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**CITY OF ARDEN HILLS, MINNESOTA  
PLANNING COMMISSION  
WEDNESDAY, OCTOBER 9, 2019  
6:30 P.M. - ARDEN HILLS CITY HALL**

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**CALL TO ORDER/ROLL CALL**

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

**ROLL CALL**

Present were: Chair Nick Gehrig, Commissioners Steven Jones, James Lambeth, Subbaya Subramnian, Paul Vijums, Jonathan Wicklund, and Clayton Zimmerman.

Absent: None.

Also present were: Community Development Manager/City Planner Mike Mroska, Planning Consultant Jane Kansier, and Councilmember Dave McClung.

**APPROVAL OF AGENDA – OCTOBER 9, 2019**

Chair Gehrig stated the agenda will stand as published.

**APPROVAL OF MINUTES**

*September 4, 2019 – Planning Commission Regular Meeting*

**Commissioner Zimmerman moved, seconded by Commissioner Wicklund, to approve the September 4, 2019, Planning Commission Regular Meeting as presented. The motion carried unanimously (7-0).**

**PLANNING CASES**

- A. Planning Case 19-014; Mounds View High School – Interim Use Permit – *Public Hearing***

**Planning Consultant Kansier** stated Mounds View Public Schools has applied for an Interim Use Permit (IUP) to allow the existing building on the property at 1901 Lake Valentine Road to be temporarily used as the weight room/fitness center for Mounds View High School. This

property is zoned R-1, Single Family Residential and is part of the Mounds View High School Planned Unit Development.

**Planning Consultant Kansier** reported the City Council approved a Planned Unit Development for Mounds View High School in May 2019. The approved PUD allowed for additions to the existing high school building and allowed multiple lots to be treated as a single development.

**Planning Consultant Kansier** explained when the original PUD application was submitted, the Applicant intended to use the existing building at 1901 Lake Valentine Road for cold storage. A more intensive use of the building may be proposed at a later date. As a result, the City Council included the following as a condition of approval of the PUD:

Any use of the existing building on the on PID 21302334005 other than cold storage will require an amendment to the approved PUD. The existing structure shall comply with City Code Chapter 14 and any other use of the building shall meet all applicable codes.

**Planning Consultant Kansier** indicated when construction of the high school improvements began, the School District realized they did not have an interim location for the weight room/fitness center. This room is generally used for fitness and weight training as part of the overall health and wellness curriculum. The school officials looked for a temporary location and decided to use the existing building at 1901 Lake Valentine Road. The School District worked with the Fire Marshall and building inspections staff to bring the space into conformance with building and life safety codes. During that time school and planning staff met to discuss approval options. As a result, the school district has submitted this application for an IUP. A temporary certificate of occupancy pending Planning Commission and City Council approval of the IUP.

**Planning Consultant Kansier** stated Interim Use Permits are intended to allow uses that may be appropriate in a zoning district on a temporary basis, provided specific conditions are met. The IUP process is dictated by Section 1355.04, Subd. 7, of the City Code. The purpose and intent of an IUP was discussed with the Commission.

**Planning Consultant Kansier** stated at this time, the applicant is applying for an IUP to allow the use of the existing building at 1901 Lake Valentine Road for a weight room/fitness center until October 1, 2020. The weight room is approximately 40' by 80' and is located in the southwest corner of the existing building. The remaining portion of the building is used for storage. Fire-rated sheetrock walls have been constructed around the weight room to meet building and fire code requirements. The room functions as part of Mounds View High School, so no additional parking spaces are required. No external changes to the building are proposed.

**Planning Consultant Kansier** reported the applicant has provided a general statement of the future use of the building once the IUP has expired. This use includes storage of vehicles and equipment. The School District will review and prioritize upgrades to the building and grounds as part of their long-term facility planning process.

