



Hermantown Planning & Zoning Meeting – November 16, 2021

Because of attendance limitations at the regular meeting location due to the health pandemic, Hermantown's November 16, 2021, Planning & Zoning Meeting will be conducted both remotely and with limited access to Council Chambers.

The meeting will utilize the platform "Zoom," which allows the public to view and/or hear the meeting from their phone or computer.

The 7:00 pm Planning & Zoning Meeting will be available at:

<https://us02web.zoom.us/j/85665331195?pwd=K2s5amwvbkJBSU52ZWdlemJDOXo0QT09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 856 6533 1195 and the passcode of 046359.

A few important tips regarding the Zoom platform:

- **If your computer does not support audio, you can still watch the meeting on your computer and call in on your phone to hear the meeting**
- **It is a challenging situation for all of us, so grace and understanding are appreciated.**

CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION

Agenda
November 16, 2021
7:00 PM

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
 - 3A. September 21, 2021 regular meeting.
4. **PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.
5. **PUBLIC HEARINGS**
 - 5A. An application by Maurice Bourdage for a Special Use Permit for operation of a vehicle impound lot (parking as a primary use) at 4918 Lightning Drive. The property is located in a BLM Business and Light Manufacturing zoning district.
 - 5B. An application by Miller Creek Property Investments for a Special Use Permit for the operation of a lawn and garden material supplies business. The property is located at 5350 Miller Trunk Highway and is located in a C-1 Office/Light Industrial zoning district.
 - 5C. An application by Bryan and Marilee Malec for a Subdivision to create a 110-foot-wide parcel of 2.0 acres and a 7.1 acre lot accessed by way of a flag lot of 79 foot width at 4008 Stebner Road. The property is located in an R-3 zoning district.
 - 5D. An application by JP Holding Company, LLC for a Preliminary Planned Unit Development for 108 unit apartment building on a 13-acre site at 50xx Maple Grove. The property is located in an R-3 zoning district.
6. **CONTINUING BUSINESS**
7. **NEW BUSINESS**
8. **COMMUNICATIONS**
9. **COMMISSION MEMBER REPORTS**

Joe Peterson
Corey Kolquist
Valerie Ouellette
Samuel Clark
Shannon Sweeney Jorgenson
Beth Wentzlaff
Buckley Simmons
John Geissler

ADJOURN

**CITY OF HERMANTOWN
PLANNING & ZONING COMMISSION
September 21, 2021 Meeting Summary
7:00 PM**

1. ROLL CALL

Members Present: Joe Peterson; Valerie Ouellette; Shannon Sweeney Jorgenson; Beth Wentzlaff; Buckley Simmons; Shannon Sweeney Jorgenson (via Zoom); and John Geissler

Members Absent: Cory Kolquist; and Samuel Clark.

Others Present: Eric Johnson, Community Development Director; Joel & Nancy Christoff, 5212 Kingswood Ln.; Wayne Roberts, 5268 Twin Pines St.; Greg Bennett, 5266 Twin Pines St.; Barb & Alex Struck, 3997 Haines Rd.; Barb Foster, 5266 Twin Pines St.; Tanya Nichols, 5125 Cedar Ridge Dr.; Holly Kneisl, 4372 Grouse Ridge Dr.; Randall & Amy Abernethy, 4366 Grouse Ridge Dr.; Hope Midboe, 5137 Cedar Ridge Dr.; Shawna Jokinen, 5119 Cedar Ridge Dr.; Nicole Dorn, 5131 Cedar Ridge Dr.; Darren Weets, 1990 West Chub Lake Rd.; Jesse Stokke, 4914 Trails End Dr.; Floyd Lentz, 5135 W Arrowhead Rd.; Jay Zierden, 4571 Martin Rd.; Bill & Laurel Pagel, 5284 Twin Pines St.; Andrea Wetmore, 4395 Grouse Ridge Dr.; Luke Miner, 3998 Ugstad Rd.; Jared Anderson, 4383 Grouse Ridge Dr. (via Zoom); and Matt Jugovich, 4379 Grouse Ridge Dr.

2. APPROVAL OF AGENDA

Motion made by Buckley Simmons to approve the September 21, 2021 agenda as presented. Seconded by Beth Wentzlaff. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Beth Wentzlaff to approve the August 17, 2021 minutes as presented. Seconded by Buckley Simmons. Motion carried.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARING

5A. An application by Luke and Trista Miner for a Special Use Permit for the construction of a two family home at 4012 Ugstad Road. The property is located in a R-3 Residential zoning district.

Eric Johnson, Community Development Director, presented the application of Luke and Trista Miner who plan to purchase the property located at 4012 Ugstad Road which is zoned R-3, Residential. This property was previously approved for a flag lot split which was approved in May 2021. This is a portion of the original 5.0 acre site. The property currently has an existing house and two outbuildings located on it. The applicant is proposing to demolish the existing home and construct a two-family home in its place.

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

1. The applicant shall connect to public sewer and water services at their own cost.
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. The applicant shall sign a consent form assenting to all conditions of this approval.
6. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

Luke Miner, 4012 Ugstad Rd., spoke stating that they were planning on constructing the two family structure for a member of their family to live in.

Motion made by Buckley Simmons to approve the application by Luke and Trista Miner for a Special Use Permit for the construction of a two family home at 4012 Ugstad Road. Seconded by Valerie Ouellette. Motion carried 4 to 0.

5B. An application by Barb Struck for a Subdivision to create a 100-foot-wide parcel of 1.0 acres and a 4.0 acre lot accessed by way of a flag lot of 65 foot width at 3965 Haines Road. The property is located in an R-3 zoning district.

Eric presented that the property owner, Barb Struck, owns a five acre property at 3965 Haines Road. The property has a lot dimension of 165' x 1317'. A single family house and two accessory buildings are located on the property. The property owner proposes to create a new flag lot along the northern border of the existing property. The property owner is proposing a 65 foot 'pole/driveway' connection to Haines Road for a distance of 403 feet with the 'flag' portion of the lot being approximately 165' x 914'. The proposed lot sizes for the two total parcels are:

Parcel A: 65' x 403' and 165' x 914' = 177,005/43,560 or 4.06 acres
Parcel B: 100' x 403' / 43,560 sf. or 0.93 acres

The property owner intends to sell parcel B with the new owner retaining the existing home. The applicant intends to demolish the existing structures on parcel A in order to either build in the future or sell the parcel. The applicant has discussed this proposal with the City Utility Clerk as well as St. Louis County in order to verify that utilities are available and that a new driveway cut would be permitted.

