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**CITY OF ARDEN HILLS, MINNESOTA  
PLANNING COMMISSION  
WEDNESDAY, MAY 5, 2021  
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 Paul Vijums called to order the regular Planning Commission meeting at 6:30 p.m. Due to the COVID-19 pandemic this meeting was held virtually.

**ROLL CALL**

Present were: Chair Paul Vijums, Commissioners Marcie Jefferys, Kurtis Weber, and Jonathan Wicklund.

Absent: Commissioners Steven Jones, James Lambeth, Subbaya Subramanian, Clayton Zimmerman.

Also present were: Planning Consultant Jane Kansier, Planning Consultant Corrin Bemis, City Administrator Dave Perrault, and Councilmember Fran Holmes.

**APPROVAL OF AGENDA – MAY 5, 2021**

**Chair Vijums** stated the agenda will stand as published.

**APPROVAL OF MINUTES**

*April 7, 2021 – Planning Commission Regular Meeting*

**Commissioner Wicklund moved, seconded by Commissioner Weber, to approve the April 7, 2021, Planning Commission Regular Meeting as presented. A roll call vote was taken. The motion carried 3-0-1 (Commissioner Jeffreys abstained).**

**PLANNING CASES**

- A. Planning Case 21-006; 4073 Valentine Court – Variance Request to Allow a 3<sup>rd</sup> Stall Garage Addition – *Public Hearing Not Required***

**Planning Consultant Bemis** explained the Applicant is requesting a variance to decrease the required side yard setback of his single- family detached dwelling on the Subject Property from 40 feet to 7.82 feet for a proposed garage addition. The Subject Property is zoned R-1, Single Family

Residential District, and is guided as Low Density Residential in the land use plan. Section 1320.06 of the Arden Hills City Code requires a side yard setback of 40 feet on corner lots.

**Planning Consultant Bemis** stated according to the Applicant’s narrative submitted as a part of his application, the Subject Property includes unique circumstances due to its nontraditional shape. The front of the property includes one curved section and three straight sections that make it difficult for the applicant to conform to current setback regulations. The Subject Property is a legal non-conforming lot, as the required side yard setback for corner lots was ten (10) feet when the property was built in 1953. The Applicant is requesting the proposed garage addition to allow for more storage space for his vehicles and additional space to store woodworking equipment. The proposed garage addition would meet applicable building codes and all other regulations in the R-1 District. The applicant would not be able to construct the proposed garage addition without a variance.

**Planning Consultant Bemis** reported the Planning Commission is being asked to determine if a variance request for flexibility with the side yard setback of a corner lot should be approved. The sketches that have been submitted show the location of the proposed garage addition and the proposed driveway addition. The evaluation of the proposal should be based on the District Provisions in Section 1320 and the Requirements for a Variance in Section 1355.04, Subd. 4.

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

*General Findings:*

1. City Staff received a land use application for a variance request to decrease the minimum side yard setback on a single family dwelling at the Subject Property 4073 Valentine Court.
2. A single-family detached dwelling is a permitted use in the R-1 district.
3. The Subject Property is non-conforming with the R-1 district’s standards for minimum side yard setbacks on a corner lot.
4. The proposed garage addition would be located 7.82 feet from the Northwest side yard property line.
5. The proposed garage addition of the subject parcel would conform to all other requirements and standards of the R-1 district.
6. A variance may be granted if enforcement of a provision in the zoning ordinance would cause the landowner practical difficulties.
7. Variances are only permitted when they are in harmony with the general purposes and intent of the ordinance.

**Planning Consultant Bemis** recommended two conditions of approval for Planning Case 21-006 for a Variance at 4073 Valentine Court, based on the findings of fact and the submitted plans:

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.

**Planning Consultant Bemis** 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 Vijums** opened the floor to Commissioner comments.

**Commissioner Jeffreys** questioned if there were any other garages that would have a garage 10 feet or closer to the street.

**Planning Consultant Bemis** explained she was uncertain if there were any homes in this neighborhood that had garages closer than seven feet to the street.

**Commissioner Weber** reported the garage would be 27 feet from the street, seven feet from the right of way. He indicated he supported the proposed request and believed this was an appropriate use of the property.

