



Approved: June 7, 2023

**CITY OF ARDEN HILLS, MINNESOTA
PLANNING COMMISSION
WEDNESDAY, MAY 3, 2023
6:30 P.M. - ARDEN HILLS CITY HALL**

CALL TO ORDER/ROLL CALL

Pursuant to due call and notice thereof, Chair Paul Vijums called to order the regular Planning Commission meeting at 6:30 p.m.

ROLL CALL

Present were: Chair Paul Vijums, Commissioners Brad Bjorklund, Shelley Blilie, Joshua Collins, Arlene Mitchell, Kurtis Weber, and Jonathan Wicklund.

Absent: None.

Also present were: Community Development Director Jessica Jagoe, Senior Planner Elena Fransen, and Councilmember Emily Rousseau.

APPROVAL OF AGENDA – MAY 3, 2023

Chair Vijums moved, seconded by Commissioner Mitchell, to approve the May 3, 2023, agenda as presented. The motion carried unanimously (7-0).

APPROVAL OF MINUTES

April 5, 2023 – Planning Commission Regular Meeting

Chair Vijums moved, seconded by Commissioner Blilie, to approve the April 5, 2023, Planning Commission Regular Meeting as presented. The motion carried unanimously (7-0).

PLANNING CASES

- A. Planning Case 22-025; 1947 County Road D – Conditional Use Permit and Zoning Code Amendment Chapter 13 to Accessory Home Occupations – *Public Hearing***

Community Development Director Jagoe stated Kerri Seemann (“Applicant”) has submitted an application for a Conditional Use Permit to allow a Class II Accessory Home Occupation at 1947 County Road D West (“Subject Property”). The Applicant is proposing to operate a landscaping nursery as an accessory home occupation on the Subject Property. A home occupation is allowed in residential zoning districts, but a Conditional Use Permit is required as a Class II Accessory

Home Occupation when there is an employee not residing in the residence or the delivery of products. A zoning code amendment to Chapter 13 – Zoning Code of Arden Hills City Code is required for this application to strike language that conditions a home occupation to be conducted entirely within the dwelling and that there shall be no exterior evidence of the home occupation. The Applicant is proposing ordinance language be added to allow for a home occupation to be conducted either within a detached accessory structure or exterior of a building.

Community Development Director Jagoe reviewed the background, site data, the Plan Evaluation and provided the Findings of Fact for review:

1. The Subject Property located at 1947 County Road D is zoned R-2, Single and Two Family Residential District and is designated for Low Density Residential uses on the 2040 Comprehensive Plan
2. A home occupation is allowed in residential zoning districts, but a Conditional Use Permit is required when there is an employee that does not reside in the residence and/or the delivery of products.
3. The Applicant is the sole owner and operator of Prior Plants, a business related to growing Minnesota native plants.
4. All company retail activity is conducted exclusively online.
5. By appointment only, customers will be visiting the Subject Property to pick-up their orders from a designated area as shown on the site plan submitted by the Applicant.
6. The company may have one employee that does not reside in the residence assist in the business activity.
7. The company requires the occasional delivery of items attributed to the business activity.
8. The company is a small scale operation and is solely owned and operated by the Applicant, Kerri Seemann.

Text Amendment Findings:

1. Kerri Seemann, The Applicant, is proposing amendments to the language of Chapter 13 – Zoning Code of the City Code for Home Occupations.
2. Currently, Section 1325.02 does not allow for an accessory home occupation to be conducted outside of the dwelling or have exterior evidence.
3. The Applicant is proposing the City amend the zoning code to add language to allow an accessory home occupation to be conducted either in a detached accessory building or outside of a building.
4. The proposed amendments continues to support a home occupation as an accessory use in residential zoning districts by establishing standards that enforces and protects the character of the residential neighborhood with exterior size restrictions and screening buffers.
5. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council.
6. If the zoning amendments were approved, an Applicant would be required to apply for a Class II Accessory Home Occupation Permit.