Staff makes the following recommendations:

1. Recommend approval of the creation of a 165' by 914' flag lot with a 65' by 403' pole abutting Haines 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.

Motion made by Beth Wentslaff to approve the application Barb Struck for a Subdivision to create a 100-foot-wide parcel of 1.0 acres and a 4.0 acre lot accessed by way of a flag lot of 65 foot width at 3965 Haines Road. Seconded by Buckley Simmons. Motion carried 4 to 0.

5C. An application by Jesse Stokke for an amendment to the development plan associated with the Pine View development for the purpose of modifying the plan to accommodate a two family home.

Eric put forth to the commission the recommendation to approve of the amendment to the Development Plan to allow for the construction of a two family residential structure in the Pine View development. The parcel identification numbers for the proposed two family home are: 395-0015-00370 and 395-0115-00380, located on Twin Pines St.

Staff recommends approval of the amendment to the PUD Development Plan, subject to the following:

1. Prior to building permit issuance:
 - a. All professional fees incurred by the City in connection with the Amendment must be paid.
 - b. All necessary permits, including but not limited to stormwater, erosion control, and driveways, shall be issued.
2. All conditions of prior approvals shall be met in the construction of the twinhome structure.
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.

Jesse Stokke 4914 Trails End Dr., stated that he bought the property for the purpose of building a twin home.

Bill Pagel, 5284 Twin Pines St., asked what codes are not being followed by the applicant with this proposal. Eric responded that the proposed structure would follow the same requirements associated with the other homes in the development.

Motion made by Valerie Oullette to approve the application by Jesse Stokke for an amendment to the development plan associated with the Pine View development for the purpose of modifying the plan to accommodate a two family home. Seconded by Buckley Simmons. Motion carried 4 to 0.

5D. An application by BMAX, Inc. for a preliminary and final Plat of 32.3 acres for the creation of 7 lot land subdivision. The property is located at 5189 W Arrowhead Road, in a R-3 Residential zoning district; and

5E. An application by BMAX, Inc. for a preliminary and final Planned Unit Development of 32.3 acres for the creation of 7 lot land subdivision. The proposal is for 4 single family lots, 2 twinhome lots (2 units total) and 1 future development lot. The property is located at 5189 W Arrowhead Road in a R-3 Residential zoning district.

Eric submitted to the commission the notice that application BMAX, Inc. is requesting approval of a Preliminary and Final Plat and a preliminary and Final PUD for the subdivision of a 32.3 acre parcel into 7 residential lots. The property is located at 5189 West Arrowhead Road and is in a R-3 zoning district.

The applicant is proposing to /reconfigure the properties at 5189 West Arrowhead Road and 4371 Grouse Ride Drive into a 7 lot land subdivision. 4 lots will have frontage off of West Arrowhead Road and 3 lots will have access off of Grouse Ridge Drive. There is an existing home at 5189 West Arrowhead and 4371 Grouse Ridge Drive. The application will reconfigure these two parcels into a 0.57 acre parcel for 5189 W Arrowhead Road (Lot 6) and a 0.67 acre parcel for the 4371 Grouse Ridge Drive (Lot 3) property. The other 5 lots range in size from 0.5 acres to 23.6 acres in size.

Lots 4 and 7 take frontage from West Arrowhead Road and may have future twinhomes proposed for the property; Lots 2 and 5 are new single family lot meeting the R-3 requirements and Lot 1 being a residential lot that may see development in the future.

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

1. The proposed preliminary plat meets the intent of the R-3, Residential Zoning District and the overall goals and policies of the Zoning Ordinance.
2. The preliminary plat is in accordance with and conformity to the Hermantown Comprehensive Plan and Hermantown Zoning Ordinance.
3. The lots will be served by public water and sewer which will be constructed by the applicant. The applicant/builder will be responsible for any connection of availability fees.
4. The preliminary and final PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 – Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.
5. The preliminary and final PUD meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing variety in the community.
6. The preliminary and final PUD hereby approved is hereby expressly subject to the following conditions:
 - a. Property Owner is initially and continually in compliance with all of the ordinances and regulations of the City of Hermantown.
 - b. Trees and brush cannot be burned on the Land, but may be chipped and shredded.
 - c. Erosion control measures must be in place prior to any construction on the Final PUD.
 - d. The Property Owner shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.
7. The Applicant will be required to pay park dedication fees consistent with the requirements of the City Zoning Ordinance. A park dedication fee of \$1,100 per lot/unit will be paid at the time of final PUD/Plat approval. The applicant/builder will be responsible for the \$150/bedroom park dedication at the time of building permit.
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.

Jay Zierden, 4571 Martin Rd., stated that he has been building home in Hermantown for over 30 years, and that he bought these parcels and reconfigured the lots so that he would have the opportunity to build four new homes there and that it creates a developable area for some time in the future.

The following residents spoke about their concerns regarding this project. The main issues were, road access, type of homes, twin home lots, traffic concerns on Arrowhead Rd., and easements.

Tonya Nichols, 5125 Cedar Ridge Dr.
Andrea Wetmore, 4395 Grouse Ridge Dr.
Nicole Dorn, 5131 Cedar Ridge Dr.
Shawna Jokinen, 5119 Cedar Ridge Dr.
Jared Anderson, 4383 Grouse Ridge Dr.
Doug Janzig, 5134 Cedar Ridge Dr.
Mary Murphy, 5180 W Arrowhead Rd.

Motion made by Buckley Simmons to approve the application by BMAX, Inc. for a preliminary and final Planned Unit Development of 32.3 acres for the creation of 7 lot land subdivision. Seconded by Beth Wentzlaff. Motion carried 4 to 0.

6. CONTINUING BUSINESS

None

7. NEW BUSINESS

Eric spoke about staff reviewing the ability to use shipping containers in lieu of mini storage buildings.

8. COMMUNICATIONS

None.

9. COMMISSION MEMBER REPORTS

Joe Peterson – None

Corey Kolquist – Absent

Valerie Ouellette – None

Samuel Clark – Absent

Shannon Sweeney Jorgenson – expressed concern over City meetings in person and lack of a mask mandate by the City

Beth Wentzlaff – None

Buckley Simmons – None

John Geissler – Acknowledged Steve Overom's service to the City as the City Attorney for 30+ years and informed P&Z about Gunnar Johnson becoming the new City Attorney.

