



Approved: October 6, 2021

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**CITY OF ARDEN HILLS, MINNESOTA  
PLANNING COMMISSION  
WEDNESDAY, SEPTEMBER 8, 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, Acting Chair Wicklund called to order the regular Planning Commission meeting at 6:30 p.m.

**ROLL CALL**

Present were: Acting Chair Jonathan Wicklund, Commissioners Marcie Jefferys, Subbaya Subramanian, Kurtis Weber, and Clayton Zimmerman.

Absent: Chair Paul Vijums and Commissioner Steven Jones.

Also present were: Senior Planner Jessica Jagoe and Councilmember Fran Holmes.

**APPROVAL OF AGENDA – SEPTEMBER 8, 2021**

Acting Chair Wicklund requested the agenda be amended to remove Item 3C.

**Commissioner Zimmerman moved, seconded by Commissioner Weber, to approve the agenda as amended removing Item 3C. A roll call vote was taken. The motion carried unanimously (5-0).**

**APPROVAL OF MINUTES**

*August 4, 2021 – Planning Commission Regular Meeting*

**Commissioner Jefferys moved, seconded by Commissioner Weber, to approve the August 4, 2021, Planning Commission Regular Meeting as presented. A roll call vote was taken. The motion carried unanimously (5-0).**

**PLANNING CASES**

- A. **Planning Case 21-022; City of Arden Hills – Zoning Code Amendment to Section 1325 and Municipal Code Section 400 and 410 Regarding the Keeping of Chickens – Public Hearing**

**Senior Planner Jagoe** stated starting in 2020, the City Council began discussions on ordinance language with regards to the keeping of chickens in Arden Hills. A survey was conducted in November 2020 to garner input from residents on the relaxation of standards for the keeping of chickens. Those survey results were presented to the City Council at a work session in January. Staff was provided guidance on general parameters for consideration of a proposed chickens ordinance. That draft language was reviewed by the City Council at two work sessions on July 12th and July 26th, 2021.

**Senior Planner Jagoe** commented in preparing the draft ordinance language, the City deferred to the document that is used by a number of adjacent communities titled “Recommendations for Municipal Regulation of Urban Chickens”. This guide was the basis for development of ordinance standards and best practices for licensing requirements. Similar to the Cities of Stillwater and Falcon Heights, the proposed language includes a requirement that a resident who intends to keep chickens shall have read the document outlining best care practices.

**Senior Planner Jagoe** explained at the July 26th special work session, Staff was directed to bring forward the proposed ordinance to the Planning Commission in September for the first review and to hold a public hearing to receive public comment on the keeping of chickens. Following the public hearing, the draft ordinance language with recommendation of the Planning Commission would be brought back to the City Council at a future meeting for subsequent discussion and direction on next steps.

**Senior Planner Jagoe** provided the Commission with an overview on the Ordinance amendment and offered the following Findings of Fact:

1. The City of Arden Hills is proposing to amend ordinance language to allow for the keeping of chickens.
2. The proposed ordinance will include amendments to the language of Chapter 13 – Zoning Code of the City Code.
3. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council.

**Senior Planner Jagoe** stated staff recommends approval of Planning Case 21-022 as presented (or as modified by Planning Commission) for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to add ordinance language within Location for Buildings Housing Farm Animals for requirements to allow chicken coops in residential districts including Municipal Code language as amended to Chapter 4 as presented in the September 8, 2021 Report to the Planning Commission.

**Senior Planner Jagoe** reviewed the options available to the Planning Commission on this matter:

1. Recommend Approval as Submitted
3. Recommend Denial
4. Table

**Acting Chair Wicklund** opened the floor to Commissioner comments.

**Commissioner Jefferys** questioned how the City would enforce the Ordinance and asked if the Ramsey County Sheriff was aware of the chicken keeping requirements. She also inquired what would happen if a neighbor were to move and new neighbors were to move into a home that did not support the keeping of chickens.

**Senior Planner Jagoe** stated an animal control officer with the Sheriff's Department would be working with the City to enforce the Ordinance. In addition, code enforcement staff may have a role and assist with enforcement complaints. She reported if a neighbor were to move, no additional approval would be required.

**Commissioner Subramanian** asked if breeding of chickens would be allowed.

**Senior Planner Jagoe** explained breeding of chickens would not be allowed, but rather chickens would be allowed as pets or for the laying of eggs.

**Commissioner Subramanian** stated it would be important for the City to be able to identify avian flu symptoms and what rules would be in place to manage this situation.