**Planning Consultant Kansier** reviewed the surrounding area, the Plan Evaluation and provided the Findings of Fact for review:

1. The use is allowed as an interim use in the underlying zoning district and conforms to the zoning regulations;  
*This site is a PUD with an underlying zoning of R-1. Schools are permitted as a CUP or a PUD in the R-1 district. The proposed interim use is an extension of the existing school.*
2. Permission of the interim use will not impose additional costs on the public if it is necessary for the public to take the property in the future;  
*There are no additional costs to the public. The use will be conducted in an existing building, and minimal improvements have been made. Further, there are no plans for public improvements in this area.*
3. The use will not adversely impact nearby properties through nuisance, noise, dust, glare, or unsightliness, and will not otherwise adversely impact the health, safety, and welfare of the community;  
*The use of this building for this purpose will not create a nuisance or impact the health, safety and welfare of the community. The proposed use is less intensive than the previous use as a bus garage.*
4. The use will not adversely impact traffic and parking;  
*The facility will only be used by students at Mounds View High School during the hours of approximately 7:00 AM to 5:00 PM. No additional parking will be required.*
5. The use will not adversely impact implementation of future amendment to the City's Comprehensive Plan;  
*This site will be designated for Public & Institutional uses. This use is consistent with that designation.*
6. The date or event that will terminate the use is identified with certainty;  
*The Applicant has indicated this use will be discontinued upon completion of the weight room/fitness center in the high school building, or no later than October 1, 2020.*
7. The applicant has signed a consent agreement agreeing that the applicant, owner, operator, tenant, and/or user has no entitlement to an extension of the Interim Use Permit;  
*Upon approval of the IUP, the applicant will be asked to sign a consent agreement.*
8. The user agrees to all conditions that the City Council deems appropriate for permission of the use including the requirement of appropriate financial surety to cover the cost of removing the interim use and any interim structures upon expiration of the interim use permit;  
*Upon approval of the IUP, the applicant will be asked to sign a consent agreement.*
9. There are no delinquent property taxes, special assessments, interest, or City utility fees due upon the subject parcel;  
*There are no property taxes or other fees owed.*
10. The term of the interim use does not exceed three (3) years;

*The interim use will be slightly less than one year from the date of approval. After October 1, 2020, the use of the building is intended for cold storage and vehicle parking.*

11. The property has not been a recipient of a previous interim use permit. A property that has received an interim use permit for an interim use listed in 1320.05, Land Use Chart, shall not be eligible for another interim use permit of the same use;  
*No previous interim use permits have been issued on this site.*
12. Any special requirements in Section 1320 for a particular interim use are met.  
*Section 1320 lists no special requirements for this use.*

**Planning Consultant Kansier** stated based on the submitted plans and findings of fact, staff recommends approval of Planning Case 19-014 for an Interim Use Permit at 1901 Lake Valentine Road be subject to the following conditions:

1. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to the plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
2. The area used for the weight room/fitness facility shall not exceed 3,200 square feet and shall be confined to the location shown on the building permit and plans on file at the City.
3. The facility shall be used for school classroom use only and shall not be open to the general public.
4. Hours of operation for this use are limited to 7:00 AM to 5:00 PM on Monday through Friday. No after-hours use is permitted.
5. No vehicles of any kind shall be parked or stored within the building while the IUP is in effect.
6. The Interim Use Permit shall be in effect until 5:00 PM on October 1, 2020.
7. No extension of the IUP shall be permitted without City Council approval. The Applicant is not entitled to an extension of this permit.
8. All weight room and classroom equipment must be removed from the facility by 5:00 PM on Friday, October 2, 2020.
9. Once this IUP expires, any use of the existing building at 1901 Lake Valentine Road (PID 21302334005) other than cold storage will require an amendment to the approved PUD. Any changes made to the building for the storage use will require a building permit.
10. Any violation of the conditions of this Interim Use Permit may result in revocation of the permit.

**Planning Consultant Kansier** reviewed the options available to the Planning Commission on this matter:

1. Recommend Approval with Conditions
2. Recommend Approval as Submitted.
3. Recommend Denial
4. Table

**Chair Gehrig** opened the public hearing at 6:44 p.m.

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

There being no comment Chair Gehrig closed the public hearing at 6:44 p.m.