ADJOURN

Motion made by Buckley Simmons to adjourn the meeting. Seconded by Valerie Oullette. Meeting adjourned at 8:16 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant

5A. 4918 Lightning Drive – Special Use Permit - Parking as a primary use in a BLM, Business Light Manufacturing zoning district

Applicant: Maurice Bourdage
Case No.: 2021-73-SUP
Staff Contact: Eric Johnson, Community Development Director
Request: Special Use Permit for parking as a primary use in a BLM, Business Light Manufacturing zoning district

RECOMMENDED ACTION:

Approve a Special Use Permit for parking as a primary use in a BLM, Business Light Manufacturing zoning district.

DESCRIPTION OF REQUEST:

The applicant is requesting a Special Use Permit for parking as a primary use at the property located at 4918 Lightning Drive.

SITE INFORMATION:

Parcel Size: 1.4 acres
Legal Access: 4918 Lightning Drive
Wetlands: None per the National Wetland Inventory
Existing Zoning: BLM, Business Light Manufacturing
Airport Overlay: None
Shoreland Overlay: None
Comprehensive Plan: Commercial

Development Details

The applicant is proposing to purchase the subject property for the purpose of relocating his existing towing business to the site. The applicant owns Nascar Towing, which had previously been operating out of 4803 Miller Trunk Highway until the property was sold earlier this summer.

The applicant is proposing to fence a portion of the property in order to provide secure storage of towed vehicles. The proposed location is in the NW portion of the site underneath the existing power lines and is approximately 7,000 square feet in size. Parking and fencing are allowed in this powerline easement area, however, no buildings are. This is similar to the City's impound lot which is located approximately 800 feet to the west.

The applicant proposes to use the existing building for storage of his vehicles as well as office space.

From discussions with the Police Department, it is recommended that the applicant install security cameras on the property in addition to slatted/screen fenced storage area.

Wetlands

There are no wetlands shown on the national Wetland Inventory Map.

Special Use Permit

The Special Use Permit is for a parking as a primary use. 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 has an impound lot approximately 800 feet to the west of the proposed use.

- 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 the City's Industrial Park with other vehicle related uses within close proximity to the subject property.

- 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 located in the City's Industrial Park which was designed and envisioned for this and similar style businesses.

- 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 the City's Industrial Park with other vehicle related uses within close proximity to the subject property. The City has an impound lot approximately 800 feet to the west of the proposed use.

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

The applicant will be required to provide a detailed plan layout for the property along with the extent of existing and proposed impervious surfaces. The property will require stormwater control measures per Sections 1060 and 1080 of the City's Zoning Ordinance should there be an additional 5,000 square feet or more of proposed impervious surface.

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 parking as a primary use at the applicants property located at 4918 Lightning Drive.
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



OPTION A FENCE

PRIMARY PATIENCE
AREA

GATE ↑

GOPHER
NEWS
CO



OPTION B

FENCE

PRIMARY PARKING
AREA

GATE →

GOPHER
NEWS
CO

5B. 5350 and 5396 Miller Trunk Highway – Special Use Permit - Contractor’s shop and storage yard/Lawn and garden material supplies in a C-1, Office/Light Industrial zoning district

Applicant: Miller Creek Property Investment
Case No.: 2021-68-SUP
Staff Contact: Eric Johnson, Community Development Director
Request: Special Use Permit for a Contractor’s shop and storage yard/Lawn and garden material supplies in a C-1, Office/Light Industrial zoning district

RECOMMENDED ACTION:

Approve a Special Use Permit for a Contractor’s shop and storage yard/Lawn and garden material supplies in a C-1, Office/Light Industrial zoning district.

DESCRIPTION OF REQUEST:

The applicant is requesting a Special Use Permit for a Contractor’s shop and storage yard/Lawn and garden material supplies at the property located at 5350 and 5396 Miller Trunk Highway.

SITE INFORMATION:

Parcel Size: 6.3 acres
Legal Access: 5350 and 5396 Miller Trunk Highway
Wetlands: None per the National Wetland Inventory
Existing Zoning: C-1, Office/Light Industrial
Airport Overlay: None
Shoreland Overlay: None
Comprehensive Plan: Commercial

Development Details

The applicant purchased the subject property in the summer of 2021 for the purpose of relocating their existing lawn and landscape business previously located at 4818 Swan Lake Road. The applicant’s business model has changed over the years with the business primarily being a contractor based business rather than having a retail sales component as they had in past years.

The applicant is utilizing the main building located on the 5396 parcel as their office and future office/showroom space. The garage/accessory building on this parcel and the 5350 parcel are used for storage of materials. The rear portion of the property are utilized for storage of plant material awaiting installation at job sites.

Since purchasing the property, the applicant has conducted numerous site/building improvements and is expanded the business model to include the rental or portable storage pods to businesses or homeowners. The empty pods are stored on site with rented pods being delivered to a home or business for use at that location. On site storage of filled/rented pods is not proposed.

Wetlands

The National Wetland Inventory Map indicates the presence of wetlands in the SW portion of the 5396 Miller Trunk Highway parcel. These wetlands are not within any developed portion of the property.

Special Use Permit

The Special Use Permit is for a Contractor's shop and storage yard/Lawn and garden material supplies. 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 subject properties are located along Miller Trunk Highway in a C-1, Office/Light Industrial zoning district. Neighboring properties consist of a used automobile lot, an equipment rental business and a building supply business.

- 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 uses for the property are consistent with other businesses along this portion of the Miller Trunk Highway corridor.

- 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 Comprehensive plan identifies this area of Miller Trunk Highway as commercial. The proposed uses for the property are consistent with other businesses along this portion of the Miller Trunk Highway corridor.

- 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 subject properties are located along Miller Trunk Highway in a C-1, Office/Light Industrial zoning district. Neighboring properties consist of a used automobile lot, an equipment rental business and a building supply business.

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

The property will require stormwater control measures per Sections 1060 and 1080 of the City's Zoning Ordinance should there be an additional 5,000 square feet or more of proposed impervious surface.

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 a Contractor's shop and storage yard/Lawn and garden material supplies at the applicants property located at 5350 and 5396 Miller Trunk Highway.
2. Storage pods may not be stacked. On site storage shall consist of on grade placement of each individual storage pod.
3. Storage pods to be set back a minimum of 10' from the Miller Trunk Hwy front yard property line.
4. The applicant shall sign a consent form assenting to all conditions of this approval.
5. 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



SITE PLAN



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

Applicant: Bryan and Marilee Malec
Case No.: 2021-79-SUB
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 9.1 acre property at 4008 Stebner Road. The property has a lot dimension of 331' x 1072'. A single family house and two accessory buildings are located on the property.