**Senior Planner Jagoe** commented if there was a nuisance complaint regarding a health or odor concern the City would respond. She reported as drafted the ordinance language did not require proof of medical records. Further discussion ensued regarding how the City would inspect coops upon receiving a complaint.

**Commissioner Weber** questioned if the chickens would be expected to remain within the coop or enclosed pen area.

**Senior Planner Jagoe** stated this was the case. She explained chickens would be allowed in an exercise area only when supervised.

**Commissioner Weber** inquired why the City was only allowing three chickens given the fact these were social animals.

**Senior Planner Jagoe** commented this was a discussion held by the City Council and noted the Commission could recommend this number be increased.

**Commissioner Weber** stated he supported this number being increased to five. He questioned how the chickens were to be disposed of.

**Senior Planner Jagoe** indicated the property owners would have to ensure the chickens were disposed of properly and would not be allowed to slaughter the chickens on their property.

**Commissioner Weber** explained he did not support this recommendation. He anticipated that once a chicken was euthanized at a vets office, it would no longer be edible.

**Commissioner Zimmerman** reported his granddaughter had chickens in Mendota Heights and noted it was important that the coop be properly built in order to keep out foxes, coyotes and other predators.

**Acting Chair Wicklund** summarized the comments that had been made by the Commission and stated he found it interesting that the neighbors had to approve a request for chicken keeping. He commented he would rather have residents follow the rules established by the City and not leave this up to the neighbors. He feared the proposed system would increase tension in neighborhoods.

**Acting Chair Wicklund** opened the public hearing at 6:53 p.m.

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

There being no comment Acting Chair Wicklund closed the public hearing at 6:54 p.m.

**Commissioner Jefferys** agreed that the neighbor approval was an interesting concept.

**Acting Chair Wicklund** questioned if this language should be removed from the Ordinance.

**Commissioner Jefferys** supported the language remaining as is.

**Commissioner Weber** stated he supported neighbors having input on the keeping of chickens. He explained he would not personally keep chickens, but would want to know if his neighbors were keeping chickens and drawing predators onto their property.

**Acting Chair Wicklund** thanked staff for all of their work on this Planning Case.

**Commissioner Zimmerman moved and Commissioner Weber seconded a motion to recommend approval of Planning Case 21-022 for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to add ordinance language within Location for Buildings Housing Farm Animals for requirements to allow chicken coops in residential districts including Municipal Code language as amended to Chapter 4 as presented in the September 8, 2021 Report to the Planning Commission. A roll call vote was taken. The motion carried unanimously (5-0).**

**B. Planning Case 21-019; 3737 Lexington Avenue – Launch Properties – Preliminary Plat, Final Plat, Master Planned Unit Development, and Site Plan Review – *Public Hearing***

**Senior Planner Jagoe** stated the Applicant has submitted a land use application for Preliminary Plat, Final Plat, Master Planned Unit Development, and Site Plan Review, proposing to redevelop a 2.48-acre site located at 3737 Lexington Avenue N. The site is currently developed with a vacant industrial building and associated parking lot. The applicant is proposing to demolish the existing building and redevelop the site with a new +/- 19,480 square foot ALDI grocery store and an additional pad site with an +/- 5,300 square foot building purposed for a national dental tenant (~ 2,800 square feet) and Bank of America (~2,500 square feet). The property would be subdivided into two lots.

**Senior Planner Jagoe** reported the Property is currently owned by STORE Master Funding III, LLC. The site is currently developed as a vacant industrial building with an associated parking

lot. 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.

**Senior Planner Jagoe** reviewed the surrounding area, the Plan Evaluation and provided the Findings of Fact for review:

1. The property located at 3737 Lexington Avenue is designated for Commercial uses on the 2040 Comprehensive Plan.
2. New building construction or site modification identified requires the submittal of a Site Plan Review application prior to construction.
3. For building construction or site modifications not included on the Master Plan, a PUD Amendment is required.
4. The PUD process allows for flexibility within the City's regulations through a negotiated process with a Developer.
5. The Applicant has proposed a Master Plan Planned Unit Development in order to develop the property with shared access, parking, and maintenance between the two parcels.
6. The Master Planned Unit Development generally conforms to the requirements of the City Zoning Code and design standards.
7. Where the plan is not in conformance with the City Code, flexibility has been requested by the Applicant.
8. Flexibility through the PUD process has been requested in the following areas: landscaping, setbacks, building positioning, building façade, building materials, pedestrian and bicycle circulation, and signage.
9. A public hearing for a Preliminary Plat, Final Plat, and Master Planned Unit Development request is required before the request can be brought before the City Council.

