



Approved: November 3, 2021

---

**CITY OF ARDEN HILLS, MINNESOTA  
PLANNING COMMISSION  
WEDNESDAY, OCTOBER 6, 2021  
6:30 P.M. - ARDEN HILLS CITY HALL**

---

**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.

**ROLL CALL**

Present were: Chair Paul Vijums, Commissioners Marcie Jefferys (attending via Zoom), Subbaya Subramanian, Kurtis Weber (attending via Zoom), and Clayton Zimmerman.

Absent: Commissioner Jonathan Wicklund.

Also present were: Senior Planner Jessica Jagoe and Councilmember Steve Scott.

**APPROVAL OF AGENDA – OCTOBER 6, 2021**

**Chair Vijums moved, seconded by Commissioner Zimmerman, to approve the October 6, 2021, agenda as presented. A roll call vote was taken. The motion carried unanimously (5-0).**

**APPROVAL OF MINUTES**

*September 8, 2021 – Planning Commission Regular Meeting*

**Commissioner Zimmerman moved, seconded by Commissioner Subramanian, to approve the September 8, 2021, Planning Commission Regular Meeting as presented. A roll call vote was taken. The motion carried unanimously (5-0).**

**PLANNING CASES**

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

**Senior Planner Jagoe** stated the Minor Subdivision has been requested to allow for the alteration of the property line between the subject properties. Currently, the two properties have joint access to a driveway that crosses the shared property line. The Applicants are requesting the

Minor Subdivision to alter the property line to include all of the shared driveway. This would involve adding 796 square feet (excluding ROW) of property to Subject Property A, owned by the Applicants.

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

1. The properties at 3300 New Brighton Road and 1893 Beckman Avenue are located in the R-2 – Single and Two Family Residential Zoning District.
2. The Arden Hills 2040 Comprehensive Plan designates the properties at 3300 New Brighton Road and 1893 Beckman Avenue as Low Density Residential.
3. The Applicants have submitted an application for a Minor Subdivision to adjust the side yard lot line between the two existing properties.
4. The proposed Minor Subdivision is not creating a new lot of record.
5. The request proposes to use the property in a reasonable manner as a single-family dwelling.
6. The Owner of the platted lot has filed with the zoning administrator a registered land survey of the lot line adjustment.
7. The proposed division will not be detrimental to the public welfare or injurious to adjacent tracts in the area in which the subdivision tract is located.

**Senior Planner Jagoe** stated staff recommends approval of Planning Case 21- 021 for a Minor Subdivision at 3300 New Brighton Road and 1893 Beckman Avenue, based on the findings of fact and the submitted plans, as amended by the conditions in the October 6, 2021, Report to the Planning Commission:

- 1) The Applicant shall record the Minor Subdivision with Ramsey County and a copy shall be provided to the City within sixty (60) days of the City's approval.
- 2) The Applicant shall record the drainage and utility easements as shown on the submitted survey with Ramsey County and a copy shall be provided to the City within sixty (60) days of the City's approval.
- 3) Monument stakes shall be installed to demarcate the property lines adjusted between Property A and Property B.

**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

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

**Chair Vijums** requested further information on how the driveway would be impacted.

**Senior Planner Jagoe** explained the area in blue on the map was the driveway areas that would be removed.

**Chair Vijums** opened the public hearing at 6:43 p.m.

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

There being no comment **Chair Vijums** closed the public hearing at 6:43 p.m.

**Commissioner Zimmerman moved and Commissioner Subramanian seconded a motion to recommend approval of Planning Case 21-021 for a Minor Subdivision at 3300 New Brighton Road and 1893 Beckman Avenue based on the findings of fact and the submitted plans, as amended by the conditions in the October 6, 2021, report to the Planning Commission. A roll call vote was taken. The motion carried unanimously (5-0).**

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

**Senior Planner Jagoe** stated 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.

**Senior Planner Jagoe** commented 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 which confirmed there are no deed restrictions prohibiting the City from selling this parcel.

**Senior Planner Jagoe** commented on the request further 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 in compliance 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 in compliance with the City’s Comprehensive Plan as presented in the September 8 and October 6, 2021 Reports to the Planning Commission.