The property owner proposes to create a new flag lot along the southern border of the existing property. The property owner is proposing a 79 foot 'pole/driveway' connection to Stebner Road for a distance of 467 feet with the 'flag' portion of the lot being approximately 331' x 822'. The proposed lot sizes for the two total parcels are:

Parcel A: 110' x 467' = 90,009/43,560 or 2.07 acres

Parcel B: 79' x 467' and 331' x 822' = 311,054/ 43,560 sf. or 7.14 acres

The property owner intends to sell parcel B with the new owner retaining the existing home. The applicant has discussed this proposal with the City Utility Clerk as well as Public Works in order to verify that utilities are available and that a new driveway cut would be permitted.

SITE INFORMATION:

Parcel Size: 9.1 acres
Legal Access: Stebner Road
Wetlands: Yes, delineation reviewed and approved in 2021
Existing Zoning: R-3, Residential
Minimum Lot Area: 0.5 acres (city services are available)
Airport Overlay: No
Shoreland Overlay: No
Comprehensive Plan: Residential

BACKGROUND:

The City updated its regulations covering splitting of land and subdivisions in 2016. The update to the regulations created a process to allow flag lots in residential zoning districts. A flag lot is defined as a lot containing an area shaped like a “flag” which is the portion of the lot where all structures are to be located and an area shaped like a “pole” which is the portion of the lot where the vehicular access between the flag and its adjoining road shall be located. The regulations set ten standards for flag lots in Hermantown. These are listed in the Findings section. Flag lots require a public hearing by the Planning Commission and approval by the City Council.

Administrative approvals and Flag Lot approvals require a certificate of survey, resulting legal descriptions, and review of any assessments. In addition, the City charges a fee in lieu of land dedication of \$1,100 for parks and recreation for every new residential lot created.

The existing home utilizes City water and sanitary sewer services. As part of the flag lot project, the property owner will need to complete the hook up to City services and pay the associated City and WLSSD hookup fees. The new flag lot will also be required to utilize City sanitary sewer and water services.

The property had a wetland delineation performed in May 2021. The delineation was reviewed and approved by the Hermantown Technical Evaluation Panel (TEP). Any future wetland impacts will require a submission to the TEP for review and approval.

There is an existing water line and sanitary sewer within the right of way of Stebner Road. The property owner will need to submit for the proper required permits and pay any applicable connection fees in order to utilize these existing utility services.

FINDINGS:

Staff recommends the following findings of fact regarding the flag lot split application:

- 1. The resulting lots do not violate any provision of the Hermantown Zoning Regulations, Comprehensive Plan, or any other local ordinance.** The lot exceeds minimum standards in the R-3, Residential District, maintains the suburban residential development pattern identified in the Comprehensive Plan, and has access to water and sewer.
- 2. The width of the flag lot at the front yard setback line must meet the lot width requirements of the Hermantown Zoning Regulations.** The lot is 331’ 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 467’ 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 79’ 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 6.2 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 # 395-0010-06738.

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 property abuts City owned land to the east associated with Stebner Park. Land to both the north and south of the subject parcel both 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 331' by 822' flag lot with a 79' by 467' pole abutting Stebner 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



5D. The Arbor's on Maple Grove Preliminary PUD

<u>Applicant:</u>	JP Holding Company, LLC
<u>Case No.:</u>	2020-55-PUD
<u>Staff Contact:</u>	Eric Johnson, Community Development Director
<u>Request:</u>	Preliminary application for 13 acre property, 103 unit Planned Unit Development (PUD)

DESCRIPTION OF REQUEST:

Applicant is requesting approval of a Preliminary Planned Unit Development (PUD) Plan, to construct a 103-unit, four story apartment building on 13 acres in the R-3 Zoning District at 507x Maple Grove Road. The proposed development will contain 103 units total.

SITE INFORMATION:

Parcel Size:	13 acres
Legal Access:	Maple Grove Road
Wetlands:	Yes, have been delineated and approved by the TEP
Existing Zoning:	R -3 Single Family Residential
Airport Overlay:	C Zone, structure height restrictions only
Shoreland Overlay:	No
Comprehensive Plan:	Residential

Background:

The property owner is proposing The Arbor's on Maple Grove project, a 103 unit, 4 story apartment building. The site is currently undeveloped with topography rising from the south to the north and contains a mixture of trees and open grassland area. The City's trunkline sanitary sewer runs along the western boundary of the property. The site has access from Maple Grove Road to the south and is providing a future road connection to the north. There are wetlands present on the property which have been delineated and have received TEP approval for impacts associated with the road construction.

The applicant has discussed holding a neighborhood meeting with City staff. A neighborhood meeting is not required per the PUD ordinance, however, the applicant is considering a future meeting prior to a City Council meeting and inviting property owners within 1000 feet of the proposed project.

The 107-unit, 4 story apartment building consists of a mix of housing units. There will be 92 interior parking and 97 surface parking spaces for a total of 189 parking spaces. There will be 4 stories above grade and be 42' to the top of the roof peak as measured from the ground elevation. The building includes landscaped grounds, a sidewalk system and outdoor patio space. The building will consist 70 one bedroom units and 33 two bedroom units.

Location Map



The property owner will be able to connect into the city sewer and water mains that serve the property. The City will require that these utilities are either in public right of way or are within a 30' wide easement when in the private roadway section.

The applicant is proposing an internal sidewalk system for the project. This sidewalk system will connect to the existing sidewalk along Maple Grove Road and could be extended in the future to the north in order to access a future trail system by the City.

PUD Process:

The City revised its Planned Unit Development ordinance in September 2021. This involved a lengthy review process, the work of a planning consultant, multiple meetings with Planning and Zoning Commission members and citizen input. The revised ordinance identified the application process and set thresholds for the associated procedures. This application exceeds the 5 acre maximum allowed for a combined preliminary and final PUD process. The applicant is seeking preliminary PUD input from the Planning and Zoning Commission and ultimately approval by the City Council. The applicant will then have 1 year to apply for a final PUD application.

The revised ordinance also identified project amenities for development greater than 4 units/acre. The proposed application is greater than 4 units/acre and is thus required to provide project amenities. The applicant is proposing an internal trail system which will eventually connect to the future City wide trail system which will run to the north of this property. There is also an internal sidewalk connecting the apartment to the existing sidewalk along Maple Grove Road; a dog run area; community garden for the apartment residents; a play structure and a pavilion.

The revised PUD process also takes into account the relationship of the proposed development to its surroundings. The proposed building is approximately 600 feet from Maple Grove Road and 1,000 feet from Lavaque Road. The two nearest residential structures are 520' to the home located at 4134 Lavaque Road and 420' feet to the home located at 5061 Maple Grove Road, which is part of the land subdivision.

