



Approved: February 22, 2021

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**CITY OF ARDEN HILLS, MINNESOTA  
REGULAR CITY COUNCIL MEETING  
JANUARY 25, 2021  
7:00 P.M. - ARDEN HILLS CITY COUNCIL CHAMBERS**

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**CALL TO ORDER/ROLL CALL**

Pursuant to due call and notice thereof, Mayor David Grant called to order the regular City Council meeting at 7:00 p.m. Due to the COVID-19 pandemic this meeting was held virtually.

*Note: On March 20<sup>th</sup>, the Mayor signed a determination allowing Councilmembers to participate in City Council meetings via telephone pursuant to State Statute 13D.021*

**Present:** Mayor David Grant, Councilmembers Brenda Holden, Fran Holmes, Dave McClung and Steve Scott

**Absent:** None

**Also present:** City Administrator Dave Perrault; Public Works Director/City Engineer Todd Blomstrom; Finance Director Gayle Bauman; Community Development Manager/City Planner Mike Mroska; City Attorney Joel Jamnik; and City Clerk Julie Hanson

**1. APPROVAL OF AGENDA**

**MOTION:** Councilmember Holden moved and Councilmember Holmes seconded a motion to approve the meeting agenda as amended. A roll call vote was taken. The motion carried unanimously (5-0).

**2. PUBLIC INQUIRIES/INFORMATIONAL**

**Gregg Larson**, 3377 North Snelling Avenue, thanked City staff for the new detail on the Claims and Payroll listing. He explained in July of 2019 he objected to the new Council policy banning resident comments on City litigation during the Public Inquiry portion of the meeting. He asked the Council to provide a justification for this ban on public free speech.

**3. RESPONSE TO PUBLIC INQUIRIES**

A. Public Inquiry Response from January 11, 2021 City Council Meeting

**Public Works Director Blomstrom** read a brief statement responding to the public inquiry from the January 11, 2021 City Council meeting. It was noted staff reviewed the layout and design of Siems Court at the intersection of Lake Johanna Boulevard. He reported the roadway width was sufficient for proper vehicle turning movements. However, with the curve and snow accumulation in the winter months, turning movements are more difficult. He explained staff cleared snow from the intersection last week and the plow route was adjusted to ensure snow was cleared from the gutter. Second, the plow route will provide extra attention to ensure deicing material is properly applied to the steeper sections of the road. Third, in the spring staff recommends that a centerline pavement marking be added to Siems Court as it approaches Lake Johanna Boulevard.

**Councilmember Holden** asked if placing more salt brine on the roadway would increase the discharge of chlorides into Lake Johanna.

**Public Works Director Blomstrom** noted the City was conscious of the amount of salt and brine used on the roadway. He indicated it would be important for staff to use the appropriate amount on the roadway to reduce ice buildup.

#### 4. PUBLIC PRESENTATIONS

##### A. Twin Cities North Chamber of Commerce Update

**John Connelly**, TCNCC President, thanked the Council for its time. He stated he appreciated the resources the City of Arden Hills provided to local businesses during the pandemic. He reviewed the vision of the Chamber of Commerce and described how he works with the local business community. He explained he always enjoyed attending grand openings and ground breaking ceremonies. He invited the public to take part in the weekly Chamber Check In that was hosted on Facebook Live and Nine North. He indicated he works to visit local businesses in a safe manner each week and noted he speaks with DEED on a weekly basis to learn about grant opportunities. He stated he was proud of the annual social event that was held in December of 2020, noting \$6,500 was raised for two local food shelves. He commented further on the challenge's businesses faced in 2020 because of the pandemic. He explained that even though there was hardship he was really proud of how the business community was adapting. He thanked Arden Hills for always being open to new businesses.

**Councilmember Holden** thanked Mr. Connelly for his dedicated service to local businesses during the pandemic. She stated she appreciated how responsive Mr. Connelly was to local businesses' and their needs.

**Mayor Grant** thanked Mr. Connelly for assisting the City in promoting the recent CARES Act grant program.

#### 5. STAFF COMMENTS

##### A. COVID-19 Update

City Administrator Perrault provided the Council with an update on how the City was responding to COVID-19. He encouraged residents to visit the City's website for the most current and up to date information regarding COVID-19. He reported the Minnesota Department of Health and CDC also had websites with current guidelines and recommendations. He explained the City of Arden Hills remains in a peacetime state of emergency and City Hall will remain closed until further notice. He indicated City staff remains operational and can be reached via phone or email. He reported new information regarding the COVID vaccine was posted on the City's website.

## 6. APPROVAL OF MINUTES

- A. January 11, 2021, Regular City Council

**MOTION:** Councilmember Holden moved and Councilmember Holmes seconded a motion to approve the January 11, 2021, Regular City Council meeting minutes as presented. A roll call vote was taken. The motion carried unanimously (5-0).