Community Development Director Jagoe reviewed the options available for Planning Case 22-025 for a Conditional Use Permit to allow a Class II Accessory Home Occupation at 1947 County Road D and Zoning Code Amendments to Section 1325.02, Subd. 3 – Accessory Uses:

1. Recommend Approval with Conditions

- 1) The Applicant shall conduct the home occupation in accordance with the narrative and site plans submitted. Any significant changes to these plans, as determined by the Community Development Director, shall require review and approval as a Conditional Use Permit Amendment by the Planning Commission and City Council.
 - 2) There shall be no more than one employee that does not reside in the residence employed to assist in the business activity.
 - 3) Delivery of products will be limited, but in no instance shall it be more than once per day.
 - 4) No exterior signage shall be permitted.
 - 5) There shall be no more than one patron per day by appointment only visiting the premise to pick up their order.
 - 6) All home occupation retail sales must be exclusively conducted online.
 - 7) The Applicant must apply annually and obtain an Accessory Home Occupation Permit from the City.
 - 8) A screening plan shall be provided to the City for approval by the Community Development Director prior to issuance of an Accessory Home Occupation Permit.
 - 9) A Zoning Permit would be required for the installation of any new fencing.
 - 10) The exterior business activity shall be limited to the Applicant's description and site plans as submitted. All exterior evidence of the home occupations shall not exceed 1,500 square feet of the Subject Property.
2. Recommend Approval as Submitted
 3. Recommend Denial
 4. Table

Chair Vijums opened the floor to Commissioner comments.

Chair Vijums asked if one request was dependent upon the other.

Community Development Director Jagoe stated the zoning code amendment would precede her moving forward with the application given the fact the bulk of her business activity takes place outside of the dwelling.

Chair Vijums questioned if this was all new code language.

Community Development Director Jagoe explained she surveyed eleven adjacent communities and four allowed for a home occupation in a detached accessory building and none allowed for exterior evidence.

Chair Vijums asked if the Commission had any comments regarding the language within the proposed text amendment.

Commissioner Weber questioned if a greenhouse was deemed an accessory structure.

Community Development Director Jagoe reported this was the case.

Chair Vijums requested further information regarding the amount of exterior space that could be used for business activity.

Community Development Director Jagoe stated the language currently states the applicant can use up to 33% of the dwelling or 33% in an accessory building. She explained this square footage

would fluctuate based on the size of a home or an accessory structure. She reported it was her understanding the applicant does not need 1,500 square feet, but rather she was closer to needing 1,000 square feet of the exterior yard.

Commissioner Bjorklund commented on the issues that need to be considered if a home occupation were allowed to use outside space. He anticipated a precedent could be set if this request were approved.

Commissioner Mitchell reported this was a complex request and she believed it needed to be well thought through before moving forward.

Commissioner Collins asked if this operation continued as a hobby, would the City have any oversight over the operation.

Community Development Director Jagoe stated if this were a hobby with a rain garden, plantings, and native beds, this would fall under the category of landscaping and this would not trigger any additional review.

Commissioner Collins clarified that at a hobby level, this request would not be considered, but because the applicant has proposed to operate a business, the zoning code amendment was required.

Community Development Director Jagoe stated this was correct. She noted when the sale of plants becomes transactional, the City views this as a home business.

Commissioner Wicklund requested further information on how the City would address business creep or business expansion.

Community Development Director Jagoe reported with the conditional use permit she laid out the type of activities that could and could not occur on the property. She explained if a conditional use permit was approved, it would remain with the property.

Commissioner Wicklund questioned what type of enforcement would the City have in place to address a business expansion concern.

Community Development Director Jagoe explained the City's code enforcement was complaint based. She indicated if the City were to receive a complaint, the City would investigate the property to ensure the applicant was complying with the CUP prior to revocation.

Chair Vijums explained he was struggling with the fact the property could have an accessory building and he questioned how this would impact the proposed business.

Commissioner Mitchell asked if this home occupation could be approved on a variance, without requiring an amendment to City Code.

Community Development Director Jagoe stated variances cannot be granted to permit a use.

Commissioner Weber suggested rather than limiting the use within an accessory structure, the City should limit the size of the accessory structure if being used for a home occupation.

Chair Vijums opened the public hearing at 7:13 p.m.

Chair Vijums invited anyone for or against the application to come forward and make comment.

Community Development Director Jagoe reported staff received a comment from Catherine Nohr at 1940 County Road D in advance to the meeting and she opposed the home occupation due to the exterior evidence of the business activity.