The revised PUD ordinance allows for the submission of conceptual level site, grading, utility and architectural plans. The purpose of this is for developers to gauge an interest in a development by the City without preparing preliminary/final level engineering plans for a project. The applicant has provided concept level engineering documents and site renderings and is in the process of updating the previously prepared traffic study as part of the application.

Assuming the preliminary PUD is approved, the applicant will have 1 year to apply for a final PUD. As part of the Final PUD approval, the property owner will be required to enter into a development contract with the City to govern certain aspects of the site development and operations of the development, including payments for utility connections. A PUD order will be issued by the City setting project specific development standards. Following completion of the development contract the property owner will be granted final Zoning approval and can begin construction, pending approval of the associated building permits.

Zoning Analysis:

The property is zoned R-3, Residential. The applicant has applied for a Planned Unit Development (PUD) for the property. A PUD is a permitted use in an R-3 zone district. Section 11 of the zoning ordinance explains that: "The Planned Unit Development (PUD) process provides a mechanism for City officials to consider development proposals that do not meet the minimum requirements provided by the Zoning Code. Benefits resulting from this process include an opportunity for site based design, conservation of natural features and resources, efficient design and use of transportation systems and utilities, improved housing and neighborhood options, and housing affordability and provide for the modification of certain regulations when it can be demonstrated that such modification would result in development which would not have been provided if no regulations were modified; which remains compatible with surrounding development; and, which conforms to the goals and policies of the Comprehensive Plan.

The proposed project maintains the majority of the existing wetlands on site as well as approximately 6.5 acres of land which is being kept in its natural condition.

Setbacks

City Code allows a PUD to have standards that meet the City's goals for each proposed development. These standards include building height, density, roadway widths and setbacks. The proposed project is for a four story (42' height), 103 unit apartment building. The PUD ordinance identifies a 35 foot building height but allows for a 20% increase to 42 feet provided there are additional building setbacks and/or landscaping.

The applicant is proposing a 60 foot setback from the eastern property line which abuts undeveloped land. The proposed structure is located 370 feet from the western property line; 180 feet from the northern property line and an average of 490 feet from the southern property line.

The PUD ordinance allows for the setting of site specific setbacks.

Stormwater

The applicant is proposing two stormwater basins for the project. One basin will be centrally located on the property to treat the southern portion of the parking lot and building. A second basin is proposed on the north portion of the site within the powerline easement area to treat the northern portion of the parking lot and building. Applicant to provide verification that the northern stormwater basin can be constructed within the existing powerline easement. Bio-rolls, silt fencing and other Best Management Practices will be required in order to control runoff during construction. The property owner is responsible to construct these ponds/BMP's.

The City will require that the two stormwater basins are on the same parcel as the apartment building. This will ensure that the stormwater ponds cannot go tax forfeit as they are on the same tax parcel as the apartment building.

Utilities

The property owner will connect the proposed apartment to City sewer and water systems. The property owner will provide final engineered plans for utility connections prior to beginning such work on the site. Detailed plans for new public utilities will be reviewed and approved by the City Engineer prior to issuance of the building permits. No new public utilities will be accepted by the City until reviewed by the City Engineer and accepted by resolution of the City Council. All new public utilities must be placed in a public utility easement.

The applicant will be responsible for all availability, hook-up and CAF fees imposed by the City and the WLSSD.

Lot Subdivision

The applicant owns the 10 acre parcel which contains the City sanitary sewermain. As part of the project, the applicant has an option to purchase the rear 3 acres associated with 5061 Maple Grove Road. The applicant has submitted an administrative lot split in order to subdivide this parcel, which in turn would be processed should this proposed project be approved by the City Council. The City will then require that the 10 acre parcel and 3 acre parcel be combined into a single 13 acre parcel.

Driveway, Parking, and Traffic

The applicant proposes to construct a public, 28-foot-wide asphalt roadway with curb and gutter from Maple Grove Road north into the site approximately 800 feet. This road would have a 66' public right of way associated with it and would generally follow the existing sanitary sewer easement existing on the property. The apartment building would take access directly from this public roadway. The applicant is proposing a stub of this roadway that can be extended to the north in order to provide future access to this property from Lavaque Road. This public roadway will be required to be built to City standards and will eventually be turned over to the City for its upkeep and maintenance including snowplowing. The applicant will be required to enter into an agreement with the City for the future extension of the road.

City staff has discussed this project with the St. Louis County Traffic Engineer. The applicant has engaged a Traffic Engineer to conduct a study of the development which will be provided at a future date. A traffic study was prepared for a previous 90 unit apartment/townhome development on this parcel which was submitted to St. Louis County who subsequently reviewed and approved drive entrance onto Maple Grove Road.

The applicant is proposing an internal sidewalk system for the project. This sidewalk system will connect to the existing sidewalk along Maple Grove Road and could be extended in the future to the north in order to access a future trail system by the City.

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
Planned Unit Development	Proportional to Mix of Development

Stormwater Utility Fees

Upon the completion of each new home, the homeowner will be required to pay the \$7.00/month stormwater utility fee associated with each parcel for the single family lots with the fourplex and assisted living building being calculated as a non-residential (greater than 4 units) use and subject to \$7.00/9,100 square feet of impervious surface.

Summary

Staff recommends approval of 103 unit Preliminary PUD, based on the findings of this report and the following conditions

1. The proposed PUD meets the intent of the R-3, Residential Zoning District, Chapter 11 – Planned Unit Developments, and the overall goals and policies of the Zoning Ordinance.
2. The proposed development meets the Comprehensive Plan for residential development and standards of a Planned Unit Development by providing public benefit through enhanced and coordinated development design and a greater variety of housing types in the community.
3. A PUD may be allowed in any zoning district in the City of Hermantown. In addition, all permitted and conditional uses listed in the underlying specific district are allowed in a PUD.
4. The Planned Unit Development 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 Property Owner 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 Property Owner 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 Property Owner shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site.