## 7. CONSENT CALENDAR

- A. Motion to Approve Consent Agenda Item - Claims and Payroll  
B. Motion to adopt Resolution 2021-004 Approving Plans and Specs and Authorizing Ad for Bids – 2021 PMP Street and Utility Improvement Project  
C. Motion to Adopt Resolution 2021-005 Accepting a Donation from the Arden Hills Foundation for Installation of Park Benches

**MOTION:** Councilmember Holden moved and Councilmember Holmes seconded a motion to approve the Consent Calendar as presented and to authorize execution of all necessary documents contained therein. A roll call vote was taken. The motion carried unanimously (5-0).

## 8. PULLED CONSENT ITEMS

None.

## 9. PUBLIC HEARINGS

- A. **Planning Case 20-021 – Conditional Use Permit and Easement Release – 2 Pine Tree Drive**

Community Development Manager/City Planner Mroska stated in 2013, Bethel University acquired the Country Financial facility at 2 Pine Tree Drive. The property consisted of three (3) parcels that total approximately 43 acres. The subject property is located within the B-2 General Business District, where higher educational uses are permitted by Conditional Use Permit. At its November 25, 2013 meeting, the City Council approved a CUP for Bethel University to use the existing facility as higher education. The subject property also has an existing easement for public

pedestrian and bicycle pathway purposes that was recorded on June 9, 1978. When the subject parcel develops in the future staff will require necessary easements be placed at that time.

**Community Development Manager/City Planner Mroska** reported Bethel University has recently received approvals to subdivide the existing property at 2 Pine Tree Drive into three (3) lots of record. One (1) lot of record is the existing building and parking lot, and two (2) new lots on the north side of the property. Lake Johanna Fire Department has purchased Lot 2 for a future fire station. The attorney for Lake Johanna Fire Department has requested to clear title. The effect of the releases would be to free the new parcel from CUPs and easements. Staff commented further on the requested and recommended the Council hold a public hearing.

**Councilmember Holden** asked if the CUP was approved if it could only be used for this project.

**Community Development Manager/City Planner Mroska** explained the CUP would have a life expectancy of one year, so if the project did not move forward in one year the CUP would be voided.

**Councilmember Holmes** questioned if the easement was part of the CUP.

**Community Development Manager/City Planner Mroska** reported when the CUP was issued, the property consisted of two lots and the CUP encumbered those. Since that time, the property has subdivided and the Lake Johanna attorney has requested a clear title.

**Mayor Grant** opened the public hearing at 7:34 p.m.

With no one coming forward to speak, Mayor Grant closed the public hearing at 7:35 p.m.

**B. Planning Case 20-022 – Arden Hills RE, LLC – 2 Pine Tree Drive – New Perspectives**

**Community Development Manager/City Planner Mroska** stated at its June 22, 2020 meeting the City Council approved Bethel University's proposal for a Master Planned Unit Development, Preliminary and Final Plat at 12 Pine Tree Drive (Bethel's Anderson Center). The approval subdivided the existing property into three (3) lots of record, one (1) lot of record for the existing building and parking lot, and two (2) new lots on the north side of the property. The Applicant is proposing to develop Lot 1 adjacent to Minnesota State Highway 51. The Subject Property is 6.4 acres and is currently owned by Bethel University. The Subject Property currently features open space with a wooded area around the wetlands. It was noted a segment of the existing Anderson Center trail system runs through the site. Staff reviewed the Plan Evaluation, Design Standards and flexibility requests in detail with the Council and recommended the Council hold a public hearing.

**Councilmember Holden** questioned why all 33 memory care units were taken to a .5.

**Community Development Manager/City Planner Mroska** explained all 33 memory care units were within the memory care section of the building and do not contain kitchenettes. He stated units without a range and sink are not classified as a full unit.

**Councilmember Holden** suggested this be revisited considering a large number of people only use a sink and microwave in their kitchen.

**Mayor Grant** inquired if the .5 designation for the memory care units only applied to the B-2 Zoning District.

**Community Development Manager/City Planner Mrosla** reported this was the case.

**Councilmember Holmes** asked if the memory care units go down to .5, would all three of the deficiencies be taken care of.

**Community Development Manager/City Planner Mrosla** indicated this would address the density concern. He stated the minimum lot area per unit requirement would be very close if the memory care units counted as .5. He commented further on the common space that was located within the memory care unit.

**Councilmember Holmes** inquired if the \$20,000 cash payment for trees equated to the cost for the trees that were missing.

**Community Development Manager/City Planner Mrosla** explained the applicant would have to pay over \$100,000 for tree replacement on the site. He discussed the restrictions on the site and noted the applicant was meeting the tree mitigation requirements per the code, but not the replacement requirements. For this reason, the applicant was proposing to pay \$20,000. He commented further on the difference between tree mitigation and tree replacement.

**Councilmember Holmes** stated in the past the City worked to get the amount of the donation to be approximately the amount for the tree loss.