**Commissioner Wicklund** indicated he supported the proposed garage location. He commented the red pines are great for screening, but he feared in 20 to 30 years all screening would be lost and the garage would be visible from the street in the future.

**Chair Vijums** asked if previous variances have been approved for garages in this neighborhood.

**Planning Consultant Bemis** reported there have been three subdivision requests and one setback variance that have been requested in this neighborhood. She explained the variance and two of the subdivision requests were approved.

**Chair Vijums** discussed the location of the proposed driveway noting it was getting closer to the property line. He questioned if this was another concern the Commission should be addressing.

**Planning Consultant Bemis** stated the width of the driveway at the road would not be changing and therefore the driveway would be conforming. She indicated staff did not have any concerns with the proposed driveway.

**Chair Vijums** asked if the new driveway would match the existing concrete driveway.

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

**Robert Kunze**, 4073 Valentine Court, explained he had every intention of matching the driveway materials. He stated for the record that the red pines on the plans have been replaced with arborvitaes, hemlocks and catalpa yews.

**Chair Vijums** opened the meeting for public comment at this time. There were no comments from the public.

**Commissioner Wicklund** stated he would like to a third condition for approval requiring the applicant to plant coniferous screening vegetation along the property line between the driveway extending to the rear corner. He indicated this would assist with screening the driveway from the street.

**Commissioner Weber** commented he did not believe it was necessary to add this condition.

**Commissioner Wicklund moved and Commissioner Jeffreys seconded a motion to recommend approval of Planning Case 21-006 for a Variance at 4073 Valentine Court based on the findings of fact and the submitted plans, as amended by the two (2) conditions in the May 5, 2021, report to the Planning Commission adding Condition 3 which shall**

**require the applicant to plant coniferous screening vegetation along the property line between the driveway extending to the rear corner.**

**Commissioner Wicklund** explained he does not want to have the applicant to do anything differently, but he also did not want any future owner of the property to take down all of the vegetation because this would expose the larger garage to the street.

**Commissioner Weber** reported the plantings were within the City right of way and the property owner could not cut them down.

**Commissioner Wicklund** stated if this was the case, then Condition 3 would not be necessary.

**Commissioner Wicklund** and **Commissioner Jeffreys** withdrew their motion and second from the floor.

**Commissioner Weber moved and Commissioner Wicklund seconded a motion to recommend approval of Planning Case 21-006 for a Variance at 4073 Valentine Court based on the findings of fact and the submitted plans, as amended by the two (2) conditions in the May 5, 2021, report to the Planning Commission. A roll call vote was taken. The motion carried unanimously (4-0).**

**B. Planning Case 21-011; 3855 Lexington Avenue – Chick-fil-A – Conditional Use Permit – Master Planned Unit Development and Final Planned Unit Development – *Public Hearing Required***

**Planning Consultant Kansier** stated HR Green, on behalf of Chick-fil-A has submitted an application for Conditional Use Permit, Master Plan Planned Unit Development and Final Planned Unit Development. The Applicant is requesting to construct single story fast food restaurant with a drive-through. The property is located at 3855 Lexington Avenue and is zoned B-3, Service Business District, and is designated for Commercial Uses on the 2040 Comprehensive Land Use Plan.

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

1. The property located at 3855 Lexington Avenue is designated for Commercial uses on the 2040 Comprehensive Plan.
2. The applicant has proposed a Master Plan Planned Unit Development, Final Planned Unit Development and Conditional Use Permit in order to construct a fast food restaurant with drive-through lanes.
3. The Final PUD substantially conforms with the requirements of the City Code.
4. 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.
5. Flexibility through the PUD process has been requested in the following areas: lot size, minimum landscape coverage, building height and parking requirements.
6. The proposed development plan meets or exceeds the minimum requirements of the City Code in the following areas: accessory structure setbacks, drive-through facility setbacks, drive-through facility landscaping setbacks, and number of parking spaces.