**Chair Gehrig** opened the floor to Commissioner comments.

**Commissioner Zimmerman** asked if the building had sprinklers or fire proof doors.

**Planning Consultant Kansier** reported the fire and building codes do not require the building to have sprinklers.

**Community Development Manager/City Planner Mroska** explained the Fire Marshall had reviewed and approved the proposed plans. He noted additional alarm systems were added to the building for safety purposes. He commented further on the doors that served the building.

**Commissioner Zimmerman** stated he was concerned students would be in this building and wanted to be assured it was safe.

**Planning Consultant Kansier** commented staff was also concerned about this and noted the Building Official and Fire Marshall had taken a special look at this building. She indicated fire rated walls had been installed and all doors opened outward to allow students to exit the building quickly.

**Commissioner Wicklund** asked if a Phase I or Phase II environmental assessment was completed on this building by the school district.

**Planning Consultant Kansier** deferred this question to the applicant.

**Commissioner Wicklund** questioned if the City would be responsible for any harmful toxins that could impact staff or students.

**Planning Consultant Kansier** reported the City would not be responsible.

**Commissioner Wicklund** inquired if the school district asked for the 7:00 a.m. to 5:00 p.m. time period.

**Planning Consultant Kansier** stated the school asked for an 8:30 a.m. to 4:30 p.m. time frame and staff extended this timeframe slightly.

**Commissioner Vijums** believed the school was making a logical choice moving the weight room to a new space and he supported the requested Interim Use Permit.

**Commissioner Jones** asked if the building would have to be brought up to code to meet heating and cooling requirements.

**Planning Consultant Kansier** stated it was her understanding the applicant would be bringing the building up to code to meet all applicable building requirements.

**Mike Schwartz**, Mounds View Public Schools, explained at this time the space was being used for four classrooms. He noted the space was up to code with respect to building and fire code. He indicated a plywood and rubber floor would be installed in the building.

**Commissioner Lambeth** questioned if the space was already being used as a weight room by the school district.

**Mr. Schwartz** reported the school district was not aware of the fact it needed to go through this process. He stated he has since been working with staff, the Lake Johanna Fire Department and building officials.

**Commissioner Lambeth** inquired if the building was currently in use and if this impacted the IUP.

**Mr. Schwartz** reported the building was being used.

**Planning Consultant Kansier** stated instances like this happen all the time and staff proceeds as if the use was not in place. She explained the City was not obligated to take any specific action regarding this IUP.

**Commissioner Lambeth** discussed the size of the weight room (3,200 square feet) and asked if the area being used was being driven by the dimensions of the building.

**Community Development Manager/City Planner Mrosla** stated this was the case and noted it was the City's intent to not allow for any expansion of the weight room/fitness space.

**Commissioner Subramanian** commented on the high level of traffic that occurs in the morning surrounding the school. He questioned if a traffic study had been completed by the school.

**Community Development Manager/City Planner Mrosla** explained a traffic study was being completed by WSB. He noted the traffic study would focus on AM and PM peaks. He reported the students using the weight room were using the space during non-peak hours.

**Mr. Schwartz** discussed the timeline for the students using the weight room prior to or after school. He commented traffic patterns in and out of the school were smoothing out.

**Commissioner Subramanian** asked what would happen if toxins were found in the building, given the fact the building was already in use.

**Community Development Manager/City Planner Mrosla** stated from a life safety perspective the building already meets building code requirements. He indicated the school district was proposing the weight room as a temporary or interim use.

**Commissioner Wicklund** commented on the type of work that would be conducted if a Phase I or Phase II Environmental Study was completed on the building.

**Chair Gehrig** asked if the suggested dates within the permit were identified by staff.

**Mr. Schwartz** explained the school plans to be out of this building prior to August of 2020.

**Commissioner Wicklund** questioned what the normal practice was for operations that occur prior to receiving proper permits from the City.

**Planning Consultant Kansier** discussed her experience with this type of situation.

**Community Development Manager/City Planner Mroska** reiterated the fact that the building had been inspected by the Fire Marshall and Building Official and the site passed inspection.