**Councilmember Scott** asked if there was a significant oak located on the site.

**Community Development Manager/City Planner Mrosla** stated there is no oak tree on site, but rather the large trees on site are cottonwoods.

**Mayor Grant** opened the public hearing at 8:06 p.m.

**Bobby Goldman**, County Road F - Unit 309, explained he grew up in Arden Hills and uses the trails in the area. He expressed concern with the number of mature trees that would be lost and feared this project could set a precedent for tree preservation. He commented on the City's tree preservation requirements noting the applicant was only proposing to replace a fraction of the trees that are being removed. This was concerning because future developers could then opt to make a payment in lieu of replanting trees. He reported he supported new types of housing coming into Arden Hills but recommended the development consider further tree preservation.

**Gregg Larson**, 3377 North Snelling Avenue, discussed affordable housing in Arden Hills. He explained this development would include 146 senior units and would provide a great opportunity to affordable housing. However, this opportunity was squandered. He asked of the 146 units, how many had been set aside for low income Arden Hills seniors. He questioned if the Arden Hills

Council had a goal of ensuring one or more units was set aside as low income units. He inquired if the Arden Hills Council supported the need for new, inclusive affordable housing for low income seniors. He explained this developer has requested flexibility on a number of areas within the Zoning Code and questioned why the Council had not pursued affordable housing units in return. He discussed the housing goals for Arden Hills noting there was a need for diverse and affordable housing units. He recommended one or more affordable units be included in this project.

**Sarah Anderson**, 1192 Benton Way, reported she lived close to the proposed development. She explained she attended the neighborhood meeting and heard about the flexibility being requested by the developer. She stated she would like to see the developer reconsider the tree loss and provide affordable units for Arden Hills seniors.

With no one else coming forward to speak, Mayor Grant closed the public hearing at 8:15 p.m.

## 10. NEW BUSINESS

### A. Planning Case 20-021 – Conditional Use Permit and Easement Release Agreement – 2 Pine Tree Drive

**Community Development Manager/City Planner Mrosla** stated the attorney for Lake Johanna Fire Department has requested to clear title. The effect of the releases would be to free the new parcel from CUPs and easements that remain applicable only to the parcel Bethel University is retaining. The City Council held the required public hearing for Planning Case 20-021 under Agenda Item 9A.

**MOTION:** Councilmember Holden moved and Councilmember McClung seconded a motion to approve Planning Case 20-021 for the release of Easements and Conditional Use Permit from Lot 2, Block 1 of 2 Pine Tree Drive. A roll call vote was taken. The motion carried (5-0).

### B. Planning Case 20-022 – Arden Hills RE, LLC – 2 Pine Tree Drive – New Perspectives

- Resolution 2021-006 for a Conditional Use Permit
- Ordinance 2021-001 Amending Chapter 13, Zoning Code, Section 1320.085, Subd. 5 and Authorizing Publication of Summary Ordinance

**Community Development Manager/City Planner Mrosla** stated the applicant is proposing to construct a 192,390 square foot, four (4) story multi-family senior living facility on site. The proposed senior living facility will feature 146 units, with 113 units of independent or assisted living and thirty-three (33) units devoted to memory care. The Subject Property is zoned B-2, General Business District and is guided as Community Mixed Use on the Land Use Plan. It was noted the City Council was asked to hold the required public hearing for Planning Case 20-022 under Agenda Item 9B.

**Community Development Manager/City Planner Mrosla** reported a Conditional Use Permit is required for a multiple family dwelling use in the B-2 District. City Code Section 1355.04 Subd. 3 of the Arden Hills Zoning Code lists the criteria for evaluating a Conditional Use Permit. The

Planning Commission and City Council should consider the effect of the proposed use upon the health, safety, convenience and general welfare of the owners and occupants of the surrounding land and the community in general, including, but not limited to factors and findings. These factors and findings were discussed in detail with the Council.

**Community Development Manager/City Planner Mrosła** explained the Planning Commission reviewed this application and have offered the following findings of fact for Council consideration:

1. The Applicant submitted an application for a Planned Unit Development, Conditional Use Permit, Site Plan and Zoning Amendment.
2. The Subject Property is located within the B-2 General Business District and is guided as CMU, Community Mixed Use on the Land Use Plan.
3. The Subject Property is located on approximately 6.40 acres and currently features open space with a wooded area around the wetlands with a segment of the existing Anderson Center trail system running through the site.
4. The Applicant is proposing to construct a 192,390 square foot, 4 story multi-family senior living facility on site.
5. The proposed senior living facility will feature 146 units, with 113 units devoted to independent or assisted living and 33 units devoted to memory care.
6. Flexibility through the PUD process has been requested in the following areas: parking stall count requirements, building height, permitted number of efficiency units and tree mitigation.
7. The proposed development plan meets or exceeds the minimum requirements of the City Code in the following areas: building setbacks, landscape coverage, parking setbacks, planting islands, tree selection, floor area ratio, drainage wetlands and flood plain tree selection, lighting, screening and aesthetics.
8. Where the plan is not in conformance with the City Code, flexibility has been requested by the Applicant and/or conditions have been placed on an approval that would mitigate the nonconformity.
9. A traffic study was required and was completed by SRF. The proposed development should not generate much additional traffic and is not expected to impact overall traffic operations within the study area. The use does not add enough traffic to require any geometric or traffic control changes.
10. The application is not anticipated to create a negative impact on the immediate area or the community as a whole.
11. Existing public facilities will be able to absorb the additional demand for public services needed for the proposed use.
12. The maximum dwelling unit density per net area that is allowed within the B-2 District is 20 units per acre.
13. The Applicant is requesting a Zoning ordinance amendment that would to add language allowing memory care units located in the B2 district to be calculated as the equivalent of 0.5 units. If approved, the .5 units for density purposes the total number of units is 20 units per acre or 129.5 units and is in conformance with the zoning district and land use plan.

**Community Development Manager/City Planner Mrosła** stated the Planning Commission recommended the Council approve and authorize staff to publish an Ordinance for Planning Case

20-022 for a Zoning Code Amendment to Chapter 13 based on the findings of fact and the January 9, 2021 report to the City Council.

**MOTION:** Councilmember Holden moved and Mayor Grant seconded a motion to approve an Ordinance for Planning Case 20-022 for a Zoning Code Amendment to Chapter 13 based on the findings of fact and the January 9, 2021 report to the City Council.

**Councilmember Holden** stated the Council should address what the City wanted to do regarding the tree loss. She noted the City did put pressure on the developer regarding affordable housing and this was not how the developer does their marketing. She explained an educational relationship would be pursued between this development and Bethel University. She questioned what the life expectancy was for this building.

**Florent Ilazi**, representative for the developer, stated the building should last approximately 50 years.

**Councilmember Holden** asked why visitor parking was not calculated in the parking numbers.

**Florent Ilazi** reported the site would have 14 visitor parking stalls and noted additional parking would be provided on the Bethel site through a shared access agreement. He anticipated overflow parking would only be needed during peak times or during the holidays (Easter, Mother's Day, Father's Day and Christmas).

**Chris Buday**, representative for the developer, explained the parking numbers were not arbitrary, but were based on the New Perspective senior living portfolio.

**Councilmember Holden** questioned how far a senior visiting a senior would have to walk to get into the building.

**Chris Buday** estimated visitors would have to walk 50 feet to get into the senior living facility. He explained staff could be asked to park in remote stalls on holidays to ensure visitors could have closer parking.

**Adam Cozine**, representative for the developer, reviewed the parking on the site in further detail with the Council.

**Councilmember Holmes** asked if the Bethel Agreement was addressed in the conditions for approval.

**Community Development Manager/City Planner Mroska** explained Condition 32 addressed this concern.

**Councilmember McClung** questioned how many stalls would be provided by Bethel in the cross access agreement.

**Community Development Manager/City Planner Mrosła** estimated that at least 25 stalls would be provided.

**Councilmember McClung** recommended the cross access agreement with Bethel University provide a minimum of 25 stalls. He commented further on the concerns he has regarding the tree loss and questioned how the City came up with the \$20,000 payment amount. He supported the developer provide a cash payment in the full amount of the deficiency. He suggested the developer review the plans again to see if any additional trees can be added to the site.

**Community Development Manager/City Planner Mrosła** reported the applicant has been pointing out the number of trees on the site and have maximized the number of trees that can be planted on site. He stated additional trees were being planted along the access road. He explained the site could support more trees but then the health and wellness of the trees would come into question. He explained per City Code, the cash in lieu payment was supposed to cover the cost of materials, installation plus 10%. He requested the applicant address this question further.

**Florent Ilazi** explained he had maximized the number and size of the trees on the site. He reported additional trees would be planted on Bethel Drive. He stated every square inch has been addressed for tree plantings. He reviewed the number of tree inches that would be replanted and commented a previous applicant was allowed to make a cash contribution to the City. For this reason, he was proposing to make a contribution in lieu of trees in the same amount as this previous applicant. He commented from a design standpoint, he has done all he could to work trees and landscaping onto the site.

**Community Development Manager/City Planner Mrosła** stated he understood the City liked to preserve trees. He commented on the Scannell Development project and noted a cash payment was made not for tree replacement but rather was made for caliper inch migration. He noted the Scannell developer donated \$12,000 to the City because the site could not handle the minimum number of caliper inches required by City Code. He noted the Scannell site did not have any significant trees, while this site did have significant trees.

**Councilmember McClung** commented on the previous case and explained the Scannell Development did not set a precedent. He understood the current applicant was asking for flexibility in other areas and therefore the City could ask for things as part of the PUD to make up for the flexibility. He did not believe the City was asking for too much, but rather was asking for a fee to be paid that equals the difference between what could be planted on site and what was missing. He questioned what this amount equated to.

