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Approved:

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**CITY OF ARDEN HILLS, MINNESOTA  
PLANNING COMMISSION  
WEDNESDAY, DECEMBER 4, 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, Vice Chair Steven Jones called to order the regular Planning Commission meeting at 6:30 p.m.

**ROLL CALL**

Present were: Commissioners Steven Jones, James Lambeth, Paul Vijums, Jonathan Wicklund, and Clayton Zimmerman.

Absent: Chair Nick Gehrig and Commissioner Subbaya Subramanian.

Also present were: Community Development Manager/City Planner Mike Mrosla, Associate Planner Joe Hartmann, and Councilmember Fran Holmes.

**APPROVAL OF AGENDA – DECEMBER 4, 2019**

Vice Chair Jones stated the agenda will stand as published.

**APPROVAL OF MINUTES**

*November 6, 2019 – Planning Commission Regular Meeting*

**Commissioner Zimmerman moved, seconded by Commissioner Lambeth, to approve the November 6, 2019, Planning Commission Regular Meeting as presented. The motion carried unanimously (5-0).**

**PLANNING CASES**

- A. Planning Case 19-016; Expansion of the Boundaries of Development District No. 1 – *Public Hearing Not Required***

**Community Development Manager Mrosla** stated the City Council is expanding the boundaries of Development District No. 1 to be coterminous with the corporate boundaries of the City. Prior boundaries excluded TCAAP and other property in the City north of Highway 96. The City Council is modifying the boundaries in preparation of creating two new TIF districts for

TCAAP. As required by State Statute, they have to consult with the Planning Commission on if expanding the boundaries is consistent with development plans (comprehensive plan) of the City, which it is. He reported Stacie Kvilvang with Ehlers & Associates had a presentation for the Commission on this topic.

**Stacie Kvilvang**, Ehlers & Associates, discussed the expansion of the boundaries for Development District No. 1 in further detail with the Commission. She explained this request was being made to allow for new TIF Districts in the community while also making the boundaries coterminous with the corporate boundaries of the City.

**Vice Chair Jones** opened the floor to Commissioner comments.

**Commissioner Lambeth** asked what action the Commission would be making with respect to this item.

**Ms. Kvilvang** requested the Commission recommend adoption of a Resolution that would approve the Expansion of the Boundaries of the Development District No. 1.

**Commissioner Lambeth** commented on how TIF districts were utilized by the City for development or redevelopment projects. He stated the proposed Resolution would create two TIF districts.

**Ms. Kvilvang** explained the proposed Resolution would expand the boundaries of Development District No. 1 and would not actually create new TIF Districts. She reported the creation of new TIF Districts would require City Council action.

**Commissioner Vijums** questioned if the boundary area was all owned by Arden Hills.

**Ms. Kvilvang** indicated the corporate boundaries of the City were the corporate boundaries of the City, but noted the expansion area (TCAAP) was owned by Ramsey County and the federal government.

**Vice Chair Jones** requested clarification as to what action will be taken on December 16, 2019.

**Ms. Kvilvang** reported the City Council would be holding a public hearing on December 16<sup>th</sup>.

**Commissioner Vijums moved and Commissioner Zimmerman seconded a motion to recommend the City Council adopt a Resolution approving the Expansion of the Boundaries of the Development District No. 1. The motion carried unanimously (5-0).**

**B. Planning Case 19-015; 3244 Sandeen Road - Variance – Public Hearing Not Required**

**Associate Planner Hartmann** stated the applicants are requesting a variance to build a single-family detached dwelling on the Subject Property adjacent to Lake Johanna. The Subject Property is currently a vacant lot. The Subject Property is zoned R-2, Single and Two Family Residential District and is guided as Low Density Residential on the land use plan.

**Associate Planner Hartmann** reported the previous owners demolished the existing house on 3244 Sandeen Road prior to selling the Subject Property to the current owner. The original house was built with a five (5) foot variance to encroach on the front yard setback, allowing it to be built thirty-five (35) feet from the front yard property line due to lot encumbrances. The Applicant is requesting a thirty (30) foot front yard setback from the property line via a variance.

**Associate Planner Hartmann** explained the Subject Property is a legal non-conforming lot with encumbrances. The Subject Property is 50 feet in width and has a lot area of 9,900 square feet. The R-2 district standards require a minimum lot width of 85 feet and 11,000 square feet. In addition, a bluff is located on the Lake Johanna side of the Subject Property. Staff reviewed the definition of a bluff.

**Associate Planner Hartmann** indicated the Subject Property has a grade of slope of 56% from the toe of the bluff to a point 25 feet or more above the ordinary high. Atop the bluff is the bluff impact zone. A bluff impact zone is established for preservation and management of shoreland vegetation and soils, and all structural development is excluded from this zone, except for stairways, lifts and landings. The bluff impact zone has a required setback of 20 feet from the top of a bluff.

**Associate Planner Hartmann** noted that permits and building plans are not required as part of a submission for a Land Use Application awaiting approval from the Planning Commission because the nature of the request is regarding the front setback on the property. The Planning Commission is being asked to determine if a variance request for flexibility with the front setback requirement should be approved. The plans that have been submitted show only the buildable area and the evaluation of the proposal should be based on the District Provisions in Section 1320.06 and the Requirements for a Variance in Section 1355.04, Subd. 4.