- 4 The applicant will have one year from the date of the Preliminary PUD approval to apply for a Final PUD application.
- 5 Applicant to submit preliminary and final construction documents (water, storm sewer, sanitary sewer, roadway, etc.) according to City standards and coordinated with the City Engineer as part of the Final PUD process.
- 6 Installation of water and sanitary sewer shall require the Property Owner to enter into an agreement with the City governing the terms of such work. All utility plans shall be approved by the City Engineer. The City/Developer agreement shall specify the amount of a financial guarantee to be held by the City from the time of commencement of work until such a time as the City is prepared to accept as complete the new public infrastructure. All drainage and utility easements shall have associated easements. The Property Owner shall enter into a Development Agreement with the City for all public utilities.
- 7 The applicant is responsible for all City and WLSSD availability, hook-up and CAF fees associated with the PUD.
- 8 The applicant is responsible for all City Engineer and Attorney fees related to the review and approval of the PUD.
- 9 The applicant shall pay park dedication fees 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
Planned Unit Development	Proportional to Mix of Development
Development Type	Recommended
Multi-family, 2+ bedroom units	\$800

- 10 The property Owner shall sign a consent form assenting to all conditions of this approval.
- 11 The Property Owner 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
- Context Site Plan
- Concept Utility Plan
- Concept Grading Plan
- Building Elevation
- Developer provided Public Benefits Statement



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JAMES PATRICK
DEVELOPMENT

PRELIMINARY PUD
GROVES OF HERMATOWN
HERMATOWN, PA

PUD EXHIBIT

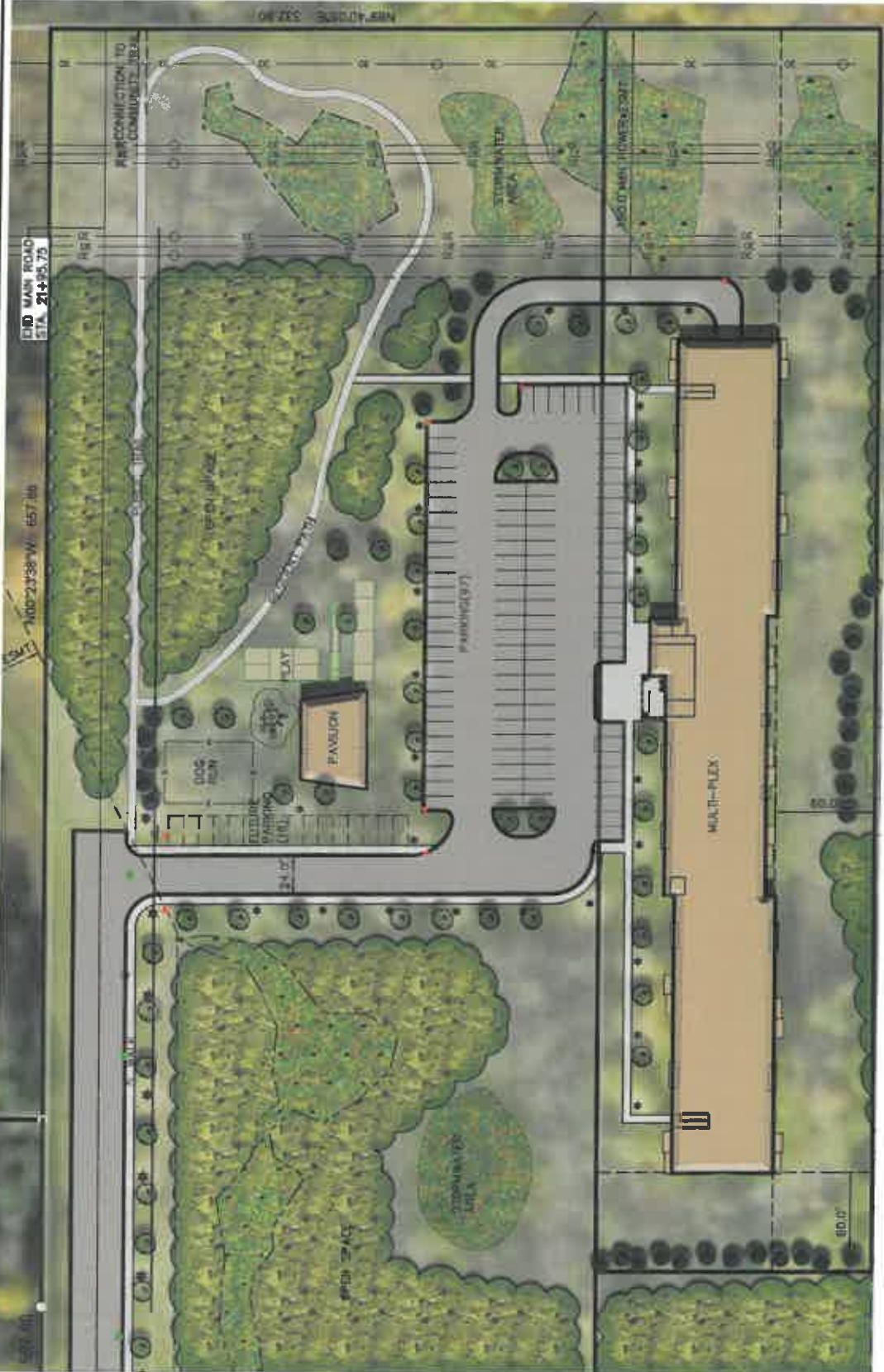
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DATE TO
ISSUED TO
CROSS

PRELIMINARY
PROJECT: GROVES OF HERMATOWN

DATE: 11.14.11

10-038
EX-1



LOT AREAS

TOTAL 562,738 SF ex. l. 12.99 ac

BUILDING INFORMATION

BUILDING TYPE	DIMENSIONS	SQUARE FEET	PARKING
MULTI-FLEX BLDG	62 x 504	31,248	92 SPACES INTERNAL 97 SPACES EXTERNAL





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JAMES PATRICK
DEVELOPMENT

PRELIMINARY RUD
GROVES OF HERMITTOWN
Hermettown, MN

RUD EXHIBIT

SECTION	DATE	BY	REVISION

DATE: TO: BY: SCALE: SHEET NO. TOTAL SHEETS

PRELIMINARY
PLAN FOR THE GROVES OF HERMITTOWN
MAY 2019
JAMES PATRICK DEVELOPMENT

DATE: U.S. NO. SHEET NO. TOTAL SHEETS

18-028
PLANS 7 EX-3



LOT AREAS

TOTAL 560,728 SF eq. 12.82 ac

BUILDING INFORMATION

BUILDING TYPE MULTI-FLEX BLDG DIMENSIONS 62 x 204 SQ FEET 31,248 SPACES 92 SPACES INTERNAL, 87 SPACES EXTERNAL



Map No. 1000 (10/2018) © 2019 James Patrick Development All Rights Reserved Hermettown, MN