**Community Development Manager/City Planner Mrosła** stated he could not answer this question at this time. He turned this question over to the applicant.

**Florent Ilazi** reported the \$20,000 was below the amount it would cost to replace the caliper inches. He indicated he did not have an exact number, but understood it was higher than \$20,000. He commented on the quality of the trees on the site, noting cottonwoods were not high quality. He stated he could work to determine a more accurate price with City staff.

**Councilmember Holden** asked if cottonwood trees were significant trees.

**Mayor Grant** commented cottonwood trees were not deemed significant by the City.

**Councilmember Holden** questioned what trees were on the significant tree list.

**Community Development Manager/City Planner Mrosla** reported the City deemed soft wood trees that were 12 inches in diameter such as cottonwoods, poplar, aspen, boxelder, willow, silver maple, and elm to be significant trees.

**Councilmember Holden** inquired if Planning Case 20-021 was a standalone document.

**Community Development Manager/City Planner Mrosla** reported this was a standalone document and was separate from this Planning Case.

**Mayor Grant** questioned what the motion on the floor was at this time.

**City Administrator Perrault** clarified the motion on the floor was for the Ordinance amendment to Chapter 13.

**Mayor Grant** asked if the Ordinance amendment required a 3/5 or 4/5 vote from the City Council.

**Community Development Manager/City Planner Mrosla** reported Zoning Code Amendments require a 3/5 vote from the City Council.

**Mayor Grant** recommended motions be separated on the agenda in the future that require different votes.

**Councilmember Holmes** explained she had a problem with the language within the Ordinance. She suggested the memory care units be referred to as memory care dwelling units. She reported she supported the intent of the Ordinance, but believed it needed to be more carefully drafted. She requested the grammatical language be cleaned up.

**Community Development Manager/City Planner Mrosla** reported Attachment B has the updated and correct Ordinance document.

**Councilmember Holmes** thanked staff for the clarification. She stated she would be able to support the approval of this document.

**Councilmember McClung** questioned when the Council should address their concerns regarding the trees.

**Community Development Manager/City Planner Mrosla** stated this would be addressed under the approval of the PUD and Site Plan.

**A roll call vote was taken. The motion to approve an Ordinance for Planning Case 20-022 for a Zoning Code Amendment to Chapter 13 based on the findings of fact and the January 9, 2021 report to the City Council The motion carried (5-0).**

Community Development Manager/City Planner Mrosła requested the Council authorize staff to publish a summary Ordinance.

**MOTION: Mayor Grant moved and Councilmember McClung seconded a motion to authorize staff to publish a summary Ordinance for Planning Case 20-022 for a Zoning Code Amendment to Chapter 13. A roll call vote was taken. The motion carried (5-0).**

Community Development Manager/City Planner Mrosła requested the City Council address the CUP next. He stated the Planning Commission recommended approval of the Arden Hills RE, LLC application for Conditional Use Permit by a 7-0 vote based on the findings of fact and submitted plans subject to the following conditions:

1. All conditions of the Master PUD and Preliminary Plat approval shall remain in full force and effect.
2. 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.
3. The Conditional Use Permit and Planned Unit Development approvals shall expire one year from the date of City Council approval unless a building permit has been requested or a time extension has been granted by the City Council. The City Council may extend the expiration date of such approval upon written application by the person to whom the approval was granted.
4. A violation of any condition set forth in the permit shall be a violation of this Code, and shall be cause for revocation of the permit.
5. A Development Agreement shall be prepared by the City Attorney and subject to City Council approval. The Development Agreement shall be fully executed prior to release of a building permit.
6. The Applicant shall be financially responsible for all applicable water and sanitary charges. Rates applied shall be those in effect at the time of Final Plat approval and shall be memorialized in the Development Agreement.
7. Prior to the issuance of a grading permit, all items identified in the December 21, 2020 Engineering Division memo shall be addressed. All comments shall be adopted herein by reference.
8. Prior to the issuance of a building permit, a landscape financial security of \$50,000.00 shall be submitted. Landscape financial security is held for two full growing seasons.
9. For any landscaping or screening that is not in accordance with the approved landscaping plan at the end of two growing seasons, the applicant shall replace the material to the satisfaction of the city before the guarantee is released. Where this is not done, the city, at its sole discretion, may use the proceeds of the performance guarantee to accomplish performance.