7. Fast food restaurants with drive-through facilities area allowed as a conditional use in the B-3 District.
8. All new developments or redevelopments in the B-3 district require a planned unit development.
9. The adjacent properties to the south and west are zoned B-3 and are guided for Commercial use in the Arden Hills 2040 Comprehensive Plan.
10. The application is not anticipated to create a negative impact on the immediate area or the community as a whole.

**Planning Consultant Kansier** recommended approval of Planning Case 21-011 for a Master Plan Planned Unit Development, a Final Planned Unit Development, and a Conditional Use Permit at 3855 Lexington Avenue, based on the findings of fact and submitted plans, 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 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.
3. Prior to the issuance of building permits, the Applicant shall enter into a Planned Unit Development Agreement.
4. 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.
5. 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.
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. A right-of-way permit shall be required for work performed within the City right-of-way.
8. No exterior storage shall be permitted.
9. 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.
10. 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.
11. Prior to the issuance of a building permit, a landscape financial security in the amount of 125% of the estimated cost of the landscaping shall be submitted. Landscape financial security is held for two full growing seasons.
12. Before construction, grading, or land clearing begins, trees or tree areas that are to be preserved shall be visibly marked and city-approved tree protection fencing or other method shall be installed and maintained at the critical root zones of the trees to be protected. The

- location of the fencing shall be in conformance with the approved tree preservation plan and approved by staff in writing.
13. 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.
  14. 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.
  15. Prior to City Council, the Applicant shall submit a materials board to be approved in writing by staff.
  16. A Grading and Erosion permit shall be obtained from the city's Engineering Division 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, and Ramsey County, MNDOT prior to the start of any site activities.
  17. 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.
  18. Prior to the issuance Grading and Erosion permit, the Engineering Department shall review and approve final grading and utility plans in writing.

**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 Vjums** opened the floor to Commissioner comments.

**Justin Lark**, Chick-fil-A representative, thanked the Commission for their consideration. He reported he had met with the Council at a worksession meeting to discuss this proposal. He commented on the lighting on the west side of the building and explained he would be removing the sign on the western side of the building. He indicated he has moved the monument sign closer to Lexington Avenue per the Council's recommendation. He discussed the buffer space that was located between the hotel and Chick-fil-A and noted this area would be relandscaped. It was noted a gentleman's agreement would be pursued with the hotel for employee parking. He commented further on the parking situation and requested a variance from the City's parking requirements.

**Commissioner Weber** thanked the applicant for the additional information. He stated he was concerned with the double drive thru given how close this property was to Lexington Avenue.

**Mr. Lark** discussed how vehicles would access and exit the property. It was noted all cars exiting would be pulled further from Lexington Avenue to assist with proper vehicle queuing.

**Joseph Vavrina**, HR Green, commented on the traffic study and reported the intersection of Lexington Avenue and Red Fox Road had a service level of B during the AM peak and was at level C during the PM peak.

**Commissioner Jeffreys** asked if the areas of flexibility were typical for new developments.

**Planning Consultant Kansier** reported each site and PUD was unique. She did not believe this applicant was requesting more flexibility than any other applicant.

**Councilmember Holmes** commented the main concern was how close the drive thru lane was to the hotel. She indicated other requests did not have this concern. She stated she would be happy to hear from the Quality Inn regarding this matter.

**Commissioner Jeffreys** questioned what the hours of operation would be for Chick-fil-A.

**Mr. Lark** stated Chick-fil-A would be open Monday through Saturday from 6:30 a.m. to 10:00 p.m. and would be closed on Sundays.

**Commissioner Jeffreys** explained the traffic surprised her because she thought this business would have had more of an impact on the adjacent intersection.

**Chair Vijums** inquired if the canopy was an approved building structure.

**Planning Consultant Kansier** reported this was the case, noting the canopy would require a building permit.

**Chair Vijums** stated his main concerns were noise considerations given the fact this restaurant would be so close to the Quality Inn. He feared how noise would travel from the fast food speakers towards the hotel. He recommended that all speakers be faced away from the hotel. In addition, he was concerned about the noise that would be coming from the coolers and HVAC units on the roof.