Rebecca Tabor, 1966 Edgewater Avenue, stated she has lived in her home for the past 25 years. She explained she does not know Kerri Seemann, but she understood they both loved plants. She reported she has had multiple business ventures over the years and not all have been successful. She noted she learned about Ms. Seemann’s request last week when she received a letter from the City. She shared a written statement with the Planning Commission stating she was concerned with the fact the applicant was proposing to open a business on a major artery (County Road D) into her neighborhood. She discussed the level of traffic surrounding her neighborhood. She explained she has nothing against the applicant, but she believed the applicant’s property was poorly maintained, which was a concern if she was going to be operating a business from this property. She feared the business would be a reflection on the neighborhood and for this reason, the business should not be allowed.

There being no additional comment Chair Vijums closed the public hearing at 7:23 p.m.

Chair Vijums questioned how the business would be shielded from the adjacent properties.

Kerri Seemann, the applicant, explained if she had to put in a fence, she would have to rip out the hedge.

Chair Vijums asked if the applicant had sufficient screening in place at this time.

Ms. Seemann reported she did not and that was why she was proposing to install six-foot shrubs on the east side of the house, along Prior Avenue.

Chair Vijums inquired if the applicant would be willing to make a change in order to properly screen the business from adjacent properties.

Ms. Seemann stated if a six-foot fence was required, she would likely choose not to have a business.

Commissioner Bjorklund commented he has visited many of the local greenhouses in the area. He questioned how Ms. Seeman would be getting her dirt.

Ms. Seemann reported he husband’s uncle owns a greenhouse in Brooklyn Center where she helps out, and her uncle was willing to purchase extra soil for her. This soil would be transported from the greenhouse to her car.

Commissioner Bjorklund inquired if Ms. Seeman would be mixing and making her own dirt.

Ms. Seemann explained she has not done this yet.

Commissioner Bjorklund reported the applicant would not be allowed to pile dirt in the backyard or to mix dirt outside.

Ms. Seemann stated she would not be doing either of these activities, rather she would be using bags of potting soil for her business.

Commissioner Bjorklund requested further information regarding the racks being used for plants.

Ms. Seemann indicated the benches would take up about 640 square feet.

Commissioner Bjorklund stated he would like further information regarding how the property would be screened. He questioned how the three stall car garage was being used.

Ms. Seemann explained the two garage stalls were being used for vehicles and the third housed her husband's wood shop.

Commissioner Bjorklund inquired if the 20 square foot area adjacent to the dwelling/garage that would be used for order assembly would also house the racks in the winter months.

Ms. Seemann stated the order pickup area would consist of a stand that holds eight flats of plants.

Commissioner Bjorklund indicated he was surprised by the fact the home occupation would only be receiving three deliveries per year.

Ms. Seemann explained she would only be ordering plants and seeds in the spring of each year.

Commissioner Weber asked if the applicant would be growing annuals.

Ms. Seemann reported she would be growing native perennials. She stated her aim to grow plants for one year and sell them before they got too big and had to be replanted.

Chair Vijums stated if a resident was allowed to have a greenhouse only 33% of the building could be used for a home occupation.

Commissioner Wicklund explained he appreciated the innovation of the applicant to try and start a new business. He reviewed the language within the text amendment and commented on how the proposed business would impact the values of the other homes in the neighborhood. For this reason, he would recommend denial of the zoning code amendment or tabling action on this item.

Commissioner Weber stated he was inclined to support the small business, but he did not support the zoning code amendment as it stands. He feared this was a big change that had to be looked at more closely. He recommended action on this item be tabled.

Commissioner Blilie agreed the language needed more work when addressing an exterior building, along with how to address the exterior nature of this business.

Chair Vijums agreed the item should be tabled in order to allow for more work on the language with respect to screening, accessory structures, how to allow an outdoor business, and how the property had to be maintained.

Commissioner Bjorklund stated he supported the request being denied because the applicants plans were not clear, but were speculative with respect to the land area needed for business, commercial visitation numbers, required or necessary screening and the possibilities for expansion in the future and the fact this business would not be keeping in line with the residential character of the neighborhood.

Chair Vijums suggested action on this item be tabled.

Chair Vijums moved and Commissioner Wicklund seconded a motion to table action on Planning Case 22-025 to allow staff and the applicant to further clarify how accessory structure square footage can be used by a home occupation, the ability to add language to include standards for maintenance of outside activities for outdoor business activities, to review the screening required around the premises as well as offseason screening recommendations, and to address how to conduct an outside business fitting with the character of the neighborhood. The motion carried unanimously (7-0).