10. The Applicant shall submit cash contribution in lieu of land dedication. The cash payment shall be determined based on the fair market of 20 percent of the land that would otherwise be dedicated to the City. The park dedication fee shall be submitted prior to the issuance of a building permit.
11. Prior to the issuance of a grading and erosion permit, planning staff shall approve in writing the final landscaping plan.
12. Prior to the issuance of a grading and erosion control permit the Applicant shall work with the City to locate the additional caliper inches of replacement trees on the site or on the adjacent properties. 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.
13. All light poles, including base, shall be a maximum of 25 feet in height and shall be shoebox style, downward directed, with high-pressure sodium lamps or LED and flush lenses. Other than wash or architectural lighting, attached security lighting shall be shoebox style, downward directed with flush lenses. If complaints are received the lighting adjacent to residential uses shall utilize house shields as directed by the City. In addition, any lighting under canopies (building entries) shall be recessed and use a flush lens.
14. A grading as-built and utility as-built plan shall be provided to the City upon completion of grading and utility work.
15. Prior to issuance of a sign grading and erosion control permit, the applicant shall provide City staff with written approval from Bethel University, the owner of Outlot A, permitting the placement of landscaping on their property.
16. Prior to issuance of a sign permit, the applicant shall provide City staff with written approval from Bethel University, the owner of Outlot A, permitting the construction of the proposed monument sign on their property and offsite signs are not permitted.
17. Prior to issuance of a sign permit, the applicant shall provide City staff with written approval from Lake Johanna Fire Department, the owner of Lot 2, Block 1, on permitting the placement of landscaping on their property.
18. No exterior storage shall be permitted.
19. All rooftop or ground mounted mechanical equipment shall be hidden from view with the same materials used on the building in accordance with City Code requirements.
20. All fencing and retaining wall materials shall be complementary to the building materials and shall be approved in writing by the Planning Division prior to issuance of a building permit. Retaining walls greater than four (4) feet in height shall be engineered and detailed calculations shall be submitted to the City.
21. A Grading and Erosion permit shall be obtained from the City's Engineering Department prior to commencing any grading, land disturbance or utility activities. The Developer shall be responsible for obtaining any permits necessary from other agencies, including but not limited to MPCA, Rice Creek Watershed District, Ramsey County and MNDOT prior to the start of any site activities.
22. A grading as-built and utility as-built plan shall be provided to the City upon completion of grading and utility work.
23. The Applicant shall be responsible for protecting the proposed on-site storm sewer infrastructure and components and any existing storm sewer from exposure to any and all stormwater runoff, sediments and debris during all construction activities. Temporary stormwater facilities shall be installed to protect the quality aspect of the proposed and

- existing stormwater facilities prior to and during construction activities. Maintenance of any and all temporary stormwater facilities shall be the responsibility of the Applicant.
24. The Applicant shall provide an executed copy of the City's standard stormwater maintenance and easement agreement prior to approval of the Development Agreement.
  25. The bond or surety shall be provided prior to the issuance of any building or grading permits and shall be valid for two full years from the date of installation, or three years in the case of an extended timeline. The total security shall be addressed in the Development Agreement.
  26. All disturbed boulevards shall be restored with sod. All areas of the site, where practical, shall be sodded or seeded and maintained. The property owner shall mow and maintain all site boulevards to the curb line of the public streets.
  27. The maximum number of units permitted onsite is 146 units.
  28. The Applicant shall be financially responsible for all applicable water and sanitary charges. Rates applied shall be memorialized in the Development Agreement.
  29. Prior to the issuance of a land disturbance permit, the Applicant shall submit an operation and maintenance plan for the long-term care of all on-site and off-site stormwater, sanitary sewer, and water main to the City for review and approval. The Applicant will be responsible to carry out these operation and maintenance activities and to submit the appropriate documentation to the City as specified.
  30. Any future trash enclosures shall utilize wooden gates and be constructed on three sides using the same materials and patterns used on the building. Locations shall be approved by the Planning Department.
  31. This approval does not include signs. A separate sign permit is required for all proposed signage. All signage shall meet the requirements of Sign District 4.
  32. The Applicant shall provide a cross parking agreement with Bethel University for the City Attorney to review and for the City Council's approval prior to the approval of the Developer Agreement.
  33. In the event where noise from the loading and delivery area is audible from an adjacent residential district, the activity shall terminate between the hours of 6:00 p.m. and 6:00 a.m.

**MOTION: Mayor Grant moved and Councilmember Scott seconded a motion to adopt Resolution 2021-006, approving a Conditional Use Permit at 2 Pine Tree Drive, based on the findings of fact and submitted plans and the thirty-three (33) conditions.**

**Councilmember McClung** requested staff summarize what was being done with the Conditional Use Permit verses the Planned Unit Development.

**Community Development Manager/City Planner Mrosla** stated explained the Conditional Use Permit would allow for a multi-family dwelling unit within the B-2 Zoning District. He reported the Site Plan and PUD was address the conditions for approval.

**A roll call vote was taken. The motion to publish a summary Ordinance for Planning Case 20-022 for a Zoning Code Amendment to Chapter 13 carried (5-0).**

**Community Development Manager/City Planner Mrosła** reported the Planning Commission recommended approval of the PUD and Site Plan at 2 Pine Tree Drive based on the findings of fact and submitted plans subject to the conditions listed within the CUP.