**Mr. Lark** commented this restaurant would have two menu boards, one for each of the drive thru lanes. He stated these speakers would face due west, but were located north of the hotel. He reported the speaker boxes were 50 feet away from any of the closest parking spaces. He discussed the trees that were located at the northeast corner of the hotel property and explained these would remain in place. He indicated he has never had any concerns raised about the equipment on the roof and stated he would have to investigate the sound coming from these units and could report back to the City.

**Chair Vijums** suggested a noise study be completed once the building is constructed to ensure the noise coming from the rooftop units was not disruptive to the adjacent properties.

**Mr. Lark** reiterated that his building was meeting all City setback requirements for the Commercial zoning district.

**Mr. Vavrina** discussed the landscaping that would be put in place between the hotel and Chick-fil-A noting this would assist in providing a year round screen, while also helping to block noise.

**Planning Consultant Kansier** reported the City of Arden Hills was required to follow State guidelines and could not have noise requirements that were more restrictive than the State. She indicated the hotel was considered to be in a noise area Classification 1. She stated this meant the

maximum night time noise level between 10:00 p.m. and 7:00 a.m. is 50 decibels. She anticipated this property would be similar. She discussed the ambient noise that was already coming from I-694 and other adjacent roadways. She indicated the Commission could require a noise study once the building was completed to see if additional screening was necessary for the rooftop mechanicals.

**Chair Vijums** stated he was satisfied with the location of the drive thru mechanicals. He explained he would be interested in adding a condition for approval that would require the applicant to complete a noise study once the structure was built.

**Commissioner Wicklund** indicated this location, which was formerly a Perkins that ran 24 hours a day, sits adjacent to I-694. He did not believe noise would be a concern for this property. He supported the Commission leaning on staff's expertise on whether or not a noise study should be completed. He was of the opinion this was a great repurposing of this property.

**Chair Vijums** opened the public hearing at 7:52 p.m.

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

**Ankit Bhakta**, owner of the Quality Inn, stated he had concerns about the proposed Chick-fil-A. He indicated he was concerned about the drive-thru, noise that would be generated by the drive-thru speakers, as well as the noise that would be generated by the rooftop HVAC units. He discussed how the cars waiting for the drive thru would also be generating extra noise. He feared how this would impact his customers given the fact Chick-fil-A would be open until 10:00 p.m. He stated he was also concerned with where Chick-fil-A would store snow in the winter months and did not want snow being pushed onto his property.

**Commissioner Weber** explained Chick-fil-A was requesting to be closer to the property line than was allowed. He stated he now had concerns with the application given the fact the adjacent property owner had concerns with the amount of noise that would be generated by the drive thru. He indicated he did not support allowing the restaurant and drive thru moving closer to the hotel.

**Chair Vijums** asked if the drive thru speakers could be adjusted so that they faced away from the hotel.

**Mr. Lark** stated this would not be possible. He reported the drive thru speakers were 50 feet from the closest parking lot and over 100 feet from the corner of the hotel. He explained if the drive thru speakers were moved closer to Lexington Avenue this could back up traffic onto Red Fox Road.

**Chair Vijums** commented he supported the proposed plan, but noted he was also concerned about how the restaurant and drive thru would impact the adjacent hotel. He stated this use was different from Perkins, because there would be a drive thru. He supported a noise study being completed.

**Commissioner Wicklund** reported the business model for this company had Chick-fil-A closed on Sundays meaning the hotel guests would not be impacted by the drive thru on Sundays.

**Chair Vijums** suggested a condition for approval be added to address the noise concerns. He recommended a noise study be completed after the restaurant was completed or that the noise boxes be moved.



**Commissioner Jeffreys** commented on the amount of noise cars make when waiting in the drive thru line and noted this was a concern to her.

**Chair Vijums** indicated he had less concerns about the noise coming from the cars because there were only a few months out of the year that drivers could drive with their windows down. He stated he was more concerned about the noise that would be coming from the rooftop units.

**Mr. Lark** reported this was a commercially zoned property and he was meeting the City's setback requirements. He was hopeful that the noise issue would be less of a concern from a building standpoint. He explained he wanted to be a good neighbor and noted Chick-fil-A would be open only till 10:00 p.m. and would be closed on Sundays, where Perkins was open 24/7.

