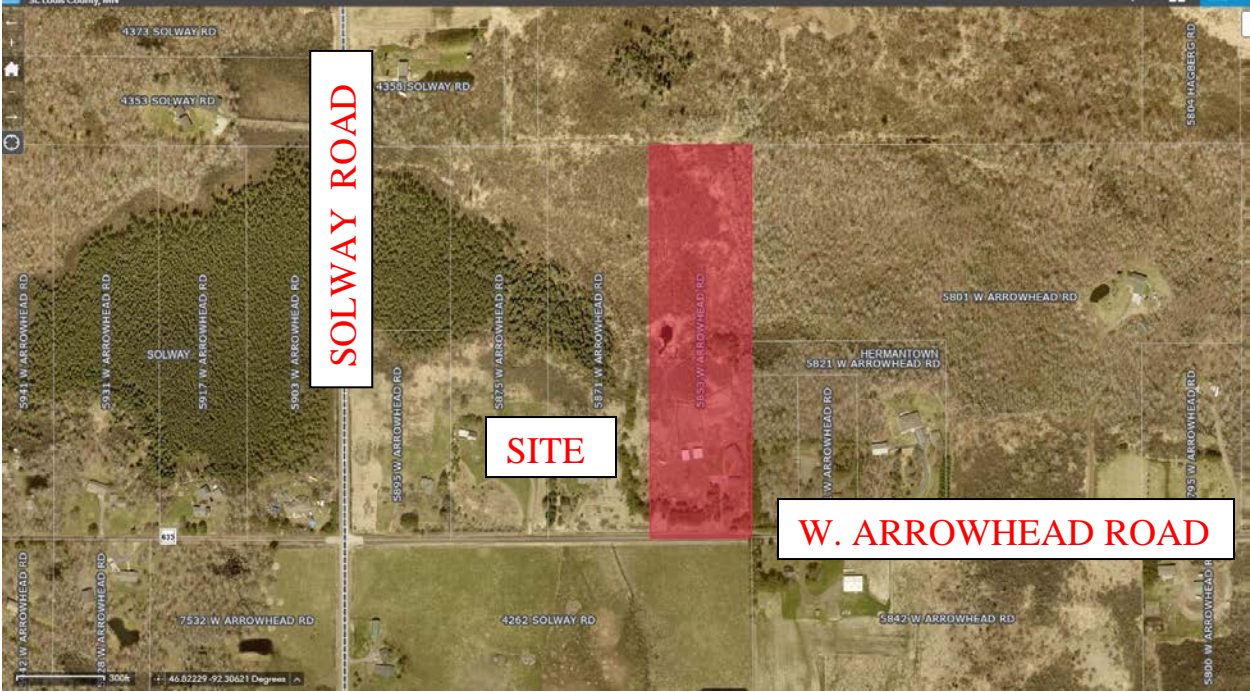
Staff recommends approval of the Special Use Permit based on the findings set forth in the Staff report, subject to the following conditions:

1. The approval is for a Special Use Permit for greenhouse/nursery, sales and production at the applicants property located at 5853 W. Arrowhead Road.
2. The applicant shall sign a consent form assenting to all conditions of this approval.
3. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:

- Site Location Map
- Proposed site plan

Location Map



Location Map