**MOTION:** **Mayor Grant moved and Councilmember Holmes seconded a motion to approve Planning Case 20- 022 for a Planned Unit Development and Site Plan at 2 Pine Tree Drive, based on the findings of fact and submitted plans, subject to the thirty-three (33) conditions.**

**Councilmember Holmes** questioned if the conditions for approval for the CUP and PUD were the same.

**Community Development Manager/City Planner Mrosła** reported the conditions were the same.

**Councilmember Holmes** recommended the Council address the tree concerns at this time. She indicated the applicant was not making a cash contribution to the City but rather was required to make a payment in lieu of trees being planted. She did not believe flexibility should be given in this area, due to the fact flexibility was given in other areas. She recommended the tree replacement cost be further investigated in order for the applicant to properly follow City Code requirements.

**Mayor Grant** questioned how many caliper inches were being removed of cottonwood trees.

**Chris Buday** explained the caliper inches were not divided by tree categories. However, based on his review of the plan a significant number of trees being taken down were cottonwood. He reviewed a portion of City Code noting cottonwoods are not to be planted in the City under any circumstances. He indicated this City Code language factored into the contribution amount the developer was willing to pay to the City for tree mitigation. He questioned why the City would deem cottonwoods as significant trees. He commented further on the requested flexibility within the PUD noting it goes beyond the trees. He explained this development would create 80 new jobs, would provide housing to 146 seniors and would provide a great deal of property taxes to the City.

**Mayor Grant** noted he has several cottonwoods on his property as well and noted they do drop cotton seeds.

**Chris Buday** commented after reviewing the tree surveyor's information further, a large number of the trees being removed were boxelders, ash and cottonwoods. He stated in City Code 360.30 states under no circumstances should boxelders, cottonwoods or ash be replanted.

**Community Development Manager/City Planner Mrosła** clarified that this portion of City Code states these trees shall not be planted within the City right of way.

**Councilmember Holmes** understood the City did not favor these types of trees on City right of way, but explained these trees were counted within the tree survey.

**Community Development Manager/City Planner Mroska** reported this was the case noting cottonwoods, ash and boxelder were considered significant trees.

**Councilmember Holmes** noted this was a heavily wooded area that the developer was looking to cut down. She believed residents valued trees no matter what their species. She wanted to see the developer follow City Code caliper for caliper.

**Councilmember McClung** commented he understood why the developer was trying to pin one section of Ordinance against another. However, this does not apply in this situation. He reported the trees being mitigated were in the middle of the property and not on City right of way. He discussed the Ordinance that covers tree mitigation and commented on how the City valued trees, no matter its species. He explained he agreed with Councilmember Holmes and recommended City Code be followed for this matter.

**Councilmember Holden** stated she was going to play devils advocate and noted this was private property. She indicated Bethel University could have gone in and removed all of the cottonwood trees at any point in time. She appreciated the fact that Bethel and Country Financial have allowed citizens of Arden Hills to walk on the private trails. She commented the developer was also proposing to construct a trail on private land. She stated in an effort to keep the trails open to the public was it worth charging the developer fully for the tree loss.

**Councilmember Holmes** agreed Bethel has been very good to the community to keep the trails open. She questioned if Bethel University could have removed all of the cottonwood trees on the site.

**Community Development Manager/City Planner Mroska** reported Bethel University could have removed up to 10% of the trees on the site prior to the subdivision.

**Mayor Grant** commented the Council could land on either side of this issue. He indicated he believed the \$20,000 payment for the trees was reasonable for this development.

**Councilmember Holden** disagreed with this statement because she didn't know what the actual amount should be.

**Mayor Grant** stated this was a PUD.

**Councilmember Holmes** also disagreed with the Mayor and stated she too would like to have the actual numbers for the tree loss and subsequent payment amount. She questioned why the City would give up the right to the actual payment amount. She stated she would like staff to bring this number back to us.

**Mayor Grant** questioned how much time the Council had to render an approval on the PUD.

**Community Development Manager/City Planner Mrosła** reported the Council had until February 21, 2021 to take action on this item.

**Mayor Grant** asked if this item could be returned to the City Council for the first meeting in February.

**Community Development Manager/City Planner Mrosła** stated he was comfortable with this as this would allow him and the applicant to review the numbers and a recommendation could be brought to the Council at the February 8, 2021 City Council meeting.

**Chris Buday** asked if the Council would be tabling everything tonight or just the PUD.

**Mayor Grant** explained the Council has not gotten quite that far noting there may be concerns regarding the parking. He questioned if the developer could support a two week delay.

**Chris Buday** stated this would be acceptable, but would be the limit he could take for delays.

**Mayor Grant** requested Councilmember McClung address his concerns regarding parking.

**Councilmember McClung** reviewed the conditions in place right now stating the City will review any cross parking agreement between the developer and Bethel University. He recommended the cross parking agreement have a minimum of 25 parking spaces included.