**Commissioner Jones** expressed concern with the fact the building may not be properly ventilated given the fact the space would be used for an intense athletic use.

**Planning Consultant Kansier** reported the applicant was required to receive building and fire code permits. She noted the space has been inspected by the building official and a temporary certificate of occupancy was approved.

**Chair Gehrig** thanked staff for answering all of the questions from the Commission.

**Commissioner Jones moved and Commissioner Lambeth seconded a motion to recommend approval of Planning Case 19-014 for an Interim Use Permit at 1901 Lake Valentine Road, based on the findings of fact and submitted plans, as amended by the ten (10) conditions in the October 9, 2019, Report to the Planning Commission. The motion carried unanimously (7-0).**

**B. Planning Case 19-012; Presbyterian Homes – Site Plan Review – *No Public Hearing Required***

**Planning Consultant Kansier** stated Patrick McChesney of Presbyterian Homes (“The Applicant”) is requesting site plan review for a proposed project on 3200 Lake Johanna Blvd (“The Subject Property”) to install an Emergency Power Supply System (EPSS) on site.

**Planning Consultant Kansier** explained Johanna Shores is multi-unit senior living community located on Lake Johanna Blvd and County Road D that has been operating continuously since 1955. The site is comprised of 410 units in a mix of independent senior apartments, assisted living units, memory care units, hospice units, and McKnight Care Center. The 22-acre parcel was approved for a Planned Unit Development (PUD) in 2010 under Resolution 10-067 to allow for greater flexibility with height and density requirements to accommodate the 410 units on the site. The Applicant is requesting a site plan review for the installation of a proposed EPSS to be located on a concrete pad outside the physical plant on the north side of the property.

**Planning Consultant Kansier** reported the Applicant indicated in their application that the proposal will replace two existing EPSSs that service the Subject Property with a single diesel-fueled EPSS. The existing equipment that would be replaced are a diesel-fueled EPSS with an underground tank and a natural gas-fueled EPSS. The two existing EPSS's are located inside a room adjacent to the physical plant on the rear on the building as shown on the image below. The

proposed replacement EPSS would be located outside the physical plant on the north side of the campus adjacent to Sandeen Road.

**Planning Consultant Kansier** commented under the state licensure requirements of a nursing home, a nursing home “shall be kept in a continuous state of good repair and operation with regard to the health, comfort, safety and wellbeing of the occupants in accordance with an established routine maintenance and repair program” including an emergency electrical service that “shall be operated and tested at frequent intervals”. (Chapter 4660.7800 Plant Operation and maintenance for Existing and New). The two existing EPSS systems are reportedly over 50 years old and are nearing the end of their serviceable lifetime. The replacement EPSS proposed will have a greater capacity than the combined total for the two existing EPSSs.

**Planning Consultant Kansier** reviewed the surrounding area, the Plan Evaluation and provided the Findings of Fact for review:

1. The Applicant is requesting site plan review for a proposed project at Johanna Shores Senior Living Facilities to install an Emergency Power Supply System (EPSS) on site.
2. The two existing EPSS systems are reportedly over 50 years old and are nearing the end of their serviceable lifetime. The replacement EPSS proposed will have a greater capacity than the combined total for the two existing EPSSs.
3. Under state licensure requirements, a nursing home shall be kept in a continuous state of good repair and operation including an emergency electrical service that shall be operated and tested at frequent intervals.
4. The Applicant indicated to staff that emergency testing of the EPSS would be confined to no more than one hour a month during day time hours.
5. The Subject Property is located within a PUD guided by the R-4 Zoning District and the location of the proposed EPSS is 60 feet from the nearest property line to the north and approximately 12 feet from the nearest structure, which meets all setback requirements for the Subject Property.
6. The concrete pad will be located further to the east in a zone designated with minimal risk of flooding.
7. Mechanical equipment will be screened with a chain link fence with beige fence weave privacy slats, installed on all 4 sides of the concrete pad to a height of 11 ½ feet above grade to conceal the EPSS, which is 139" high.
8. To help attenuate noise an air intake silencer will be installed on the equipment by the manufacturer to reduce any noise with sound absorbing insulation.