There being no additional comment Chair Vijums closed the public hearing at 8:07 p.m.

**Chair Vijums** stated he would like to add several conditions for approval. He proposed Chick-fil-A move the order stations from the west side of the drive through to the northeast side. In addition, he supported the applicant completing a noise study once the building is constructed to see what type of noise is being generated by the use.

**Commissioner Wicklund** expressed concern with forcing Chick-fil-A to change their drive thru. He reported Chick-fil-A had more expertise with the operation of a drive thru than the City did and he supported Chick-fil-A's proven business model.

**Mr. Lark** reported he spends a great deal of time testing and planning for sites. He explained the proposed location for the order stations would maximize the efficiency and flow on the site.

**Chair Vijums** questioned if some sort of structure should be required along the property line to block the menu boards and speaker sound from the hotel.

**Commissioner Weber** asked if a sound wall would be allowed along the property line.

**Mr. Lark** stated in other locations a wind screen has been installed to create a buffer between the drive thru and the adjacent property.

**Chair Vijums** supported some sort of noise screening being put in place between the drive thru and the hotel property. He suggested a condition be made for approval stating some sort of noise screening be required between the ordering station and the hotel.

**Commissioner Wicklund** stated he could support this recommendation.

**Chair Vijums** stated he also supported the applicant being required to complete a noise study on the building after constructed.

**Planning Consultant Kansier** reported the building would have to follow MPCA decibel level requirements.

**Commissioner Wicklund** indicated he did not support the City making this requirement. Rather, he recommended the noise concerns be brought to the Council given the fact they would have the final say in the matter. He suggested that if a condition was drafted that it read: Noise levels must meet MPCA guidelines for this Planning Case.

**Commissioner Wicklund moved and Commissioner Weber seconded a motion to recommend approval of Planning Case 21-011 for a Master Planned Unit Development, a Final Planned Unit Development and a Conditional Use Permit at 3855 Lexington Avenue based on the findings of fact and the submitted plans, as amended by the eighteen (18) conditions in the May 5, 2021, report to the Planning Commission adding Condition 19: The Applicant must meet MPCA noise guidelines and Condition 20: Noise screening must be approved by City staff that addresses the ordering stations. A roll call vote was taken. The motion carried unanimously (4-0).**

**C. Planning Case 21-005; Zoning Code Amendment to Allow Places of Worship as a Conditional Use in the I-Flex District – *Public Hearing Required***

**Planning Consultant Bemis** stated the applicant is interested in developing the property located at 1275 Red Fox Road (“Subject Property”) as a House of Worship. The Property is currently owned by ET Arden Hills LLC and is developed with a two-story office building and associated parking lot. The office building is no longer in use. The Subject Property includes two access points off of Red Fox Road. The property is zoned I-FLEX, which does not permit houses of worship, or other assembly uses.

**Planning Consultant Bemis** reported at a special work session on March 22, 2021, the Council discussed the Applicant’s proposal to develop a House of Worship in the I-FLEX District. Following the discussion, the City Council directed staff to review and propose a zoning code amendment to allow Houses of Worship in the I-FLEX District as a Conditional Use. The amendment will impact Zoning Code Section 1320.05 – Land Use Chart.

**Planning Consultant Bemis** indicated the I-FLEX District is guided as Mixed Business (MB) and Light Industrial & Office (IND) in the Arden Hills 2040 Comprehensive Plan Land Use Chapter. The MB area is designated for a variety of businesses, including commercial, certain light industrial uses, warehousing, office, general business, and retail. The expected share of uses within this area are as follows: 0% to 50% Light Industrial; 0% to 50% Retail; and 25% to 100% Office. A development intensity of up to 0.8 FAR may be allowed. The IND area is designated for a broad range of light industrial uses such as manufacturing, processing, and warehousing. This land use may also include offices. The expected share of uses within this area are as follows: 50% to 100% Light Industrial and 0% to 100% Office. A Development intensity of up to 0.8 FAR may be allowed. According to the Comprehensive Plan the total area of the MB land use is 55 acres, or 0.9% of the total land area in the City, the total area of the IND land use is 346 acres, or 5.7% of the total land area in the City.