**Associate Planner Hartmann** reviewed the Variance Requirements, the Plan Evaluation and provided the Findings of Fact for review:

General Findings:

1. City Staff received a land use application for a request to build a new single family dwelling at the Subject Property 3244 Sandeen Road.
2. Single-family detached dwelling is a permitted use in the R-2 district.
3. The Subject Property is currently a vacant lot in the R-2.
4. The Subject Property is non-conforming with the R-2 districts standards for minimum lot width and area requirements.
5. The subject parcel is encumbered by a bluff and a 20-foot bluff impact zone.
6. The proposed development of the subject parcel would conform to all other requirements and standards of the R-2 district and Shoreland Management Regulations.
7. The proposed development would not encroach on the bluff or any flood plains, wetlands, or easements.
8. A variance may be granted if enforcement of a provision in the zoning ordinance would cause the landowner practical difficulties.
9. Variances are only permitted when they are in harmony with the general purposes and intent of the ordinance.

**Associate Planner Hartmann** stated staff recommend approval of Planning Case 19-015 for a Variance at 3244 Sandeen Road, based on the findings of fact and the submitted plans, as amended by the conditions below:

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.

**Associate Planner Hartmann** 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

**Vice Chair Jones** opened the floor to Commissioner comments.

**Commissioner Lambeth** reported this property was zoned R-2 which required a front yard setback of 40 feet. He commented a standard lot was to have 11,000 square feet and the sum of all floors within a structure shall be no more than 30% of the total square footage of the lot (FAR). He indicated at last month's meeting the Planning Commission tabled action on this item due to the concerns that were raised by the architect with respect to the definition of habitable space. He stated it was his understanding the applicant was no longer working with this architect. He explained he was concerned with the fact the applicant was using an 11,000 square foot lot in its FAR calculation with the lot was less than 9,400 square feet. He feared the applicant was not properly addressing the City's FAR requirements and asked what was happening with the house redesign. He questioned why the Commission should consider granting a variance when the City had no understanding of what would be built on the property.

**Andrew Peterson**, Architect with Design Filter, stated he was trying to address the initial 10-foot encroachment into the front yard setback. He believed the FAR was a separate issue from the variance. He explained the variance was being requested at this time to allow him to know what he had to work with on the property before designing the home.

**Commissioner Lambeth** asked if the architect would be working to meet the City's FAR requirements.

**Mr. Peterson** reported this was the case.

**Commissioner Lambeth** inquired if a variance request would be coming back before the City for FAR.

**Richard Priore**, applicant, stated he could not say at this time. He explained the new architect would like to better understand how much land was available to work with before designing a home for the lot.

**Vice Chair Jones** asked what the next steps would be for this Planning Case if a front yard setback were recommended for approval.

**Community Development Manager Mrosla** explained the City Council would have to approve the variance. The variance would then be recorded with Ramsey County and the applicant could then submit building plans for review by City staff.

**Jim Day**, 3242 Sandeen Road, asked if the request for additional square footage had been removed.

**Community Development Manager Mrosla** reported the request before the Commission this evening was for a front yard setback variance and did not include additional square footage or a variance to the City's FAR requirements.

**Mr. Day** questioned what would happen if a building permit was requested and the square footage exceeded the City's FAR requirements.

**Associate Planner Hartmann** stated the building permit would be denied and the applicant would have to submit a new plan or another variance request. He reported the neighbors would be notified if a FAR variance were requested.

**Mr. Day** inquired what would happen if the applicant left the basement unfinished and decided to finish the basement at some point in the future exceeding the City's FAR requirements.

**Community Development Manager Mrosla** reported this would require a variance from the City.

**Vice Chair Jones** stated he was more comfortable with the request before the Commission than the request that came before the Commission in November.

**Commissioner Lambeth moved and Commissioner Vijums seconded a motion to recommend approval of Planning Case 19-015 for a Variance at 3244 Sandeen Road based on the findings of fact and the submitted plans, as amended by the two (2) conditions in the December 4, 2019, report to the Planning Commission. The motion carried unanimously (5-0).**

## **UNFINISHED AND NEW BUSINESS**

None.

## **REPORTS**

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

**Councilmember Holmes** provided the Commission with an update from the City Council. She reported the City's Comprehensive Plan was approved by the Met Council. She stated a Truth in Taxation Hearing would be held on December 9<sup>th</sup>. She commented the Council approved the Valentine Hills Elementary expansion in November. She explained the City was working with

the Mounds View School District to address traffic concerns surrounding the school. She noted an Open House meeting would be held regarding the Snelling Avenue left turn onto Hamline Avenue in the spring of 2020. She discussed the changes that had been made to the site plan for Brausen's Automotive. She provided further comment on the proposed roundabout at County Road E and Snelling Avenue.

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

**Commissioner Vijums** requested an update on TCAAP.

**Councilmember Holmes** reported the City was in litigation with Ramsey County.

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

**Community Development Manager Mroska** thanked the Commission for a great year and for their dedicated service to the community.

**Councilmember Holmes** thanked the Commission members for their service as well and wished everyone Happy Holidays.

#### **ADJOURN**

**Commissioner Vijums moved, seconded by Commissioner Wicklund, to adjourn the December 4, 2019, Planning Commission Meeting at 7:10 p.m. The motion carried unanimously (5-0).**