Staff noted the Planning Commission must make a finding as to whether or not the proposed application would adversely affect the surrounding neighborhood or the community as a whole based on the aforementioned factors.

**Planning Consultant Kansier** stated staff recommends approval of the Site Plan Review with the following conditions:

1. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to these plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.

2. All proposed fencing shall be black vinyl-coated chain link.
3. The structure shall conform to all other regulations in the City Code.
4. The Applicant shall work with the City staff to mitigate any noise concerns if complaints are received.
5. Monthly equipment testing shall occur weekdays between the hours of 8:00 a.m. and 5:00 p.m.

**Planning Consultant Kansier** reviewed the options available to the Planning Commission on this matter:

1. Recommend Approval with Conditions
2. Recommend Approval as Submitted.
3. Recommend Denial
4. Table

**Chair Gehrig** opened the floor to Commissioner comments.

**Commissioner Subramanian** indicated noise was a concern within this request. He asked how much noise would be generated by the equipment being installed.

**Community Development Manager/City Planner Mrosla** stated the noise from the new equipment would be less impactful than the existing equipment on site. It was staffs understanding the noise would be reduced from 92 decibels to 60 decibels at 60 feet from the property line.

**Commissioner Subramanian** questioned what would happen to the old generator.

**Pat Jesney**, Presbyterian Homes representative, reported the existing generator would be dismantled and removed from the space, along with the old storage tank. He reported the space would be utilized for storage.

**Commissioner Lambeth** inquired if black slats were required in the chain link fence.

**Community Development Manager/City Planner Mrosla** stated staff was making this recommendation to ensure the new fence matched the existing fence on the site.

**Commissioner Lambeth** questioned if the chain link fence with slats would improve the noise situation.

**Community Development Manager/City Planner Mrosla** anticipated this was the case. He suggested Condition 6 read: The applicant shall be required to install black slats in the chain link fence or similar material to assist with noise reduction.

**Commissioner Jones** discussed the new generator and was pleased there would be a noise reduction.

**Commissioner Zimmerman** agreed.

**Commissioner Vijums** asked if any landscaping was being proposed around the new generator site.

**Community Development Manager/City Planner Mrosla** commented no additional landscaping was being proposed.

**Chair Gehrig** was pleased the noise from the generator would be reduced and he recommended the color of the slats be determined by the applicant and that the City not get involved in this matter.

**Commissioner Lambeth moved and Commissioner Wicklund seconded a motion to recommend approval of Planning Case 19-012 for a Site Plan Review of 3200 Lake Johanna Blvd, based on the findings of fact and the submitted plans, as amended by the five (5) conditions in the October 9, 2019 Report to the Planning Commission. The motion carried unanimously (7-0).**

**C. Planning Case 19-011; 1314 Cannon Avenue – Variance – *No Public Hearing Required***

**Community Development Manager/City Planner Mrosla** stated Northrup Builders (the “Applicants”) have requested a variance in order to construct a four-season porch addition to the existing legal nonconforming single-family detached property at 1314 Cannon Avenue (the “Subject Property”).

**Community Development Manager/City Planner Mrosla** reported City staff received a building permit application for a request to build a four-season porch and deck addition at the Subject Property. Upon review by Planning Staff it was determined that the request would require a variance due to existing non-conforming side yard setbacks. The existing principal structure was built in 1963 and predates the current R-1 zoning code requirements. This is the first proposed addition and this is the first request for a variance at the Subject Property.

**Community Development Manager/City Planner Mrosla** explained the applicants have requested a variance to construct a four-season porch on an existing nonconforming property. The existing principal structure on the subject property is setback nine (9) feet from the eastern property line and has combined total setback of 19 feet. However, the R-1 zoning district requires a minimum side yard setback of 10 feet and a minimum total combined of 25 feet for residential properties. The proposed addition will be constructed to maintain the same setbacks as the existing house or nine (9) feet from the eastern property line. The proposed addition will meet all other setback and lot coverage requirements.