**Planning Consultant Bemis** explained the entire I-FLEX District is within the Red Fox/Grey Fox/Lexington Avenue Business Area which is discussed in the Land Use Chapter. This area includes Red Fox and Grey Fox roads and is bounded by Lexington Avenue, Highway 51, Interstate 694, and the Canadian Pacific railway. This area is used by a number of small and large businesses for a variety of retail, manufacturing, distribution, warehousing, and office uses. This area was largely developed between the 1950s and 1970s, though the retail area along Lexington Avenue has had some new development and redevelopment in the last 15 years. This area is marked as an area of possible redevelopment in 2040.

**Planning Consultant Bemis** reviewed the Plan Evaluation and provided the Findings of Fact for review:

*General Findings:*

1. The City of Arden Hills is proposing amendments to the language of Chapter 13 – Zoning Code of the City Code.
2. The Subject Property is located in the I-FLEX Zoning District.
3. Under City Code Section 1320.05, Houses of Worship are not allowed in the I-FLEX District.
4. The City is proposing to alter Section 1320.05 to allow Houses of Worship as a Conditional Use in the I-FLEX District.
5. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council.
6. If this amendment is approved, the Applicant will submit a Conditional Use Permit application for the permitting of Grove Community Church (Everyday Church) at the Subject Property.

**Planning Consultant Bemis** recommended approval of Planning Case 21-005 for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to allow Places of Worship as a Conditional Use in the I-Flex District as presented in the May 5, 2021 Report to the Planning Commission.

**Planning Consultant Bemis** 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 Vijums** opened the floor to Commissioner comments.

**Chair Vijums** reported more and more places of worship were working their way into these types of zoning districts.

**Chair Vijums** opened the public hearing at 8:34 p.m.

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

**Tom Goodrum**, planning consultant for the applicant, thanked staff for their guidance and thorough staff report. He stated this church was excited to be a part of Arden Hills. He explained he was conducting a traffic study and it appears the church would have a minimal impact on the area.

There being no additional comment Chair Vijums closed the public hearing at 8:36 p.m.

**Commissioner Jeffreys** asked how many people would be attending this church on Sunday mornings.

**Mr. Goodrum** reported the congregation currently had 600 parishioners and noted services were held at 11:00 a.m. and 5:00 p.m. on Sundays.

**Pastor Josh Krehbiel** thanked the Commission for considering his application. He explained he had 600 members part of his church community. He explained these members would be split up between the two Sunday services.

**Chair Vijums** questioned what led this church to seek space in the I-Flex zoning district.

**Pastor Josh** indicated his church has been on a building search journey for several years. He reported he has a desire to have a building that was close to the freeway, with high ceilings and adequate parking.

**Commissioner Wicklund moved and Chair Vijums seconded a motion to recommend approval of Planning Case 21-005 for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to allow Places of Worship as a Conditional Use in the I-Flex District as presented in the May 5, 2021, report to the Planning Commission. A roll call vote was taken. The motion carried unanimously (4-0).**

**D. Planning Case 21-008; Zoning Code Amendment to Section 1355 (Shoreland) Regarding Accessory Structures – *Public Hearing Required***

**Planning Consultant Kansier** stated 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.

**Planning Consultant Kansier** reported 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 Commission’s 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.

**Planning Consultant Kansier** explained 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 OHWL accessory structure size standards. The Applicant signed a 6-month Extension Form, 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. The City Council did not support increase the height of accessory structures located within the OHWL.

**Planning Consultant Kansier** reported following this meeting, staff has 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 has not received written comments from the DNR as of April 28, 2021.

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

*General Findings:*

1. The City of Arden Hills is proposing amendments to the language of Chapter 13 – Zoning Code of the City Code.
2. The City of Arden Hills is proposing 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.
3. Amendments to the Shoreland Regulations require approval from the Minnesota DNR.
4. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council

**Planning Consultant Kansier** recommended approval of Planning Case 21-008 for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to permit accessory storage sheds of up to 100 square feet in size and 8 feet in height within the required structure setback from the ordinary high water level as presented in the May 5, 2021 Report to the Planning Commission.

