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**DATE:** May 29, 2018

**TO:** Honorable Mayor and City Councilmembers  
Dave Perrault, City Administrator

**FROM:** Matthew Bachler, City Planner

**SUBJECT: Planning Case #18-013**  
**Applicant:** Journey Home Minnesota  
**Property Location:** 3246 New Brighton Road  
**Request:** Preliminary Plat, Final Plat, and Comprehensive Plan Amendment

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**Council Should Consider**

Hold the required public hearing for the proposed Preliminary Plat, Final Plat, and Comprehensive Plan Amendment at 3246 New Brighton Road (Planning Case 18-013). The City Council will be asked to make a formal decision regarding the application under Agenda Item 10A on May 29, 2018.

**Background**

**1. Overview of Request**

Journey Home Minnesota is a non-profit organization with a mission to create affordable housing for disabled military veterans in safe cities served by high quality school systems. The organization has developed housing projects in surrounding communities, including Shoreview, New Brighton, and Mounds View. Journey Home purchased the Lake Johnna Fire Station No.1 property at 3246 New Brighton Road in September 2017 and is requesting approval for a project to redevelop the property for three single-family residential homes. The existing fire station building, garage, and parking areas on the property would all be removed as part of the redevelopment.

The existing property at 3246 New Brighton Road is approximately 2.8 acres in size and is comprised of the decommissioned Lake Johanna Fire Station No.1 building, a detached garage, and parking areas. The two existing structures are located along New Brighton Road and there

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are multiple curb cuts currently providing access to the property. The topography of the lot is relatively flat along New Brighton Road, but slopes down significantly to a pond located on the easterly half of the property. The elevation change from New Brighton Road to the pond edge is roughly 15 feet. The pond occupies approximately 1.3 acres of the site leaving 1.5 acres of developable land.

The applicant has proposed a subdivision of the existing property that would create three single-family residential lots. Each of the lots would have frontage on New Brighton Road and the property lines would extend to the eastern boundary of the site. The size of the lots would be 29,723 square feet, 41,802 square feet, and 53,593 square feet. The lots are expected to be developed with similarly sized homes. Each lot would have a private driveway on New Brighton Road.

A Comprehensive Plan Amendment is required to change the designation of the property to Very Low Density Residential from its current designation as Public and Institutional. The Very Low Density Residential classification allows for single-family residential development at a density of 1.5 to 3 units per acre.

To summarize, Planning Case 18-013 includes the following requests:

- Preliminary and Final Plat to subdivide property into three single-family residential lots.
- Comprehensive Plan Amendment to change future land use classification from *Public and Institutional* to *Very Low Density Residential*.

## 2. Surrounding Area:

Direction	Future Land Use Plan	Zoning	Existing Land Use
North	LDR – Low Density Residential	R2 – Single & Two Family Residential	Single-family Detached
South	LDR – Low Density Residential	R2 – Single & Two Family Residential	Single-family Detached
East	LDR – Low Density Residential	R2 – Single & Two Family Residential	Single-family Detached
West	LDR – Low Density Residential	R2 – Single & Two Family Residential	Single-family Detached

## 3. Site Data:

<b>Future Land Use Plan:</b>	P/I Public Institutional
<b>Existing Land Use:</b>	Vacant
<b>Zoning:</b>	R-2 – Single & Two Family Residential
<b>Lot Size:</b>	2.8 Acres (125,118 square feet)
<b>Topography:</b>	Property slopes west to east with an elevation change of approximately 15 feet from New Brighton Road to the edge of the pond.

## Plan Evaluation

### 1. Comprehensive Plan Amendment

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The Arden Hills 2030 Comprehensive Plan lays out the future land uses that are anticipated for all properties in the City. Based on the future land uses, the City can plan for improvements, anticipate infrastructure needs, and create appropriate land use regulations. The City's Zoning Code identifies specific zoning districts through which the land uses and goals in the Comprehensive Plan are implemented. The zoning cannot conflict with the future land use designation. When there is a conflict between the Comprehensive Plan and the Zoning Code, the City is required to amend the Zoning Code to comply with the Comprehensive Plan, unless a Comprehensive Plan amendment is approved. The Metropolitan Council has the final determination as to whether to allow a Comprehensive Plan Amendment, though they provide great deference to the City as long as the proposed land use change does not have a negative impact on a regional system (i.e. transportation, sanitary sewer, and regional parks).