**Senior Planner Jagoe** stated staff recommends approval of Planning Case 21-019 for a Preliminary Plat, Final Plat, Master Planned Unit Development, and Site Plan Review at 3737 Lexington Avenue , based on the findings of fact and the submitted plans, as amended by the conditions in the September 8, 2021 Report to the Planning Commission:

1. The project shall be completed in accordance with the submitted plans as amended by the conditions of approval. Any significant changes to these plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
2. The Master Planned Unit Development approval 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.
3. 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.
4. A Master PUD Development Agreement shall be prepared by the City Attorney and subject to City Council approval. The Master PUD Development Agreement shall be fully executed prior to the issuance of building permits.

5. The applicant shall file the Final Plat with Ramsey County within 180 days of the approval from the City.
6. Prior to the issuance of a building permit, a landscape financial security equal to 125% of the cost of the landscaping to be installed on the site shall be submitted. The Applicant must submit a detailed cost estimate for the landscaping so staff can determine the final amount. Landscape financial security shall be held for two full growing seasons. For any landscaping that is not in accordance with the approved landscaping plan at the end of two growing seasons, the Developer 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.
7. 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 Applicant shall be responsible for obtaining any permits necessary from other agencies, including but not limited to, MPCA, Rice Creek Watershed District, MnDOT, and Ramsey County prior to the start of any site activities.
8. Prior to the issuance of a grading permit, all items identified in the September 1, 2021 Engineering Division memo shall be addressed. All comments shall be adopted herein by reference.
9. The final plans shall be subject to approval by the City Engineer, Building Official, and Fire Marshal prior to the issuance of a grading and erosion control permit.
10. Final grading, drainage, utility, and site plans shall be subject to approval by the Public Works Director, City Engineer, and City Planner prior to the issuance of a grading and erosion control permit or other development permits.
11. Upon completion of grading and utility work on the site, a grading as-built and utility as-built shall be provided to the City for review.
12. Heavy duty silt fence and adequate erosion control around the entire construction site shall be required and maintained by the Developer during construction to ensure that sediment and storm water does not leave the project site.
13. 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.
14. A right-of-way permit shall be required for work performed within the City right-of-way.
15. 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.
16. 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.
17. A separate sign permit shall be required for all signs on the site.
18. The sign copy area for the freestanding monument signs shall be allowed up to 110 square feet as requested under the approved plans. All other signage shall comply with Sign District 5 regulations.
19. 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.

20. The Applicant shall be financially responsible for all applicable water and sanitary charges. Rates applied shall be memorialized in the Development Agreement.
21. 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.
22. The Applicant shall provide an agreement for shared management and maintenance of the site access, parking areas, landscaping, snow removal and common areas for the City Attorney to review and for the City Council's approval prior to the approval of the Master PUD Development Agreement.
23. The proposed structures shall conform to all other regulations in the City Code.
24. The Applicant shall provide a copy of the Stormwater Management Report and verification of Rice Creek Watershed approval prior to the approval of the Development Agreement.
25. The property owner shall provide evidence of an updated ingress/egress easement for the proposed development or obtain an ingress/egress easement for use of the western access located on 3728 Dunlap Street prior to approval of the Development Agreement.

**Senior Planner Jagoe** 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

**Acting Chair Wicklund** opened the floor to Commissioner comments.

**Commissioner Jefferys** reported there were a lot of requests for flexibility from the applicant and noted staff has recommended 25 conditions. She asked if the Commission would be approving all of the deviations from the City's requirements if a motion for approval were made.

**Senior Planner Jagoe** stated this would be the case with the conditions as drafted.

**Commissioner Subramanian** thanked staff for the detailed report on this Planning Case. He discussed the location of the drive-thru and asked if the snow storage issue had been addressed.

**Senior Planner Jagoe** deferred this question to the applicant.

**Dan Terwilliger**, 2700 West 44<sup>th</sup> Street in Minneapolis, described where snow would be stored on the site. He noted there would not be any issues for the cars exiting the drive-thru.

**Commissioner Weber** stated this was a complex request. He questioned if there were any façade deficiencies for the elevations facing Lexington Avenue.

**Senior Planner Jagoe** explained the out parcel building facing Lexington Avenue and noted flexibility had been requested.