**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 Vijums** opened the floor to Commissioner comments.

**Commissioner Wicklund** asked why the City wouldn't want to model its Shoreland Ordinance based off of neighboring cities, specifically Shoreview.

**Planning Consultant Kansier** reported it was her understanding there was some review of other ordinances. She noted the language that was used in this Ordinance was similar to the City of Roseville.

**Commissioner Weber** stated he was anticipating this code change, but questioned if 100 square feet was adequate. He questioned why the City Council landed on this number.

**Commissioner Jeffreys** commented on the inconsistencies between the shoreland regulations #1 and #5. She questioned how the Commission should address this concern.

**Planning Consultant Kansier** reported the Commission could set a minimum setback of 10 feet or the Commission could eliminate this language altogether.

**Commissioner Jeffreys** recommended Shoreland Regulation #5 be eliminated.

**Chair Vijums** stated it was nice to see the Council was working to amend the Shoreland Ordinance. He indicated he supported the removal of Regulation #5.

**Chair Vijums** opened the public hearing at 8:59 p.m.

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

**Steven Nelson**, 3475 Siems Court, explained he has been a resident of Arden Hills for the past 34 years. He discussed the DNR rules noting they typically applied to rural lakes and not urban lakes. He questioned what the nature of this building was, stating it was his understanding it was an accessory structure to hold waterfront items. He was of the opinion a 64 square foot building was adequate. He did not want to see 100 square foot buildings on every property along the lake. He discussed how small some of the lakeshore lots were and how these buildings would be an eyesore. He suggested the buildings be proportioned to the width of the lot versus a one size fits all approach for these structures. He recommended that these structures be allowed to be electrified.

**Gregg Larson**, 3377 North Snelling Avenue, reported he was a lakeshore owner. He encouraged the City to rethink how it notifies the residents living on Lake Johanna about public hearings. He indicated there were a lot of properties owners on Lake Johanna that did not receive notice of this meeting. He was of the opinion the proposed Ordinance has an error stating Lake Johanna has been classified by the DNR as a recreational development lake since 2014. He discussed the setbacks for recreational development lakes (35 feet) versus a general development lake (25 feet). He was of the opinion that amending the Shoreland Ordinance due to one request was not sound government. He questioned how the City Council came to determine 64 feet of accessory storage space was not adequate. He discussed topography that was in place that would make it impossible for some lakeshore owners to have an accessory structure at the lakeshore. He reported these lakeshore owners had to manage their storage needs within their garage or rental storage units. He believed the current limits have served the City well and noted he did not want to see excessively large structures along the lakeshore as this would block views. He recommended the character of Lake Johanna be preserved. He suggested the City amend the Ordinance to properly classify Lake Johanna as a recreational development lake and that the City add a provision regarding proper notice for lakeshore matters. He recommended a 35 foot setback be required for the applicant's structure and that the City retain the current structure area limit with minimum setbacks without the 10 foot exception with a sliding scale for accessory structures based on lot width as was proposed by Mr. Nelson.

**Kye Samuelson**, 3493 Siems Court, stated he was not new to this dialogue. He commented he was hoping to work with the City to manage beautification, security and storage for lakeshore properties. He indicated there were some interesting things said regarding proportional dimensions for accessory structures for lake lot sizes. He explained it made sense to consider Lake Johanna was a recreational development lake. He reported he was looking at this issue from a bigger perspective and he wanted to address how to manage modern waterfront items. He stated 100 square feet made sense to him, noting he would like a higher building height to be considered. He liked the idea of making these structures both aesthetically pleasing and functional. He discussed how these structures were an immaterial improvement to the overall beautification, security, storage, properties cleanliness and order for multiple neighborhoods that are on the lake and the guests of the City that come to enjoy these natural resources.

**Matthew \_\_\_\_\_** had difficulty with his audio. Staff encouraged Mr. \_\_\_\_\_ to submit his comments to City staff prior to the City Council meeting.

There being no additional comment Chair Vijums closed the public hearing at 9:14 p.m.