B. Planning Case 23-008; 1475 Dawn Circle - Variance – *Public Hearing Not Required*

Senior Planner Fransen stated Joshua Haberman (“Applicant”) has requested a variance to construct a garage addition on the property located at 1475 Dawn Circle (“Subject Property”). The Applicant has requested a variance to decrease the required total side yard setback from 25 feet to 20.33 feet. The proposed addition would encroach 4.75 feet into the required 14.75-foot setback from the east property line of the Subject Property.

Senior Planner Fransen reviewed the existing site conditions, the site data, the Plan Evaluation and provided the Findings of Fact for review:

General Findings:

1. City Staff received a land use application for a variance request to the required R-1 Zoning District total side yard setback at the Subject Property 1475 Dawn Circle.
2. A single-family dwelling is a permitted use within the R-1 Zoning District.
3. The garage addition will not impede sight lines or obstruct the clear vision area from the roadways.
4. The proposed garage addition would decrease the required total side yard setback to 20.33 feet.

Variance Findings:

1. Variances are only permitted when they are in harmony with the general purposes and intent of the ordinance.
2. The proposed garage addition would not alter the essential character of the neighborhood because the configuration on the Subject Property would be consistent and compatible with the neighborhood.
3. The variance request is not based on economic considerations alone.

Senior Planner Fransen reviewed the options available for Planning Case 23-008 to the Planning Commission on this matter:

1. Recommend Approval with Conditions
 1. A Building Permit shall be issued prior to commencement of construction.

2. The proposed building shall conform to all other standards and regulations in the City Code.
2. Recommend Approval as Submitted
3. Recommend Denial
4. Table

Chair Vijums opened the floor to Commissioner comments.

Commissioner Bjorklund asked if this was a triangulated lot and if this was the case, these lots are an impediment to development.

Senior Planner Fransen stated this lot was at the end of a cul-de-sac which led to the angled side lot lines and curved front property line. She reported the applicant understands this lot was irregular which affected previous development on the lot.

Commissioner Bjorklund questioned if there was access to the sides of the house to get to the rear of the home.

Senior Planner Fransen explained the property to the east has a 15 foot side setback, which would allow for access to the rear yard.

Commissioner Weber recommended the applicant keep a minimum of 10 feet on each side of the home. He noted he supported the request before the Commission.

Commissioner Blilie indicated she supported the variance request as well.

Chair Vijums asked if the driveway would be concrete.

Senior Planner Fransen deferred this question to the applicant.

Steve Petry, representative for the applicant, stated the driveway addition would be constructed with the same material as the existing driveway.

Chair Vijums questioned why the existing two car garage was inoperable.

Mr. Petry explained the size of the applicants' cars was making the existing garage inoperable.

Commissioner Weber moved and Commissioner Wicklund seconded a motion to recommend approval of Planning Case 23-008 for a Variance at 1475 Dawn Circle based on the findings of fact and the submitted plans, as amended by the conditions in the May 3, 2023, report to the Planning Commission. The motion carried unanimously (7-0).

C. Planning Case 23-009; 1275 Red Fox Road – Site Plan Review – *Public Hearing Not Required*

Community Development Director Jagoe stated CathX Medical, Inc. (“The Applicant”) has submitted a land use application for Sign Standard Adjustment through the Site Plan Review process for the property located at 1275 Red Fox Road (“Subject Property”). The Applicant is seeking flexibility on the size and lighting of signage in order to install an 89.05 square foot wall sign on the south side of the building and an internally illuminated monument sign on the southeast

corner of the property. The Subject Property is located in Sign District 7, which allows wall signs with a maximum sign copy area of 45 square feet and monument signs that are externally illuminated. The Subject Property is located in the IFLEX Zoning District and is guided as Mixed Business in the Land Use Plan.