**Commissioner Weber** commented on the Walgreens building and how it was oriented on the site. He questioned if the City was paying for the new sidewalk in the County right of way along Lexington Avenue.

**Senior Planner Jagoe** stated she did not know the answer to this question.

**Acting Chair Wicklund** requested further information on why businesses were orienting their buildings to the parking lot versus the main street of Lexington Avenue.

**Mr. Terwilliger** reported tenants today want their storefront entrance as patrons walk in with parking up front. He stated this creates an easily walkable development. He explained if the front of the building were to face Lexington Avenue, patrons would have to walk around to another side of the building in order to access the front doors.

**Commissioner Weber** stated this was reasonable, but noted the placement of the outlot building was also a concern to him.

**Commissioner Zimmerman** discussed how it was sometimes difficult to place a building on a site in order to meet all of the City's design standards. For this reason, flexibility can be offered in order to find middle ground where the City's requirements and the developers standards mesh. He appreciated how the developer had tried to make this development as close to the City's requirements as possible.

**Commissioner Subramanian** questioned when construction would begin for this project.

**Mr. Terwilliger** explained they would plan to begin demolition this fall with construction beginning next spring.

**Commissioner Jefferys** stated she would like to have a better understanding why so many deviations from the City's requirements was being requested.

**Ryan Anderson**, ISG Civil Engineering, discussed the building placement in detail with the Commission. He explained the City required a 50 foot setback along Lexington Avenue, with the building required to be built at the 50 foot setback. He commented a 20 foot parking setback was also in place. He described how these requirements led him to the proposed building placement in order to create a destination for patrons.

**Acting Chair Wicklund** requested further information regarding the landscaping flexibility.

**Senior Planner Jagoe** reported the applicant was proposing to have 15% lot area coverage with landscaping when 25% was required by the City. She noted 14 trees were required within the development along the ROW and the applicant was proposing to plant four along the public street frontages.

**Mr. Anderson** explained this was a tight site and was being retrofitted as it was now 100% impervious. He believed that he was bettering the situation by reducing this number to 85%. He understood he was short of meeting City Code, but noted 15% was in line with other communities for commercial developments. He was of the opinion 25% was a great deal of



greenspace for a commercial property. He commented further on the parking and screening that would be in place.

**Acting Chair Wicklund** requested further information from the applicant regarding the flexibility that was requested for the free standing signs and pedestrian/bicycle circulation.

**Mr. Anderson** stated sidewalks would be provided on both frontages (Lexington Avenue and Grey Fox Road). He noted the County was part of this project and would provide a new sidewalk along Lexington Avenue. He then discussed the free standing signs that would be installed on the property. He explained City Code allows 100 square feet of signs and he was requesting 110 square feet between the three tenants, which was how the architecture of the signs fell. Mr. Anderson commented that they would review the site plan to adjust the sidewalk width along Grey Fox Road and reduce the freestanding sign area to meet ordinance requirements.

**Acting Chair Wicklund** requested further comment on the flexibility that was requested for the wall signs and drive-thru facilities.

**Mr. Anderson** commented with double frontages it was ideal to have visibility from both sides of the building. For this reason, signs were requested for the building facades that faced Lexington Avenue and Grey Fox Road. He believed this helped with driver safety as well. He discussed the code requirements for drive-thrus in Arden Hills and noted the proposed drive-thru was not further than 1,320 feet from another drive-thru, which then required flexibility. He explained that the world was changing due to COVID and more businesses were in need of drive-thrus.

**Acting Chair Wicklund** reported drive-thru flexibility has been offered by the City in the past for Dunn Brothers, the Goodwill, Jimmy John's and Caribou.

**Commissioner Jefferys** requested further information from the applicant regarding the building material flexibility.

**Mr. Anderson** discussed the building materials that would be used for the Aldi building. He noted the upper story windows would provide natural light and transparency into the building. He reported the back of the building would be used for storage and coolers. He requested flexibility and that windows not be required along this elevation. He explained the building had been modified from the typical prototype to fit the site and the City's requirements.

**Chad Haller**, 10K Architecture representative, commented on the building materials that would be used on the out parcel building. He explained one elevation of the building would have store rooms and visible glass would create a long-term challenge. He discussed how the building materials were varied along this elevation to create interest. He indicated spandrel glass could be considered to assist him with meeting the City's requirements.

**Councilmember Holmes** commented on the spandrel glass that was used on the Goodwill. She encouraged the developer to consider using spandrel glass for the elevation facing Lexington Avenue.

