



MEMORANDUM

DATE: October 6, 2021

TO: Planning Commission Chair and Commissioners

FROM: Jessica Jagoe, Senior Planner

SUBJECT: Planning Case #21-023 – No Public Hearing Required
Applicant: City of Arden Hills
Request: Sale of City Owned Parcel at 3588 Ridgewood Road

Requested Action

The Planning Commission shall review and provide a recommendation whether a potential sale of the City owned parcel at 3588 Ridgewood Road would be in compliance with the City's Comprehensive Plan.

Background

At the September 8th Planning Commission meeting, the Commission made a motion to table action on this agenda item in order to seek a legal opinion from the City Attorney as to whether or not conditions could be included directing the process of the land sale. Following this action, City Staff contacted the City Attorney to verify the discretion allowed within this review. The City Attorney has confirmed that as established by State Statute the role of the Planning Commission in this instance is limited to determining whether or not the proposed sale is in compliance with the Comprehensive Municipal Plan. The Planning Commission does not have the authority to add conditions to direct the terms of the sale.

Also from this meeting, the Commission noted that Ramsey County's GIS had shown a map label of "Park" on the subject parcel. This label was populated within their mapping layers under Lot Text. City Staff contacted the Assessor's Office to research prior documentation of park dedication. The County noted that it was possible they had this identifier prior to the City acquiring the land and that the map was never updated, but no formal dedication was found. The City Attorney has reviewed the information and questions raised by the Commission regarding this map label. Their office has confirmed that a statement of purpose for which a property is to be used is not sufficient to create a restrictive use covenant. Such a restriction would have required language within the deed. On August 6th, the City received the completed title report (Attachment C) which confirmed there are no deed restrictions prohibiting the City from selling this parcel.

General Procedures

City Ordinance Chapter 2, Section 220.03 Subd.2.B for Planning Commission Powers and Duties states the following:

B. The Planning Commission shall review the proposed acquisitions and disposal of real property and proposed public improvements to real property and shall advise the City Council in writing whether such acquisitions, disposals, or improvements are in compliance with the City's Comprehensive Municipal Plan. Failure of the Planning Commission to report on the proposal within forty-five (45) days after referral by the City Council or within such other reasonable period as may be designated by the City Council shall be deemed to have satisfied this review requirement. The City Council may, by resolution adopted by an affirmative vote of four (4) Council Members, dispense with this review requirement if in its judgment the City Council determines that such proposal has no relationship to the City's Comprehensive Municipal Plan.

The review of the Planning Commission is further instructed in State Statute 462.356, Subd. 2 Procedure to Effect Plan: Generally which requires that, before a City acquire or dispose of any interest in property that the Planning Commission review the proposed transaction for consistency with the comprehensive plan. Below is the language in its entirety from this subdivision:

Subd. 2. Compliance with plan.

After a comprehensive municipal plan or section thereof has been recommended by the planning agency and a copy filed with the governing body, no publicly owned interest in real property within the municipality shall be acquired or disposed of, nor shall any capital improvement be authorized by the municipality or special district or agency thereof or any other political subdivision having jurisdiction within the municipality until after the planning agency has reviewed the proposed acquisition, disposal, or capital improvement and reported in writing to the governing body or other special district or agency or political subdivision concerned, its findings as to compliance of the proposed acquisition, disposal or improvement with the comprehensive municipal plan. Failure of the planning agency to report on the proposal within 45 days after such a reference, or such other period as may be designated by the governing body shall be deemed to have satisfied the requirements of this subdivision. The governing body may, by resolution adopted by two-thirds vote dispense with the requirements of this subdivision when in its judgment it finds that the proposed acquisition or disposal of real property or capital improvement has no relationship to the comprehensive municipal plan.

The City Attorney has advised that a public hearing is not required for the disposal of city property. Notification was prepared in accordance with City policy and neighboring property owners were notified.

Findings of Fact

The Planning Commission must make a finding as to whether or not the proposed disposal of real property is in compliance with the City's Comprehensive Plan based on the aforementioned factors. Staff offers the following findings for consideration:

General Findings:

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 in compliance with the City's Comprehensive Plan.

Options and Motion Language

Staff has provided the following options and motion language for this case.

- **Recommend Approval:** Motion to recommend *approval* of Planning Case 21-023 recommending that a potential sale of City owned property at 3588 Ridgewood Road would be in compliance with the City's Comprehensive Plan as presented in the September 8 and October 6, 2021 Reports to the Planning Commission.
- **Recommend Denial:** Motion to recommend *denial* of Planning Case 21-023: *findings to deny should specifically reference the reasons for denial.*
- **Table:** Motion to table Planning Case 21-023: *the Planning Commission should identify a specific reason and/or information request should be included with a motion to table.*

Public Notices

A public hearing is not required for this review. Notice was published in the *Pioneer Press* on September 24, 2021. Notice was prepared by the City and mailed to property owners within 500 feet of the subject property. The City has not received any public comments regarding this case.

Attachments

- A. Location Map
- B. Location Map with Dimensions
- C. Title Search
- D. September Planning Commission Memo