As part of their application, the developer has requested that the 2030 Future Land Use Map be amended to change the designation of the property from Public and Institutional to Very Low Density Residential. The definitions for these two land use classifications have been provided below. The 2030 Future Land Use Map has been provided in Attachment D.

- *Public and Institutional*: areas designated for uses such as government buildings, colleges, schools, and religious uses, but not medical uses.
- *Very Low Density Residential*: traditional single-family residential land use category. A density range of 1.5 to 3 units per acre.

A city has broad discretion when reviewing whether to amend its Comprehensive Plan. Questions to consider are whether the project forwards the broader goals and vision for the City, and whether the change in future land use classification would be consistent with the surrounding area. The adjacent properties to the north, east, west and south are zoned R-2 District and are guided for Low Density Residential uses in the Comprehensive Plan. The Low Density Residential classification allows for similar traditional single-family residential uses, but at a density of 3 to 5 units per acre. However, it should be noted that while adjacent properties are guided for higher densities, the existing density in this area is not necessarily within this stated range. The only other non-residential use in the immediate vicinity is the Trinity Lutheran Church located at 3243 New Brighton Road, which is zoned R-2 District and is guided for Public and Institutional uses in the Comprehensive Plan.

If the City approves the Comprehensive Plan Amendment, one of the conditions of approval will be that the execution of the Final Plat is contingent on approval by the Metropolitan Council. The request for the Future Land Use Map amendment will need to be submitted to the Metropolitan Council by the City. The Metropolitan Council will have 60 days to review the application, though due to the small size of the project and the lack of negative impacts, the City will be requesting a shortened review timeline of 15 business days. If the Comprehensive Plan Amendment is approved, the applicant can move forward with filing the Final Plat and applying for development permits.

The City must also allow adjacent governments, affected special districts, and affected school districts up to 60 days to review the Comprehensive Plan Amendment. This waiting period allows interested parties to review and comment on the amendment before Metropolitan Council review. However, the Metropolitan Council may prescribe a shorter review and comment period for “minor plan amendments” or may waive the review and comment period if a minor plan amendment involves lands that are not contiguous to other local governmental units.

## **2. Chapter 11, Subdivision Regulations Review**

### **A. Street Plan and Streets**

No new streets are being constructed for the Lake Johanna Station 1 development. The applicant has proposed constructing three driveways on New Brighton Road for the three single-family residential lots. New Brighton Road is a Ramsey County roadway. Any disturbance occurring in the right-of-way will require a County permit. A copy of the Preliminary Plat has been provided to Ramsey County for review.

### **B. Easements**

City subdivision regulations require at a minimum a 12-foot wide utility and drainage easements dedicated to the City along the right-of-way and centered on common lot lines. The Preliminary Plat includes 12-foot utility and drainage easements that are centered on the common lots lines throughout the development and 12-foot easements along the New Brighton Road right-of-way and the rear property lines. The proposed utility and drainage easements meet the City’s minimum requirements.

Where a subdivision is traversed by a watercourse, a drainage easement is required to be dedicated substantially conforming to the lines of the watercourse. There is a landlocked pond located on the easterly half of the site. The applicant has provided a drainage easement around the perimeter of the pond that extends out a minimum of 16.5 feet from the edge of the pond.

A small stormwater collection basin is proposed at the northwest corner of the site. This basin would allow for the collection of runoff from the site and discharge into the adjacent pond. A drainage and utility easement has been provided around the perimeter of this pond as well. Based on discussions with Rice Creek Watershed District (RCWD), the basin is not required to satisfy the watershed district’s stormwater management requirements.

### **C. Lots**

#### *Location and Size*

All lots are required to abut by their full frontage on a public street and meet the minimum lot dimensions required by the Zoning Code. All three lots have full frontage on a public street and meet the minimum requirements for the R-2 District.

#### *Watercourse*

Lots abutting upon a wetland are required to have additional width or depth to assure building sites are not subject to flooding. All building areas should be located outside the natural feature and a minimum of two feet above the 100-year flood elevation.

The drainage plan provided by the applicant indicates that the peak elevation calculated for a 100-year back to back event would be 914.45. The dwelling on Lot 1 is proposed to have the lowest floor level at 919.6. The low floor level for Lot 2 would be 920.6 and for Lot 3 it would be 921.3.

#### *Drainage*

Lots are required to be graded so as to provide drainage away from building locations and direct drainage down lot lines within drainage and utility easements. The proposed grading plan satisfies this requirement.