**Acting Chair Wicklund** explained the Commission has voiced concern as to what the elevation would look like along Lexington Avenue and encouraged the applicant to take this feedback into consideration prior to this request being considered by the City Council.

**Commissioner Jefferys** requested further information regarding the off street parking setback flexibility. She questioned if the City had other parking lots with this same setback variance.

**Senior Planner Jagoe** stated she did not have enough history with the City to know that information.

**Mr. Anderson** reported this setback was requested to meet the City’s parking requirements.

**Commissioner Subramanian** indicated the City requires 120 parking spaces and the applicant was proposing to have 143 total parking spaces. He questioned if the minimum landscape area could be met given the fact the applicant would be overparking the site.

**Mr. Anderson** commented parking was a concern for the City Council and for this reason the site was over parked. He indicated he would consider adding more landscaping if this was the direction the City would like to move in.

**Commissioner Subramanian** stated he would like to see this pursued further with the developer.

**Commissioner Weber** discussed the large amount of greenspace that would be provided along Lexington Avenue. He indicated he was not concerned by the landscaping percentage.

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

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

There being no comment Acting Chair Wicklund closed the public hearing at 7:53 p.m.

**Commissioner Zimmerman moved and Commissioner Subramanian seconded a motion to recommend approval of Planning Case 21-019 for a Preliminary Plat, Final Plat, Master Planned Unit Development, and Site Plan based on the findings of fact and the submitted plans, as amended by the conditions in the September 8, 2021, report to the Planning Commission including conditions 24 and 25 as presented:**

**24. The Applicant shall provide a copy of the Stormwater Management Report and verification of Rice Creek Watershed approval prior to the approval of Development Agreement.**

**25. The Property Owner shall provide evidence of or obtain an ingress/egress easement for use of the western access located on 3728 Dunlap Street.**

**Commissioner Jefferys** asked if this would be a time to note the applicants were willing to address several items and would be making changes.

**Acting Chair Wicklund** indicated this would be included in the notes that were passed along to the City Council.

**Councilmember Holmes** stated she would appreciate the Commission summarizing the comments from the applicant.

**Acting Chair Wicklund** explained the concerns would be included in the minutes.

**Councilmember Holmes** indicated she would like this information summarized within the motion.

**Commissioner Jefferys moved and Commissioner Weber seconded a motion to amend the original motion adding the following conditions: that the Applicant change the pedestrian and bicycle circulation to go from a five foot sidewalk to a six foot sidewalk, the Applicant should consider reconfiguring site layout for ratio of landscaping to number of parking spaces, the Applicant is to review the outparcel Lexington Avenue elevation to meet transparency requirements, and the free standing sign copy area should meet City Code as agreed upon by the Applicant.**

**A roll call vote was taken. The amendment carried unanimously (5-0).**

**A roll call vote was taken. The amended motion carried unanimously (5-0).**

**C. Planning Case 21-021; 3300 New Brighton Road and 1893 Beckman Avenue – Minor Subdivision – *Public Hearing***

This item was removed from the agenda.

**D. Planning Case 21-020; 2 Pine Tree Drive – Bethel University – PUD Amendment – *Public Hearing***

**Senior Planner Jagoe** stated in 2013, Bethel University acquired the Country Financial facility at 2 Pine Tree Drive. The subject property is located within the B-2 General Business District, where higher educational uses are permitted by Conditional Use Permit (CUP). At its November 25, 2013 meeting, the City Council approved a CUP for Bethel University to use the existing facility as higher education. The campus is referenced as their “Anderson Center” location. The approx. 227,000 square foot multi-tenant building is a mixture of higher education and office/commercial uses.

**Senior Planner Jagoe** explained the property was subdivided in 2020 and split into three lots and Outlot A to be used for utilities and access drive within the plat. Bethel University retained their parcel with existing development and Outlot A. A Planned Unit Development (PUD) was approved in January 2021 for New Perspective Senior Living to be developed on Lot 1. Lot 2 was sold to the Lake Johanna Fire Department and is currently undeveloped. Bethel University has an existing multitenant freestanding sign that is located along Pine Tree Drive on Lot 2. They are planning to move the multi-tenant freestanding sign to Outlot A which is owned by Bethel University. With this relocation, the Applicant is planning upgrades to the freestanding sign design and size.

