



MEMORANDUM

DATE: May 24, 2021

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

FROM: Jane Kansier, AICP, Bolton & Menk
Corrin Bemis, Bolton & Menk

SUBJECT: Planning Case #21-008 – Public Hearing Required
Applicant: City of Arden Hills
Request: Zoning Code Amendment – Chapter 13 – Section 1330.03 Subd. 5, E

Budgeted Amount:	Actual Amount:	Funding Source:
N/A	N/A	N/A

Council Should Consider

- Hold the required public hearing for Planning Case 21-008, an application for an amendment to the language in Section 1330.03 Subd. 5, E of the Arden Hills City Code to permit accessory storage sheds within the required structure setback from the ordinary high water level of up to 100 square feet in size and 8 feet in height. The City Council will be asked to make a formal decision regarding the application under Agenda Item 10C.

Background

In September of 2020, Kye Samuelson (“Applicant”) requested a Variance in order to construct an accessory structure near the shoreline of 3493 Siems Court (“Subject Property”) within the Shore Impact Zone of Lake Johanna. The Applicant requested a variance to build a 120 square foot accessory storage structure that encroached eighteen (18) inches into the Shore Impact Zone of Lake Johanna. The proposed structure exceeded the eight (8) foot height limitation at ten (10) feet, six (6) inches. The rationale for the variance was that the structure would be used for the storage of modern day recreational water equipment and the hardship was due to the rear yard topography. The Subject Property is zoned R-1, Single Residential District, is located in the Shoreland Management District, and is guided as Low Density Residential on the Land Use Plan.

At its October 7, 2020 meeting, the Planning Commission voted to table the request to allow the Applicant to revise their plans to better conform to the Shoreland Ordinance provisions. The Applicant took the Planning Commissions comments under consideration and submitted revised plans for a smaller structure that would not encroach into the Shore Impact Zone. The Applicant then proposed to construct an accessory structure that would be nine and a half (9.5) feet tall and ninety-three and a half (93.5) square feet in size. However, the proposed structure still required a variance due to the proposed height and area that exceeded current ordinance standards. At its December 9, 2020 meeting the Planning Commission reviewed and discussed the updated application. The Planning Commission voted 4-3 to approve the planning case.

At its January 11, 2021 meeting the City Council reviewed Planning Case 20-017. The City Council voted unanimously to table this planning case to allow them to review the existing accessory structure size standards for the Shoreland District. The Applicant signed a 6-month Extension Form (Attachment B), requiring the City Council to take action on the variance request by July 12, 2021.

At its February 16, 2021 meeting the City Council discussed increasing the permitted size of accessory structures within the Ordinary High Water Level (OHWL) setback. The City Council directed staff to draft ordinance language to increase the size of accessory structures located within the OHWL setback. The City Council did not support increase the height of accessory structures located within the OHWL setback.

Following this meeting, staff drafted ordinance language and sent the language to the DNR for review. At its April 19, 2021 Work Session, the City Council reviewed the proposed amendment to the zoning code and directed staff to bring the draft language to the Planning Commission for review. Staff received written comments from the DNR prior to the Planning Commission meeting (Attachment H).

A full evaluation of the proposal was presented to the Planning Commission on May 5, 2021. At this meeting, the Planning Commission voted to approve Planning Case 21-008 with some amendments. The memo to the Planning Commission on this case is provided in Attachment D. Draft minutes from the meeting are included in Attachment E.

During the May 5, 2021 Planning Commission Meeting, a resident noted that the classification of Lake Johanna in the Arden Hills City Code as a general development lake is inconsistent with the classification of Lake Johanna on the Minnesota Department of Natural Resource's website as a recreational development lake. Since this meeting, staff has been in contact with the DNR to discuss this inconsistency. The DNR noted that this inconsistency was identified in 1984 and the City of Arden Hills passed a resolution requesting the DNR to change their classification to Lake Johanna to a general development lake to match the classification in the Arden Hills City Code. Unfortunately, the resolution was never sent to the DNR, and the classification was never changed. With consent of the Arden Hills City Council, the DNR is willing to accept the 1985 resolution and update their classification of the lake to match that of Arden Hills. Correspondence between staff and the DNR is included in Attachment I. The 1985 Arden Hills Resolution is included in Attachment J.