**Community Development Manager/City Planner Mrosla** reviewed the surrounding area, the Plan Evaluation and the Variance Evaluation Criteria.

**Community Development Manager/City Planner Mrosla** provided the Findings of Fact for review:

*General Findings:*

1. The property at 1314 Cannon Avenue is located in the R-1 Single Family Residential Zoning District.
2. The existing single-family residential dwelling was built prior to the existing zoning code and is a nonconforming structure because it encroaches into the required side yard setbacks on either side of the property.
3. The property owners have requested a variance in order to construct an addition that would remain flush with the side of the dwelling and would maintain the same setback as the existing structure
4. The proposed addition would meet all other minimum setback requirements for the R-1 District.
5. The proposed addition meets the minimum lot coverage requirements, maximum building height requirement, and floor area ratio requirement for the R-1 District, as indicated by the plans submitted by the Applicant.
6. The proposed development would not encroach on any flood plains, wetlands, or easements.
7. The proposed development is not expected to impact any significant trees on the property.

**Community Development Manager/City Planner Mroska** stated staff recommends approval of the Variance with the following conditions:

1. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval.
2. Any significant changes to these plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
3. A Building Permit shall be required prior to commencement of construction.
4. The structure shall conform to all other regulations in the City Code.
5. The proposed structure finish shall complement the existing structure onsite.

**Community Development Manager/City Planner Mroska** reviewed the options available to the Planning Commission on this matter:

1. Recommend Approval with Conditions
2. Recommend Approval as Submitted.
3. Recommend Denial
4. Table

**Chair Gehrig** opened the floor to Commissioner comments.

**Commissioner Jones** stated this would be a nice addition to the home and asked if the applicant had spoken to his neighbors.

**Chris Gross**, North River Remodeling, stated his client has a letter from the next door neighbor noting the neighbor approved of the project.

**Commissioner Jones** requested a copy of this letter be provided to staff.

**Chair Gehrig** questioned what the finished exterior would be for the new addition.

**Mr. Gross** commented the exterior finish would match the existing siding and roofing. He noted the home had 8-inch lap siding.

**Chair Gehrig moved and Commissioner Zimmerman seconded a motion to recommend approval of Planning Case 19-011 for a Variance at 1314 Cannon Avenue, based on the findings of fact and the submitted plans, as amended by the five (5) conditions in the October 9, 2019 Report to the Planning Commission. The motion carried unanimously (7-0).**

**D. Planning Case 19-013; 1932 County Road E W - Variance – *No Public Hearing Required***

**Community Development Manager/City Planner Mrosła** stated Gary and Julie Gronquist (“The Applicants”) have requested a variance in order to construct a detached garage adjacent to their existing driveway located on New Brighton Road. The subject property is located at 1932 County Road E W (“Subject Property”).

**Community Development Manager/City Planner Mrosła** explained the Subject Property is a single-family detached dwelling with an attached garage and driveway facing County Road E W. In August 2000 a second driveway was constructed on New Brighton Road along with an associated accessory structure (shed). At the time, there were no restrictions on driveways in the R-2 District. However, on November 31, 2000, the City Council approved amended language to the City Zoning Ordinance in regards to the definition of a driveway on single family residential properties. Because the driveway on the Subject Property was built and approved prior to the change in language, the property has been legally non-conforming.

**Community Development Manager/City Planner Mrosła** commented the Applicants are requesting a variance to build a detached garage on the Subject Property facing New Brighton Avenue. The proposed detached garage would replace the existing accessory structure (shed) onsite. The Subject Property is located on a corner lot located within the R-2 district, each yard facing a public street is considered to be a front yard with a front yard setback of 40 feet. The Applicant’s proposed detached garage would be setback 23 or encroach 17 feet into the front yard setback.

**Community Development Manager/City Planner Mrosła** reported the area that is 40 feet from the curb facing New Brighton Avenue on the Subject Property is underneath a power line. A variance would allow the residents to build the garage closer to the curb, which would avoid relocating the power line and would preserve an existing large tree onsite. Staff reviewed the R-2 district and found numerous other accessory structures located within the 40-foot setback, including the adjacent property to the south of the subject property.