**Senior Planner Jagoe** reviewed the surrounding area, the Plan Evaluation and provided the Findings of Fact for review:

1. The Applicant submitted an application for a Planned Unit Development 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 approximately 1.2 acres and is owned by the Applicant as part of the 2 Pine Tree North plat.
4. The Applicant is proposing an amendment to the approved PUD and CUP to allow a multitenant freestanding sign located on the subject property.
5. The Applicant and New Perspective Senior Living have an approved PUD and shared parking agreement.
6. The PUD Development Agreement for New Perspective Senior Living provides for shared access and specified utilization of the subject property.
7. The application is not anticipated to create a negative impact on the immediate area or the community as a whole.
8. The proposed plan does not conflict with the general purpose and intent of the Zoning Code or the Comprehensive Development Plan for the City.

**Senior Planner Jagoe** stated staff recommends approval of Planning Case 21- 020 for a Planned Unit Development Amendment at 2 Pine Tree Drive and Outlot A, based on the findings of fact and the submitted plans, as amended by the conditions in the September 8, 2021, Report to the Planning Commission:

1. All conditions of the original Condition Use Permit and Planned Unit Development shall remain in full force and effect.
2. A separate sign permit shall be required and multi-tenant signage must meet all requirements of City Code Chapter 12.
3. Prior to issuance of a sign permit, the Applicant shall provide City Staff with a written statement from New Perspective Senior Living of their intent to forego a single-tenant monument sign and agreeing to the placement and utilization of the on-premise multitenant sign under the PUD.
4. All signage shall meet the requirements of Sign District 4.
5. The Applicant, the owner of Outlot A, shall be permitted one freestanding sign on the subject property.

**Senior Planner Jagoe** 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

**Acting Chair Wicklund** opened the floor to Commissioner comments.

**Commissioner Weber** questioned if the existing sign would now be brighter.

**Senior Planner Jagoe** deferred this question to the applicant.

**Rachel Gilbert**, representative for Bethel University, clarified the sign was lit by floodlights and was not lit internally.

**Commissioner Weber** questioned if a signed agreement with New Perspectives would be sufficient to legally prohibit them from installing a monument sign.

**Senior Planner Jagoe** stated this could be confirmed with the City Attorney prior to the City Council meeting.

**Acting Chair Wicklund** asked why the north side has been chosen for the monument sign.

**Ms. Gilbert** discussed the property lines and noted the road was not centered within Outlot A and for this reason, the sign would only fit on the north side. She indicated the sign would not impede sight lines any further than the trees that were in this location.

**Acting Chair Wicklund** opened the public hearing at 8:15 p.m.

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

There being no comment Acting Chair Wicklund closed the public hearing at 8:16 p.m.

**Commissioner Weber moved and Commissioner Subramanian seconded a motion to recommend approval of Planning Case 21-020 for a Planned Unit Development Amendment at 2 Pine Tree Drive and Outlot A based on the findings of fact and the submitted plans, as amended by the conditions in the September 8, 2021, report to the Planning Commission. A roll call vote was taken. The motion carried unanimously (5-0).**

**E. Planning Case 21-023; City of Arden Hills – 3588 Ridgewood Road – *Public Hearing Not Required***

**Senior Planner Jagoe** stated earlier this year, the City was contacted by two interested parties regarding purchasing the City owned parcel at 3588 Ridgewood Road. City Staff had several internal discussions about how the City acquired the lot and development logistics in adherence to city code requirements. City Staff was unable to obtain title information from the Ramsey County Recorder's Office document search for the subject parcel. Therefore, the City Attorney was directed to begin the process of a title search in order to obtain an Owners/Encumbrances Report. On August 6th, the City received the completed title report which confirmed that the property came from State through County as part of turnback of the old Snelling Avenue corridor ROW. There are no deed restrictions prohibiting the City from selling this parcel. Ramsey County records show the value of the parcel at \$68,400.

**Senior Planner Jagoe** reported the lot is considered a nonconforming lot. The R-1 District requires a 14,000 square foot lot with 95 ft. width and 130 ft. depth. This irregular shaped lot is about 13,500 square feet. The City Attorney has confirmed that a variance for the building of a

structure on the lot would be required. At the August 16th City Council Work Session, the Council discussed whether or not there was interest in selling the parcel and directed Staff to proceed with the process for potential listing. Additionally, the Council discussed the options for processing of a variance. The consensus of the Council was that any future listing of the property would disclose to a potential Buyer that they would need to have the variance applied for and approved prior to the closing of the property, as part of the purchase agreement. This way the City has an opportunity to approve the concept of buildability as long as all yard setbacks and design standards are met. The Council did not grant approval of the variance or review potential site layouts. Those items will be considered at a later date and would be up to the Future Buyer to provide documentation on site layout and code compliance.