#### D. Park Dedication

The Subdivision Code requires developers of subdivisions to dedicate to the public a reasonable percentage of the tract to be developed. Section 1130.08 Subd. 2 of the Subdivision Ordinance indicates that for a subdivision that results in new dwelling units of less than 2.5 units per acre, the applicant shall dedicate 10 percent of the buildable land area in the subdivision *or* pay a park development fee of \$6,500 per residential unit.

Ten percent of the development would be approximately 0.28 acres, but the site does not provide for a feasible public park area. As a recommended condition of approval, the developer would be required to pay a park development fee of \$6,500 per unit, for a total fee of \$19,500.

#### E. Required Improvements

All other required improvements, including sewer, water, utilities, and driveway connections to New Brighton Road will be constructed in accordance with the City's Subdivision Code.

The Subdivision Code requires that each lot be provided with a minimum of three trees to be placed in the front yard. Coniferous trees must be at least 6 feet in height and deciduous trees a diameter of 2.5 inches.

### **3. Chapter 13, Zoning Regulations Review**

#### ***Section 1320 – District Provisions (R-2 Single & Two Family Residential District)***

##### A. Lot Area and Dimensions

The applicant is proposing to subdivide the existing 2.8 acre property into three single-family residential lots. The minimum lot size for single-family residential dwellings is 11,000 square

feet. The three lots would meet the minimum lot area requirements. Lots in the R-2 District are also required to have a minimum width of 85 feet as measured at the 40-foot front yard setback line, and a depth of 120 feet. All three lots would meet these requirements.

<b>Lot</b>	<b>Total Lot Area (Square Feet)</b>	<b>Width (Feet)</b>	<b>Depth (Feet)</b>
R-2 District Minimum	11,000	85	120
1	29,723	109	292
2	41,802	109	349
3	53,593	109	353

### B. Setbacks

The minimum principal structure setbacks in the R-2 District are 40 feet in the front yard, 30 feet in the rear yard, and a 5-foot minimum in the side yard with both side yards required to add up to a total of 15 feet. In addition to the structure setback requirements, no structures can be placed within any of the drainage and utility easements on the lots. The development plans include the proposed building footprints for the lots. Structure setback distances would be verified at the time Building Permit applications are submitted. Staff anticipates there will be modifications to the building footprint areas as part of the final design process, but based on the preliminary plans, all setbacks would be met.

A covered front porch is included on each of the dwellings. The porches would be setback 32.5 feet from the front property line. Covered front porches on vacant lots are permitted to be up to 30 feet from the lot line provided the porch design requirements included in Section 1325.03, Subd. 2(E) of the Zoning Code are met. The design of the front porches would be reviewed for compliance with the Zoning Code at the time building permit applications are submitted. The table below provides approximate setback distances based on the preliminary building sites.

<b>Lot</b>	<b>Front Yard (Feet)</b>	<b>Rear Yard (Feet)</b>	<b>Side Yard (Feet)</b>
R-2 District Minimum	40	30	5 (Minimum) / 15 (Total)
1	40.5	177	23.5 (North) / 23.5 (South)
2	40.5	227	23.5 (North) / 23.5 (South)
3	40.5	292	23.5 (North) / 23.5 (South)

### C. Structure Coverage and Landscaped Lot Area

The maximum structure coverage permitted in the R-2 District is 25 percent and the minimum landscape lot area is 65 percent. The approximate structure coverage and landscape lot area was calculated based on the proposed building dimensions and the approximate dimensions of the

driveways. The structure coverage and landscape lot area requirements would be verified at the time Building Permit applications are submitted. Based on the submitted plans, all three lots would meet the lot coverage requirements.

<b>Lot</b>	<b>Lot Area (Square Feet)</b>	<b>Structure Coverage (Square Feet)</b>	<b>Structure Coverage (Percentage)</b>	<b>Landscape Lot Area (Square Feet)</b>	<b>Landscape Lot Area (Percentage)</b>
R-2 District Requirements	11,000	--	25% (max)	--	65% (min)
1	29,723	2,430	8.18%	26,167	88.04%
2	41,802	2,430	5.81%	38,246	91.49%
3	53,593	2,430	4.53%	50,037	93.36%

#### D. Building Height and Density

The maximum building height in the R-2 District is 35 feet. Building height would be verified at the time Building Permit applications are submitted.

The maximum residential density permitted in the R-2 District is 5 units per net acre. There are approximately 1.49 net acres of land that could be built on after subtracting the wetland area. The proposed subdivision would have a net density of 2.01 units per acre.