**Community Development Manager/City Planner Mrosła** reviewed the surrounding area, the Plan Evaluation and provided the Findings of Fact for review:

*General Findings:*

1. The property at 1932 County Road E is located in the R-2 Single Family Residential Zoning District.

2. The existing driveway on the property facing New Brighton Avenue is legally nonconforming because it was built prior to the ordinance amendment pertaining to driveways.
3. The property owners have requested a variance in order to construct a garage on the driveway that would encroach on the front yard setback facing New Brighton Avenue.
4. The proposed garage would meet all other minimum setback requirements for the R-2 District.
5. The proposed garage would meet the minimum lot coverage requirements, maximum building height requirement for the R-2 District, as indicated by the plans submitted by the Applicant.
6. The proposed development would not encroach on any flood plains, wetlands, or easements.
7. The proposed development is not expected to impact any significant trees on the property.

*Variance Findings:*

8. The variance request would comply with the purpose and intent of the R-2 Zoning District and with the policies within the City's Comprehensive Plan.
9. The proposed addition is a reasonable use of the property.
10. The Subject Property is located is a corner lot at the intersection of County Road E W and New Brighton Road. Corner lots with yards facing a public street is considered to be a front yard and any structures shall be setback of 40 feet from the property line. On non-corner lots the rear and side yard setback for accessory structures is 10 feet. However, many other properties zoned R-2 encroach upon the 40-foot setback. The Applicant is requesting to encroach 17 feet, where other properties encroach 30 or more feet into the front yard setback.
11. The proposed addition will not alter the character of the neighborhood and is consistent with the other dwellings in the neighborhood. The Applicants indicated to staff that their neighbors on surrounding properties have voiced their support and do not believe that granting a variance would negatively impact them. In addition, the Applicant work with the neighbor to the south on locating their propose structure so it would be screen by the existing garage on the adjacent property
12. The proposed variance is not based on economic consideration.
13. A solar energy system is not proposed. However, the proposed addition would not impact the ability to construct a solar energy system onsite or on an adjoining property.

**Community Development Manager/City Planner Mrosła** stated staff recommends approval of the Variance with the following conditions:

1. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to these plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
2. A Building Permit shall be issued prior to commencement of construction.
3. The structure shall conform to all other regulations in the City Code.
4. The proposed accessory structure finish shall complement the existing structure onsite

**Community Development Manager/City Planner Mrosła** reviewed the options available to the Planning Commission on this matter:

1. Recommend Approval with Conditions
2. Recommend Approval as Submitted.
3. Recommend Denial
4. Table

**Chair Gehrig** opened the floor to Commissioner comments.

**Commissioner Subramanian** asked if the tree will be removed or preserved.

**Community Development Manager/City Planner Mrosla** explained the tree will be preserved.

**Commissioner Lambeth** questioned when this home was built.

**Julie Gronquist**, 1932 County Road E W, reported the home was built in 1969.

**Commissioner Lambeth** stated he did not believe the detached garage would propose any type of inconvenience or threat to the property or surrounding properties.

**Commissioner Jones** asked if the proposed detached garage would square up with the neighbors detached garage.

**Ms. Gronquist** indicated she was trying to fit her garage behind the neighbor's garage so that it would not be visible from her neighbor's home.

**Commissioner Jones** explained he fully supported the proposed request.

**Commissioner Vijums** inquired if the applicant was requesting to encroach 13 feet or 17 feet into the setback.

**Community Development Manager/City Planner Mrosla** stated the applicant was proposing to encroach 13 feet into the setback.

**Commissioner Vijums** asked how many vehicles a property could have in their driveway.

**Community Development Manager/City Planner Mrosla** explained the maximum number of cars that could be parked in a driveway was four.

**Commissioner Vijums** questioned if the Gronquist's could now have eight cars parked on their property given the fact they would have two driveways.

**Ms. Gronquist** commented there was no parking allowed on New Brighton Road or County Road E and for this reason all of her guests were required to park in her driveway.