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JAMES PATRICK
DEVELOPMENT

PRELIMINARY PUD
MAPLE GROVE TOWNSHIPS
HERMANTON, NJ

OVERALL SITE PLAN

REVISION DATE: REVISION:

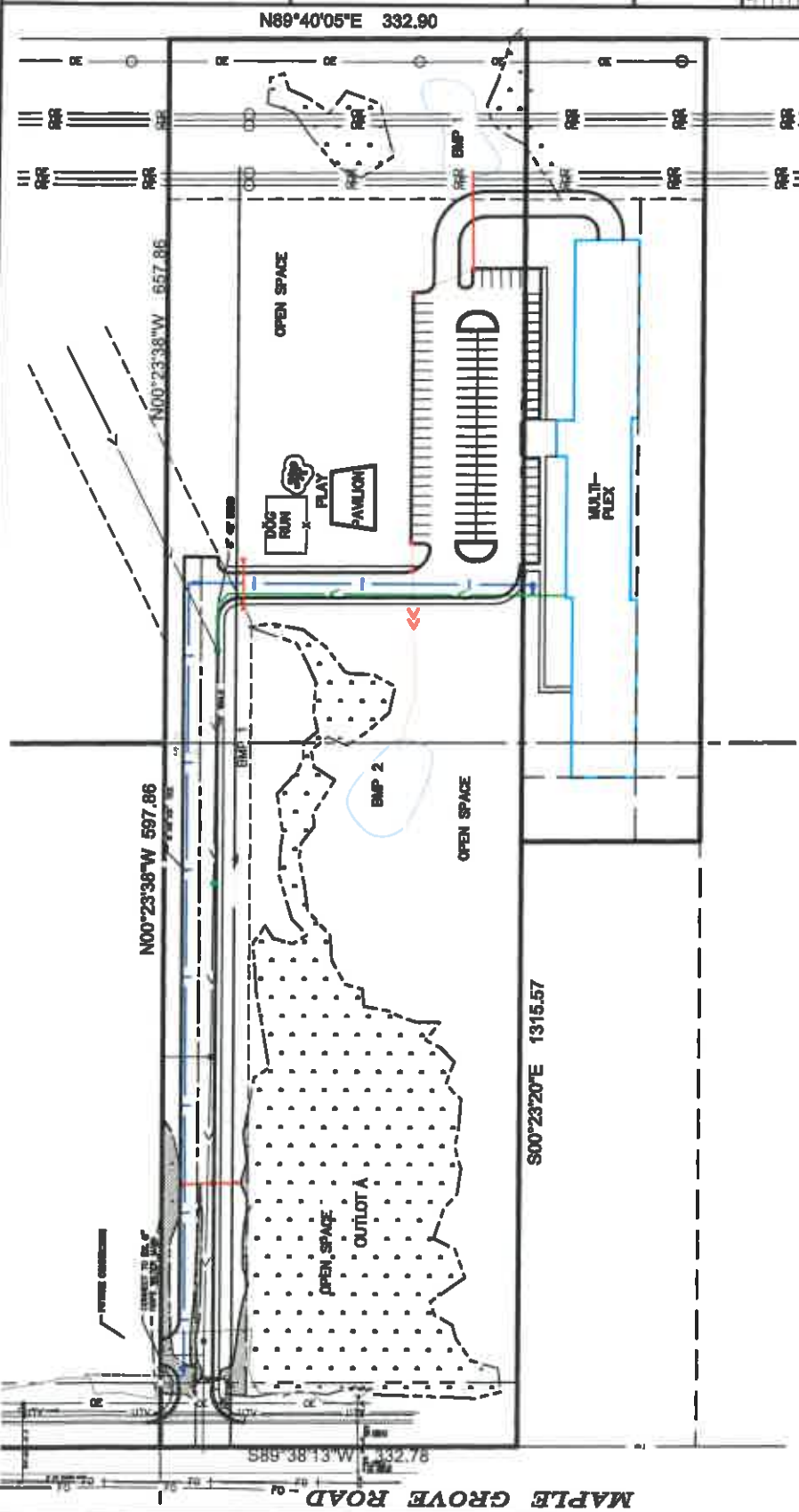
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CHECKED BY: TC
DATE: 04/11/11

PRELIMINARY
JAMES PATRICK DEVELOPMENT, INC.

DATE: 04/11/11 U.S. NO. 10000

10-026
PLANS 7

SI-2





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JAMES PATRYCK
DEVELOPMENT

PRELIMINARY RUD
MAPLE GROVE TOWNHOMES
HIBBING, MN

PRELIMINARY GRADING PLAN

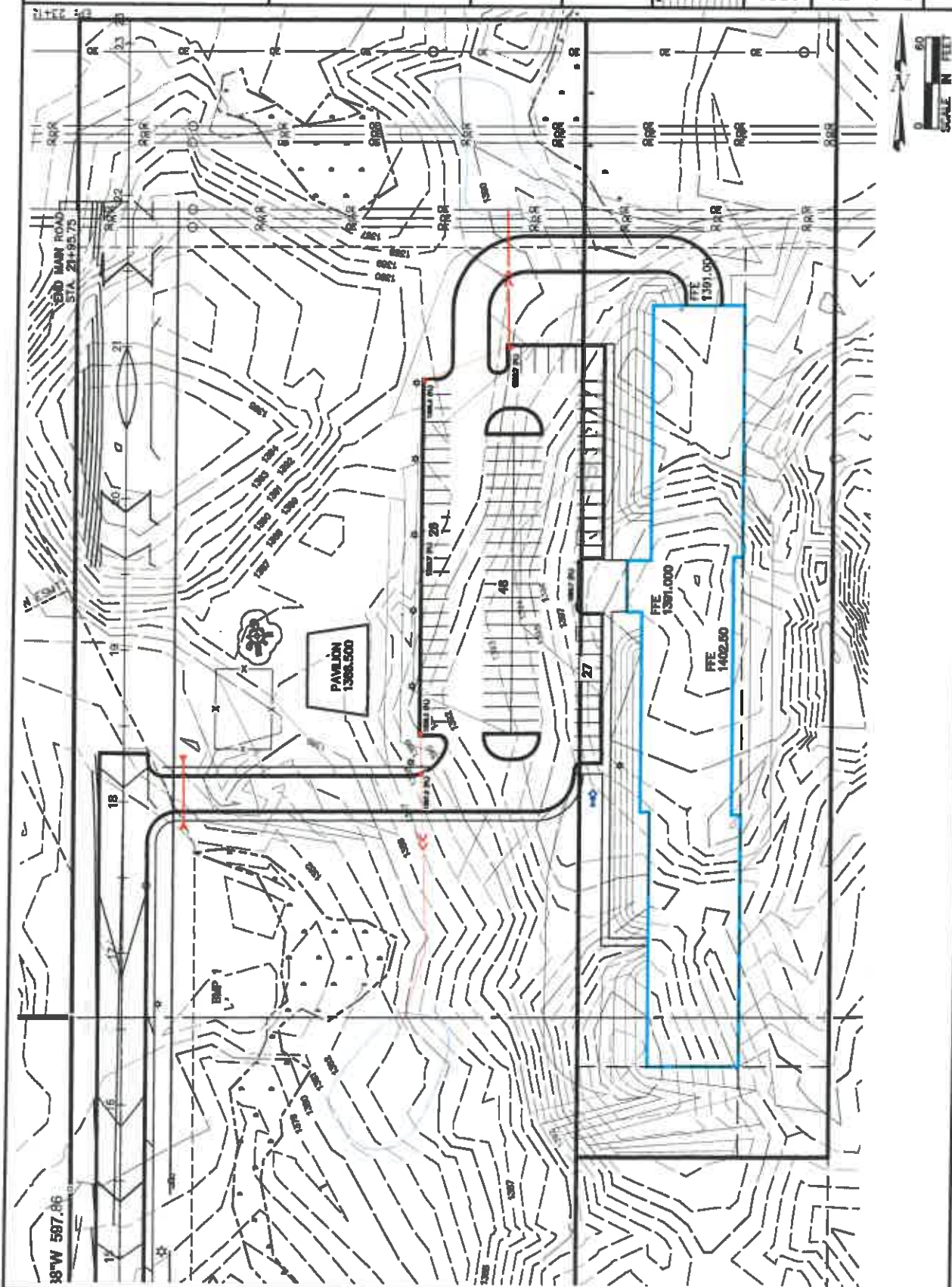
REVISION DATE: REVISION:

DESIGNED BY: [initials]
CHECKED BY: [initials]
DATE: [initials]

PRELIMINARY
This drawing is preliminary and is not to be used for construction. It is subject to change without notice. The owner is responsible for obtaining all necessary permits and approvals. The engineer is not responsible for any errors or omissions in this drawing.

DATE: _____ I.S. NO. _____

98-538
SHEET 7
GR-2







Hermantown Arbors on Maple Grove **ENTRY VIEW**
11/22/21 **OPTION 'A'**



Public Benefit Statement

The proposed development, The Arbor's on Maple Grove, located at 5097 Maple Grove Rd, Hermantown, Minnesota, will be a luxury apartment community. The development will upgrade a 13 - acre, R-3 zoned parcel to fully embrace the property's proximity to nearby commercial, retail and recreational facilities. The Arbor's on Maple Grove will be a unique luxury community.

1105.01 – Preservation and Enhancement of Natural Resources

Currently, the site has no existing structures and minimal wetlands. The land can be described by its native forestry and rolling topography. A proposed apartments will utilize the elevations for enhanced views of the Hermantown scenery. The dynamic topography will serve a functional purpose of accommodating underground parking for the facility. On the south 2.5 acres of the property, the existing foliage will remain to provide natural screening between the development and neighboring properties and road frontage.

1105.02 - Housing Variety

The proposed development will provide much need to housing to fill the regions demand. The demand for the site is several hundred apartment dwelling units are needed in the next 3-5 years. Hermantown is a growing city that currently does not have a sufficient amount of housing options for new and existing residents to choose from. Unfortunately, prospective tenants or homeowners are migrating to the surrounding areas which in turn is decreasing the tax base.

1105.03 – Parks and Trails

The Arbor's on Maple Grove will feature green spaces that reflect the look and feel of a serene community nestled into existing woods and grass lands. There will be localized trails to walk pets as well as an active central park. Additionally, there is immediate access to the Rocky Road Trail and future Munger Trail segments for extended routes to the new Wellness Center.

James Patrick Development shares the Hermantown Parks Vision,

“Through providing parks and trails services and spaces, we enhance the quality of life and nurture the health and wellness of our citizens and the community. Working together we strive to obtain the following for all: The creation of and maintenance of sustainable thriving parks, trails and recreational amenities in order to build a park system for the present and future residents of Hermantown. Through provision of recreation and parks and trail services, we strive to enhance the quality of life and nurture the health and well- being of our residents, community and our environment.”

Today this 13-acre tract of land is undeveloped and unimproved. Currently, it is not served by a public walking trail on the site. James Patrick Development has designed the master plan to be walker friendly, encouraging residents to enjoy the natural surroundings and peaceful living.

1105.04 – Pedestrian Facilities

The Americans with Disabilities Act (ADA) ensures access to the built environment for people with disabilities. All parks, trails and sidewalks will be ADA compliant.

1105.05 – Landscape and Architecture

The master plan features the aforementioned walking trails and central park, which will knit a collection of complimentary architectural building styles into a beautiful and peaceful surrounding. The trail system and tree lined entrance will enhance our clients living experience. The architecture and landscaping will support this peaceful setting.

1105.06 – Elimination of Blighted Structures

There are no existing structures on site.

1105.07 – Local Economy

The proposed development will offer a variety of tax benefits for both the City and State as well benefits to the local labor force, suppliers and vendors.

1105.08 – Utility Efficiency

The site is in an optimal location for the efficient provision of utility services. A public water main runs along Maple Grove Road, directly south of the site, and a sewer trunk line runs along an easement on the existing 13 areas. This development is utilizing the existing sewer lines that have been installed by the city and does not require any out-of-pocket expenses to the City of Hermantown or its residents.

1105.09 – Green Infrastructure and Environmental Design

The master plan was designed to provide a min of 70% green space preserving environmentally sensitive areas and conserving surrounding natural resources. The senior living facility will adhere to sustainable building practices such as recycling, energy and water conservation. “Best Management Practices”, such as infiltration basins or biofiltration swales, will be provided throughout the site for the effective and economical treatment of stormwater entering natural wetlands and streams.

1105.10 – Preservation and Enhancement of Historical and Cultural Resources.

The Hermantown Comprehensive Plan describes Hermantown is a unique and varied City with a diverse natural landscape. Since 2000, Hermantown has been one of the fastest growing cities in Northeast Minnesota. The city is the focus of sprawling residential and commercial development contributing to a significant amount of traffic. The Arbor’s on Maple Grove will preserve the unique natural resources of Hermantown and provide alternative modes of transportation such as shuttles, which will not adversely impact traffic congestion in the region.