Community Development Director Jagoe reviewed the background, site data, the Plan Evaluation and provided the Findings of Fact for review:

1. The Applicant has submitted an application for Site Plan Review to install a 90 square foot wall sign on the southern elevation of the subject property, 1275 Red Fox Road.
2. The Subject Property is located in the I-FLEX Zoning District and is guided as Mixed Business in the Land Use Plan.
3. Adjustments to the requirements and standards for the height, number, type, lighting, area, and/or location of a sign or signs established by this Chapter may be approved with a Site Plan Review or a Planned Unit Development process as described for in Section 1320 and 1355 of the Zoning Code.
4. Flexibility through the Site Plan Review process has been requested for the size of the proposed wall sign and the lighting type of the proposed monument sign.
5. The proposed southern elevation wall sign would match the size of the northern elevation sign that was previously approved through a Sign Standard Adjustment.
6. The proposed signage plan does not conflict with the general purpose and intent of the Zoning Code or the Comprehensive Development Plan for the City.
7. The application is not anticipated to create a negative impact on the immediate area or the community as a whole.
8. The proposed plan will not produce any permanent noise, odors, vibration, smoke, dust, air pollution, heat, liquid, or solid waste, and other nuisance characteristics.
9. A public hearing is not required for Site Plan Review.

Community Development Director Jagoe reviewed the options available for Planning Case 23-009 to the Planning Commission on this matter:

1. Recommend Approval with Conditions
 - 1) That the project shall be completed in accordance with the plans submitted. Any significant changes to these plans, as determined by the Community Development Director, shall require review and approval by the Planning Commission and City Council.
 - 2) A separate sign permit shall be required for all proposed signage.
 - 3) All signage shall meet all other requirements of Sign District 7.
2. Recommend Approval as Submitted
3. Recommend Denial
4. Table

Chair Vijums opened the floor to Commissioner comments.

Commissioner Weber stated he appreciated the design of the sign and noted he would be supporting the proposed request.

Commissioner Collins asked why the City required monument signs in Sign District 7 to be externally illuminated.

Community Development Director Jagoe stated she was uncertain why Sign District 7 was limited to external lighting for monument signs. She anticipated this was language that was carried over.

Commissioner Bjorklund thanked staff for the detailed staff report. He discussed the request that was addressed by the Planning Commission in April for Delkor, noting Delkor requested an increase in sign size by 33%. He noted the proposed sign does not face the freeway, but rather faces Red Fox Road. While he appreciated the design of the sign, this request was to increase the size by 100%. He stated he was having a hard time accepting the proposed sign size and feared a precedent would be set if this request were approved.

Commissioner Collins believed going to a different sign size or ratio would be more of an eyesore than matching what was already on the building. He did not believe the proposed sign would be a concern.

Chair Vijums requested the applicant come forward at this time. He asked if the sign facing the freeway was illuminated.

Dave Copberg, 1275 Red Fox Road, explained the sign that would be facing the freeway would be internally illuminated.

Chair Vijums stated he supported the proposed sign. He believed the sign was keeping in harmony with what was already existing on the building.

Hugh Faulkner, Zeus, introduced himself to the Commission and explained he was the Director of Capital Projects. He commented further on the proposed signs and noted the illumination would only be five to eight lumens. He discussed how all the lighting in the parking lot had been changed to downlit fixtures. He thanked the City for all of their assistance with their project.

Chair Vijums moved and Commissioner Wicklund seconded a motion to recommend approval of Planning Case 23-009 for Site Plan Review at 1275 Red Fox Road based on the findings of fact and the submitted plans, as amended by the conditions in the May 3, 2023, report to the Planning Commission. The motion carried 6-1 (Commissioner Bjorklund opposed).

UNFINISHED AND NEW BUSINESS

None.

REPORTS

A. Report from the City Council

Councilmember Rousseau provided the Commission with an update from the City Council. She reviewed the actions the Council had taken on previous Planning Cases. She stated the addition of solar energy system as a conditional use in the conservation district was approved. She noted a condition for a fence along the north property line was added to the Lindey's Site Plan Review approval. She commented on the work the City was doing with Just Deeds to ensure racial covenants within the community would be discharged. She reported the City was looking to hire

a consultant to assist with City Ordinance updates in 2024. City staff has also been tasked with updates to fencing, setbacks and EV charging station City Code language.

Chair Vijums encouraged the Council to consider reviewing the City’s Sign Code as well.

Commissioner Weber reported MNDOT would be hosting a virtual seminar/town hall to discuss the build out of the interstate electric vehicle charging station arrangement and they were looking for local input.

B. Planning Commission Comments and Requests

None.

ADJOURN

Chair Vijums moved, seconded by Commissioner Weber, to adjourn the May 3, 2023, Planning Commission Meeting at 8:47 p.m. The motion carried unanimously (7-0).