**Commissioner Vijums** stated he could more than four vehicles being allowed on a temporary basis, but indicated he would like to see a condition for approval added that stated no more than four vehicles could be parked between the driveways, except on a temporary basis.

**Planning Consultant Kansier** stated the homeowners only have 23 feet from the property line which would only allow for two cars to be parked in this area. She anticipated that if a lot of vehicles were being parked on this property, the City would receive complaints.

**Commissioner Vijums** indicated he did not want to see complaint calls generated and suggested a condition be added for approval.

**Community Development Manager/City Planner Mrosla** reported a condition could be added to address this concern stating no more than two vehicles shall be parked in the driveway adjacent to New Brighton Road.

**Commissioner Wicklund** asked how the City enforced the no more than four vehicles in a driveway requirement.

**Community Development Manager/City Planner Mrosla** stated when the City receives a complaint the Sheriff is notified and the City inspects the property. He commented typically a notice is sent to the property owner and they are given seven days to bring the property into compliance with City Code.

**Chair Gehrig** indicated the driveway was done before the code was passed, but the garage was not in place. He explained he was struggling with the fact the Commission was being asked to approve a brand-new garage given the fact a 20-year-old driveway was in place.

**Ms. Gronquist** stated the driveway was installed with the understanding a garage would one day be built. She explained she has been saving to build the garage for years. She reported within City Code she was allowed to build a garage but noted the proposed location led to the variance request.

**Chair Gehrig** thanked Ms. Gronquist for the clarification and consideration with respect to the placement of the garage. She noted she had letters from all three of her neighbors offering support to her variance request.

**Commissioner Subramanian** questioned if the existing driveway could be eliminated.

**Ms. Gronquist** explained the existing driveway was needed to access the garage attached to her home.

**Commissioner Zimmerman** inquired if a fifth condition should be added for approval.

**Community Development Manager/City Planner Mrosla** reported Condition 5 could read: No more than two (2) vehicles shall be permanently parked on the driveway adjacent to New Brighton Road.

**Commissioner Wicklund** questioned if a condition was required to ensure the current shed was removed.

**Community Development Manager/City Planner Mrosla** reported staff would be following upon this matter through the building permit approval process.

**Commissioner Vjums** stated he did not want to see an eyesore of numerous cars parked on the new driveway and he appreciated the fact Condition 5 was being recommended for approval.

**Community Development Manager/City Planner Mrosla** explained that the requested variance would stay with the property and if new owners were to move into the home, only two vehicles could be parked in the driveway off of New Brighton Road.

**Chair Gehrig** stated he was struggling with the fact the Planning Commission was proposing to make an exception to City Ordinance for this one property by restricting the number of cars that could be parked on the driveways. He believed that this issue should be addressed by the City Council and not the Planning Commission.

**Commissioner Wicklund moved and Commissioner Jones seconded a motion to recommend approval of Planning Case 19-013 for a Variance at 1932 County Road E West, based on the findings of fact and the submitted plans, as amended by the four (4) conditions in the October 9, 2019 Report to the Planning Commission, recommending the City Council address the number of vehicles that can be parked on properties that have two driveways. The motion carried unanimously (7-0).**

#### **UNFINISHED AND NEW BUSINESS**

None.

#### **REPORTS**

##### **A. Report from the City Council**

**Councilmember McClung** updated the Planning Commission on City Council activities. He explained the Council approved a public notification process for planning and land use applications. He stated the Council approved the sign code amendment that addressed dynamic display signs.

##### **B. Planning Commission Comments and Requests**

**Chair Gehrig** reported the Planning Commission was still seeking an alternate member. Those interested in serving were encouraged to contact City Hall for further details.

##### **C. Staff Comments**

**Community Development Manager/City Planner Mrosla** updated the Commission on the redevelopment of the old fire station.

#### **ADJOURN**

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**Commissioner Zimmerman moved, seconded by Commissioner Vijums, to adjourn the October 9, 2019, Planning Commission Meeting at 9:13 p.m. The motion carried unanimously (7-0).**