Plan Evaluation

Chapter 13, Zoning Regulations Review

Section 1330.03 Subd. 5, E of the Arden Hills City Code states that lakeshore lots are permitted one (1) accessory storage shed within the required structure setback from the OHWL, provided that it is not located within the Shore Impact Zone. The Shore Impact Zone is the land located between the OHWL and a line parallel to it at a setback of 50 percent of the structure setback. The structure setback standards vary depending on the lake classification as established by Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Ramsey County. The table below breaks down the setback standards for Arden Hills lakes.

Lake	OHWL	Lake Classification	Structure Setback	Shore Impact Zone Width
Lake Johanna	878 ft.	General	50 ft.	25 ft.
Little Johanna	NA	Recreational	75 ft.	35ft.
Lake Josephine	884.4 ft.	General	50 ft.	25 ft.
Karth Lake	934.95 ft.	General	50 ft.	25 ft.

Section 1330.03 Subd. 5, E also states that accessory structures within the OHWL shall not exceed sixty-four (64) square feet in size or eight (8) feet by eight (8) feet and eight (8) feet in height measured to the highest point of the structure; and is not used for human habitation and does not contain a water supply or sewage treatment facilities.

It's worth noting that no more than two (2) accessory structures shall be permitted on a lot primarily used for residential uses and the structures shall not exceed seven hundred and twenty-eight (728) square feet in floor area. The accessory structures shall not occupy more than 25 percent of the rear yard. The exterior finish of accessory structures shall be compatible in appearance and material used with the principal structure. These requirements will continue to apply.

Discussion

As a result of previous discussions, the staff has drafted the following language revising Section 1330.03 Subd. 5, E. This language increases the size of an accessory storage shed currently permitted under the Arden Hills City Code. However, the size and height are still less that what is permitted under the State model ordinance (Section 7.3).

- E. Lakeshore lots may be permitted one (1) accessory storage shed within the required structure setback from the ordinary high water level, provided that it complies with the following provisions:
 - 1. The structure or facility is not located within the Shore Impact Zone.
 - 2. The structure or facility does not exceed 100 square feet in size and eight (8) feet in height, measured to the highest point of the structure.

3. The maximum width of the structure, as viewed from the water, does not exceed ten (10) feet.
4. The structure or facility is not designed or used for human habitation and does not contain a water supply or sewage treatment facilities.
5. The structure or facility shall be constructed of material architecturally similar in design, texture, and color to the principal structure on the lot; the design shall be reviewed by the City Planner prior to issuance of building permits.
6. The structure shall be screened a minimum of 50 percent by opaque vegetation or topography on the three walls seen from the lake with ecologically suited landscaping landward of the ordinary high water level from the lake.
7. The roof shall not be used as a deck or storage area.
8. The structure or facility is not a boathouse or boat storage structure as defined under Minnesota Statutes, Section 103G.245.

Public Notice and Comments

A Zoning Code Amendment requires a public hearing. A public hearing notice for this planning case was published in the Pioneer Press on May 13, 2021. As of May 19, 2021, Staff has received three public comments regarding this case. Redacted versions of the two written public comments are included in Attachment G. The third public comment was received via phone. This resident expressed concern about maximum height will be measured and about the maximum width of the structure viewed from the water. Staff was able to address both concerns by referencing definitions from the Arden Hills City Code.

Attachments

- A. Redlined Shoreland Regulations Amendment
- B. Clean Shoreland Regulations Amendment
- C. Minnesota DNR Shoreland Management Model Ordinance
- D. Signed 6-Month Extension Form
- E. Planning Commission Memo
- F. Draft Planning Commission Minutes
- G. Redacted Public Comments
- H. DNR Comments
- I. DNR Reclassification Letter
- J. Resolution No. 85-22
- K. City Council Presentation