**Senior Planner Jagoe** stated based off of the direction given by the Council, Staff is presenting this item to the Planning Commission for review of consistency with the City's Comprehensive Plan. The City has verified that the parcel is not dedicated for a public purpose that would prohibiting the sale (i.e. park land or public improvements). The parcel is not identified in the City's Comprehensive Plan as a site for future development to meet the needs of city infrastructure or operational activities. If the Commission recommends the disposal, Staff would begin the process of listing the property and allow a defined period of time for offers to be submitted.

**Senior Planner Jagoe** reviewed the Site Evaluation and provided the Findings of Fact for review:

1. The property at 3588 Ridgewood Road is located in the R-1, Single Family Residential Zoning District.
2. The Arden Hills 2040 Comprehensive Plan has the property guided toward Low Density Residential on the Future Land Use Plan.
3. The subject property is a nonconforming lot.
4. The development of the site for a single family residential dwelling is a permitted use within the R-1 Zoning District.
5. The adjacent properties are developed as single family residential and are zoned R-1 Single Family Residential and are guided Low Density Residential uses in the Arden Hills 2040 Comprehensive Plan.
6. The sale of the city owned parcel at 3588 Ridgewood Road is determined to be consistent with the City's Comprehensive Plan.

**Senior Planner Jagoe** stated staff recommends approval of Planning Case 21-023 recommending that a potential sale of City owned property at 3588 Ridgewood Road would be consistent with the City's Comprehensive Plan as presented in the September 8, 2021 Report to the Planning Commission.

**Senior Planner Jagoe** reviewed the options available to the Planning Commission on this matter:

1. Recommend Approval as Presented
2. Recommend Denial
3. Table

**Acting Chair Wicklund** opened the floor to Commissioner comments.

**Commissioner Subramanian** questioned what the money would be used for when the properties are sold by the City.

**Councilmember Holmes** explained anyone from the public could bid on the property and the funds would be placed in the General Fund.

**Councilmember Weber** suggested the funds be placed in the Park Fund. He was of the opinion this was not a buildable lot and asked if the land could be sold to the adjacent neighbors.

**Senior Planner Jagoe** stated the Planning Commission could recommend denial of the land sale. She indicated the adjacent property owners would have the same opportunity to purchase the land if listed for sale and then they would have to make application to subdivide the land between neighbors.

**Commissioner Zimmerman** stated his only concern was that the lot would come back before the City with a request from a developer because this was a non-conforming lot.

**Senior Planner Jagoe** commented any future buyer would have to apply for a variance and as part of that review demonstrate site layout and code compliance with any future request.

**Councilmember Holmes** explained the Council understood this property was below the City's required total lot area, which would require a variance. She noted the Council was concerned about additional variances being requested due to the lot size.

**Acting Chair Wicklund** open the meeting for public comments.

**Jeff Magnuson**, 3570 Ridgewood Road, stated he lived just south of this property. He explained it was unusual that this land could be sold given the fact it was an unbuildable lot. He was concerned with the fact the City was willing to sell this lot, which would lead to variances. He reported he placed his home on his lot with the understanding the adjacent lot was not buildable.

**Carla Taylor**, 3583 Snelling Avenue North, indicated she made a huge investment when she relocated her driveway. She explained her driveway was changed for safety purposes. She stated at the time she changed her driveway she tried to purchase a portion of this property and was told this lot was unbuildable and was park land. She commented if this property was sold, the City was agreeing to make variances in order for a home to be built. She discussed how a home on this property would peer over her home and would require her to share her driveway. She indicated she was quite disturbed to have developers walking up her driveway with potential clients for this lot. She commented further on how the value of her home would be impacted if a home were located on this unbuildable lot. She requested the City allow her family and the Magnuson's first right of refusal on this property.

**Kathy Nelson**, 3475 Siems Court, stated she has been a resident of Arden Hills for the past 35 years. She discussed how her property would be impacted if a home were placed on the unbuildable lot. She expressed concern with the notification the City gave to the adjacent residents. She encouraged the City to take into consideration the fact that the neighbors were

told this was an unbuildable lot and had oriented their homes with this information in mind. She feared that there had been too many changes at the staff level and there had not been proper follow through for this property. She indicated she would like to see this lot remain as is.