#### E. Floor Area Ratio (FAR)

The Floor Area Ratio (FAR) is the sum of the gross horizontal area of all floors of a building divided by the total lot area. Floor area is measured from the exterior sides of the exterior walls, but not including covered porches; decks; any space where the average floor-to-ceiling height is less than six feet; attached or detached garages; and other detached accessory structures. The R-2 District allows for an FAR of up to 30 percent of the lot area for residential structures. The FAR of the dwellings would be verified at the time Building Permit applications are submitted.

### ***Section 1325 – General Regulations***

#### A. Accessory Structures

No accessory structures are proposed at this time. Future homeowners who choose to construct accessory structures will be required to do so in accordance with the Zoning Code.

#### B. Tree Preservation

The survey indicates there are 93 significant trees on the site with a total of 1,967 caliper inches. Of this total, it is anticipated that 14 trees and 360 caliper inches would be removed for the development. All of the trees to be removed are around the building sites. The existing

significant trees towards the rear of the property and around the pond would be preserved. The required mitigation for the tree removal is 82 caliper inches of new tree plantings.

	<b>Caliper Inches</b>	<b>Number of Trees</b>
Total Existing Significant Trees	1,967	93
10% Permitted Removal	197	--
Proposed Removal	360	14
Significant Trees Preserved	1,607	79
Replacement Trees Required*	82	--
Replacement Trees Proposed	--	--
* Replacement trees are calculated by subtracting the ten percent permitted removal from the proposed removal and dividing by two.		

A tree replacement plan has not been submitted at this time. The applicant will be required to plant three trees in the front yard of each lot, which will only partially address the tree replacement requirement. As a condition of approval, staff is recommending that the applicant work with the City to find locations for the additional replacement trees on the site. If the replacement tree plantings cannot be reasonably accommodated on the site, the City can work with the applicant to find off-site locations for the plantings or require that a fee in lieu of the plantings be provided.

### C. Driveways

Three driveways are proposed on New Brighton Road to provide access to the lots. The minimum width for residential driveways on collector streets is 12 feet and the maximum width is 22 feet. The width of the driveways would be verified at the time Building Permit applications are submitted.

### **Additional Review**

#### *Building Official and Fire Marshal*

The Building Official has reviewed the application and does not have any additional comments at this time. All final plans will be subject to the Building Official and Fire Marshal’s approval prior to the issuance of any permits.

#### *Public Works Director/City Engineer*

The Public Works Director/City Engineer has reviewed the plans and provided a memo dated May 22, 2018 with her comments (Attachment E). The comments are related to technical components of the development plans. As a condition of approval, the applicant will be required to address all items in the memo prior to the issuance of any development permits.

### *Rice Creek Watershed District*

The Rice Creek Watershed District (RCWD) is charged with reviewing and approving the stormwater management and drainage plan for the project. RCWD reviewed a previous version of the plan that proposed four lots and granted CAPROC status (Conditionally Approved Pending Receipt of Changes) as of March 27, 2018 (Attachment F). RCWD has determined that since the project drains to the landlocked pond on the site, the rate control standards have been met. The water quality requirements do not apply in this case. A copy of the approved RCWD permit will be required prior to the issuance of any development permits.

### *Ramsey County*

New Brighton Road is a Ramsey County roadway. Any disturbance occurring in the right-of-way will require a County permit. A copy of the Preliminary Plat has been provided to Ramsey County for review. At this time, staff has not received comments back from Ramsey County.

## **Public Notice and Comments**

Notice of the public hearing for the Preliminary Plat, Final Plat, and Comprehensive Plan Amendment was published in the *Shoreview-Arden Hills Bulletin* on May 16, 2018, and mailed to all properties within 1,000 feet of the subject property.

At this time, staff has not received any comments from the public regarding this planning case.

## **Deadline for Agency Actions**

The City of Arden Hills received the completed application for this request on May 18, 2018. Pursuant to Minnesota State Statute, the City is required to act on this request by July 17, 2018 (60 days) unless the City provides the petitioner with written reasons for an additional 60 day review period. The City may, with the consent of the applicant, extend the review period beyond the initial 120 days.

## **Attachments**

- A. Project Narrative
- B. Site Location and Aerial Maps
- C. Development Plans (Demolition, Grading, and Utility Plans)
- D. Preliminary Plat and Draft Final Plat
- E. City of Arden Hills 2030 Future Land Use Map
- F. Memo from Public Works Director/City Engineer, dated May 22, 2018
- G. Rice Creek Watershed District Status Update, March 27, 2018

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