**Alex Brewer**, a representative for the developer, discussed the parking situation. He discussed the current needs of the Anderson Center and how a cross parking agreement would meet the overflow needs of the development. He addressed the concerns Bethel has and noted a specific number had not be defined.

**Community Development Manager/City Planner Mrosła** discussed the CUP that was in place for Bethel University along with the parking requirements. He explained Bethel was concerned with how taking away 25 parking stalls may impact their CUP. For this reason, the language within the cross parking agreement was proposed to be vague noting shared parking would occur during off peak or holiday events.

**Councilmember McClung** suggested 14 spaces during the week and 25 spaces on the weekends be written into the cross parking agreement.

**Mayor Grant** questioned why the City was focusing in on 25 additional parking spaces.

**Community Development Manager/City Planner Mrosła** stated this number came about after initial conversations between Bethel and the applicant. He noted this number would eliminate the parking deficiency for the developer. He indicated Bethel does not want to offer a set number, but rather would like to offer overflow parking on an as needed basis.

**Councilmember Scott** stated he appreciated the fact the developer had negotiated an open ended agreement with Bethel. He did not believe the Council had to get bogged down with a specific number.

**Councilmember Holden** explained her friend's mother lived at Eagle Crest in Roseville. She reported there was never anywhere to park at this senior facility. She commented this was a concern to her and she did not want this to become a concern for the proposed development.

**Councilmember Holmes** stated she agreed with Councilmember Scott and appreciated the fact that staff would be parking in remote places on the holidays. She indicated she supported the cross parking agreement as written.

**Councilmember Holden** and **Mayor Grant** agreed.

**Councilmember McClung** commented he did not support the parking as proposed noting the agreement was too open ended for him.

**Mayor Grant** asked if the applicant could have a parking agreement negotiated with Bethel for the Council to review by February 8, 2021.

**Alex Brewer** stated he could have a draft agreement for the Council to review by February 8, 2021.

**Mayor Grant** indicated the appropriate action for this item would be to table action to the February 8, 2021 City Council meeting.

**Councilmember Holden** asked if the parking numbers used by New Perspective were from Minnesota or across the country.

**Florent Ilazi** stated the numbers were from throughout the Midwest including Minnesota, Wisconsin and Illinois.

**Councilmember Holden** asked if a minimum number of units could be set within this development.

**Community Development Manager/City Planner Mroska** commented he could discuss a minimum number with the applicant.

**Councilmember McClung** asked what items would be coming back to the Council for further consideration on February 8<sup>th</sup>. He anticipated the Council wanted to understand the tree plantings, what the deficiency was, along with the financial contribution that should be made.

**Mayor Grant** reported this was the case. He questioned if the Council had any other concerns regarding this PUD.

**Councilmember Holden** thanked staff and the applicant for providing the Council with a fully detailed and complete plant.

**Mayor Grant** concurred.

**Councilmember Scott** requested the applicant provide LED lighting for the site.

**MOTION:** Mayor Grant moved and Councilmember Holden seconded a motion to table action on the Planned Unit Development and Site Plan at 2 Pine Tree Drive to the February 8, 2021 City Council meeting. A roll call vote was taken. The motion carried unanimously (5-0).

## 11. UNFINISHED BUSINESS

None.

## 12. COUNCIL COMMENTS

**Councilmember Scott** reported today was the 262<sup>nd</sup> birthday of Scotland's favorite son Robbie Burns.

**Councilmember McClung** thanked the members of the Public Works Department for the great job they have been doing to keep the City's streets free and clear of snow and ice.

**Councilmember McClung** stated the City Administrator was circulating a draft letter for the Council to send to the Lake Johanna Fire Department to commend them on their efforts during 2020.

**Councilmember Holmes** suggested staff note the topic on the agenda when addressing the response to public inquiries.

**Councilmember Holmes** stated on Friday she received a draft copy of the January/February City newsletter. She noted this was the first edition that was completed by Communications Coordinator Gretchen Needham. She commented further on the Mounds View High School pedestrian crossing that was featured within the newsletter.

**Councilmember Holden** asked if the Fire Department had a surplus from 2020 because they were not able to hold any recognition events.

**Councilmember McClung** commented he would know more after the next Fire Board meeting.

**Councilmember Holden** questioned when the Council would begin discussing the June playground and recreation activities. She supported the Council discussing this sooner rather than later.

**City Administrator Perrault** explained the Council would be discussing upcoming recreation activities at the February worksession meeting.

**Mayor Grant** noted the Personnel Committee would be meeting this week.

**ADJOURN**

**MOTION:** **Councilmember Holden moved and Councilmember Holmes seconded a motion to adjourn. A roll call vote was taken. The motion carried unanimously (5-0).**

**Mayor Grant** adjourned the Regular City Council Meeting at 10:03 p.m.

\_\_\_\_\_  
Julie Hanson  
City Clerk

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David Grant  
Mayor