**Commissioner Jeffreys** requested comment from staff regarding the letter from the DNR.

**Planning Consultant Kansier** reported staff received a letter from the DNR and this was forwarded to the Planning Commission. She explained the DNR had concerns with resolving the inconsistencies between Regulations #1 and #5.

**Commissioner Wicklund** recalled why this item was brought to the Planning Commission originally and that had to do with storage and beautification by the lake. He feared that over the past decade, the toys along the water have gotten larger. He understood that for some people 64 square feet was plenty of space and for others 100 square feet was just enough space. He suggested holding a conversation where Arden Hills would model its Shoreland Ordinance to Shoreview's Ordinance. He wanted to see Arden Hills leading with relevant codes that were designed to address the real issues at hand. He commented his preference would be to model this Ordinance after Shoreview and not Roseville. He asked if the Commission would consider stretching the accessory square feet size and structure height.

**Chair Vijums** stated he was not clear on what the City of Shoreview allowed within its Shoreland Ordinance. He indicated the Commission would have to do more review and study of the Ordinance prior to having a discussion.

**Commissioner Wicklund** explained Shoreview allows accessory structures that do not exceed 250 square feet in area, were not wider than 12 feet as viewed from the water, is not higher than 10 feet above grade, and has a 20 foot setback from the side lot line.

**Chair Vijums** reported these numbers would create much larger structures.

**Commissioner Wicklund** stated he would support 120 square foot structures.

**Chair Vijums** indicated he was thinking about the lakes in Arden Hills versus the lakes in Shoreview, noting the lakes in Arden Hills were smaller and the lakeshore lot widths were smaller. For this reason, he supported keeping the structures smaller versus trying to meet what another City allows. He believed the City was already raising the standards going from 64 to 100 square feet.

**Commissioner Jeffreys** agreed she did not want to see the structures becoming any larger than what was being proposed.

**Commissioner Weber** questioned how the City came up with 100 square feet for the accessory structures.

**Councilmember Holmes** stated the Council weighed the interest of the residents to what other cities were doing. She explained some things were taken from Roseville's ordinance, but explained the Council was very concerned about the aesthetics along the lakeshore. For this reason, the Council did not support allowing structures as large as Shoreview or other communities. She understood the City would have to make a correction within the regulations to comply with DNR guidelines.

**Chair Vijums** asked if the City received any comments in opposition to the Ordinance.

**Planning Consultant Kansier** reported staff received a letter from Mr. Larson objecting to the Ordinance.

**Chair Vijums** summarized the comments made by the Commission thus far and recommended Shoreland Regulation #5 be removed.

**Commissioner Weber** questioned if this would be the last time the Commission sees this Ordinance.

**Chair Vijums** reported this would be the last time the Commission sees this Ordinance.

**Commissioner Weber** commented he would like to see this Ordinance again if the Council makes large changes to it.

**Councilmember Holmes** stated the Ordinance would go back to the Commission if there were major changes made by the City Council.

**Chair Vijums moved and Commissioner Jeffreys seconded a motion to recommend approval of Planning Case 21-008 for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to permit accessory storage sheds of up to 100 square feet in size and 8 feet in height within the required structure setback from the ordinary high water level as presented in the May 5, 2021, report to the Planning Commission.**

**Chair Vijums moved and Commissioner Jeffreys seconded a motion to amend the Shoreland Regulations Amendment removing Amendment #5. A roll call vote was taken. The amendment carried unanimously (4-0).**

**A roll call vote was taken. The amended motion carried unanimously (4-0).**

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

None.

#### **REPORTS**

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

**Planning Consultant Kansier** reported the City has hired a new City Planner and noted this new planner would be attending the June Planning Commission meeting.

**Chair Vijums** thanked Planning Consultant Kansier and Planning Consultant Bemus for all of their assistance.

**Councilmember Holmes** provided the Commission with an update from the City Council. She thanked the Planning Commission for all of their efforts on behalf of the community.

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

None.



**ADJOURN**

**Chair Vijums moved, seconded by Commissioner Jeffreys, to adjourn the May 5, 2021, Planning Commission Meeting at 9:43 p.m. A roll call vote was taken. The motion carried unanimously (4-0).**