**Acting Chair Wicklund** closed the meeting for public comments.

**Acting Chair Wicklund** explained the residents have stated the City of Arden Hills made the adjacent residents believe this lot was unbuildable and these residents made investment decisions for their homes and driveways based on this. He questioned what the Planning Commission should do with this information. He asked if there was a way to subdivide the lot and split it into two.

**Senior Planner Jagoe** commented the lot could not be split into two new lots of record because the new lots would not meet the City's standards. However, the neighbors could pursue a minor subdivision and then combine the lot area with the adjacent parcels.

**Commissioner Subramanian** thanked the residents for coming forward and speaking to the Commission regarding their concerns. He noted things have changed and the City is considering selling this property. He asked if the property could be sold to the neighbors and it could be divided.

**Senior Planner Jagoe** reported this may be possible by applying for a minor subdivision.

**Acting Chair Wicklund** stated he would be willing to make this a condition for approval of the land sale.

**Senior Planner Jagoe** explained the Commission was being asked if the land sale was consistent with the Comprehensive Plan. She reported a 60 day timeline was not in place for this Planning Case and noted the Commission could table action on this item.

**Councilmember Holmes** indicated this was an unusual item that was only being reviewed by the Planning Commission and would not move forward to the City Council.

**Commissioner Weber** commented this meant if the Planning Commission were to decline the request, the sale would not go forward.

**Senior Planner Jagoe** reported this was the case noting the Commission would have to state reasons for the denial.

**Commissioner Weber** stated he would like staff to investigate if the City designated this land park property with Ramsey County.

**Senior Planner Jagoe** commented she had not contacted the County. However, she noted a title search was done and noted the land had no park land designation and there were no deed restrictions on the sale of the property.

**Commissioner Weber** indicated this was a very unfortunate situation for the neighbors. He was of the opinion the land had to be sold with the understanding it was an unbuildable lot.



**Commissioner Subramanian** questioned if the Planning Commission should wait to hear from the City Attorney as to how many variances would be required to build on this lot.

**Acting Chair Wicklund** stated the Commission could move in this direction and noted the design of a building was quite complex.

**Commissioner Jefferys** commented the question before the Commission was if the sale of this property was consistent with the Comprehensive Plan. She understood it was unfortunate that the neighbors were told one thing, when in fact the sale of this land was consistent with the Comprehensive Plan.

**Acting Chair Wicklund** suggested a condition be added for approval that reads: The sale should include an appraisal, a first right of approval to the neighbors north and south, prior to the land going to the public for sale. He then questioned what would happen if the Commission were to table action on this item in order to receive comment from the City Attorney regarding a structured sale of the property. He clarified again for the record, there was no rush to take action on this item.

**Senior Planner Jagoe** reported this was the case.

**Acting Chair Wicklund** supported the Commission tabling action on this Planning Case to seek legal opinion.

**Commissioner Subramanian** agreed.

**Commissioner Zimmerman** believed the adjacent residents should be brought in to discuss with the City how this land should be disbursed, especially given the fact they were told the land was unbuildable.

**Commissioner Weber moved and Commissioner Zimmerman seconded a motion to table action on this item pending a discussion with the City Attorney on the ability of directing conditions for the structure of the land sale. A roll call vote was taken. The motion carried unanimously (5-0).**

## **UNFINISHED AND NEW BUSINESS**

None.

## **REPORTS**

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

**Councilmember Holmes** provided the Commission with an update from the City Council. She thanked the Planning Commission for their service to the community. She reported on October 2 an Arden Hills cleanup day would be held in Blaine at Green Recycling from 9:00 a.m. to 12:00 p.m. She stated on October 5 a meeting would be held on the Lake Johanna Trail at Tony

Schmidt Park from 5:00 p.m. to 7:00 p.m. She explained the State of the City would be held on October 7 at 7:30 p.m. at the Public Works Facility.

**B. Planning Commission Comments and Requests**

**Commissioner Jefferys** requested the Commission discuss their role with the Comprehensive Plan at a future meeting.

**Commissioner Zimmerman** encouraged the City Council to discuss the property sale taking into consideration the neighbors had been told this property was unbuildable.

**ADJOURN**

**Commissioner Weber moved, seconded by Commissioner Zimmerman, to adjourn the September 8, 2021, Planning Commission Meeting at 9:06 p.m. A roll call vote was taken. The motion carried unanimously (5-0).**