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

1. Recommend Approval
2. Recommend Denial
3. Table

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

**Commissioner Jefferys** thanked staff for all of the follow up work on this matter. She explained after reviewing this information, the sale of this property was consistent with the Comprehensive Plan.

**Commissioner Weber** indicated the previous park designation that was on the GIS map was probably the most likely document to be seen by the public. He stated it was unfortunate because this may have guided the neighbors decisions. He explained he did believe the sale of the property was in compliance with the Comprehensive Plan.

**Commissioner Subramanian** asked if the City Engineer had made a recommendation on if this lot was buildable.

**Senior Planner Jagoe** commented any future home plans as well as site grading and retaining walls would be reviewed by the City Engineer. However, that would be part of the Future Buyers due diligence in this process to provide documentation prior to closing.

**Chair Vjums** explained he was not at the last Planning Commission meeting. He understood there were fruitful discussions regarding this matter. He indicated he was concerned with the fact this property would be sold and the future owners and several variances would be required. He wished these future owners understood that variances would be required in order to make this property work. He stated he would not be in favor of a home being built on this property because it would require several variances.

**Senior Planner Jagoe** explained a variance would be needed due to the nonconforming lot size and that the City cannot prohibit a potential future buyer from asking for additional variances, but that staff would communicate in the listing the parameters of this property. She indicated the City has had two interested parties and this information has been conveyed.

**Chair Vijums** stated he did believe this property sale was in compliance with the City's Comprehensive Plan, which was the request before the Planning Commission.

**Commissioner Zimmerman moved and Commissioner Subramanian seconded a 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, 2021 and October 6, 2021 Reports to the Planning Commission. A roll call vote was taken. The motion carried unanimously (5-0).**

**C. Planning Case 21-024; City of Arden Hills – Zoning Code Amendment to Sections 1320.06, District Requirements Chart and 1325.05, Design Standards for Revisions to the B-2, General Business District and B-3, Service Business District – *Public Hearing***

**Senior Planner Jagoe** stated starting in 2018, the City Council began discussions on possible amendments with regards to the design standards and placement of buildings for the B-2 Zoning District. The B-2 District generally includes the properties along the County Road E corridor between Highway 51 and Lexington Avenue North. The district is a mix of new and older buildings and primarily retail, service, and office uses. For new development in this district, the Zoning Code identifies design standards that regulate placement of the building and parking areas. The City Council's initial review involved discussions on the front yard setback in business districts and consideration for amending the language from 20 feet to 50 feet to be consistent with the B-3 District. In addition, the Council reviewed removal of two parking setback requirements that would allow a Developer more flexibility in the placement of buildings and parking areas in the B-2 District.

**Senior Planner Jagoe** commented from this initial work session, the City Council also identified additional concerns with building façade requirements. In 2019 and 2020, the City Council held two more work sessions whereby providing feedback and direction to staff on revisions for consideration in the B-2 District. The Council requested staff review the transparency requirements for commercial developments as well as the use of other types of coating on glass as a means of complying with ordinance requirements.

**Senior Planner Jagoe** reported at the work session meeting on December 21, 2020, the City Council discussed the Staff suggested amendments regarding front yard setback and removal of design standard language in order to allow more flexibility in placement of the buildings in B-2 District. The consensus was to remove a sentence within Commercial Façade Transparency, Section 1325.05, Subd. 8, F.1 that allowed discretion for waiving the transparency requirements. The rationale was that this flexibility already exists through the Planned Unit Development review and a Developer could suggest alternate considerations. For façade transparency, the City will continue to require 50% of all first level building facades that front a public street to be comprised of transparent windows or doors. The language to be removed was a second requirement of 20% for all facades that are reasonably visible from the right-of-way. With the language amendments to the building and parking setbacks it is anticipated that there will be fewer issues on design challenges with building orientation and the back side of a building facing the public street. The proposed changes still ensures that the appearance of blank walls would not

face the street. Following the discussion, Staff was directed to bring forward the proposed ordinance amendments to the Planning Commission and to hold a public hearing.

**Senior Planner Jagoe** reviewed the proposed Ordinance amendments and provided the Findings of Fact for review:

1. The City of Arden Hills is proposing to amend ordinance language for the design standards in the B-2, General Business Zoning District and B-3, Service Business District.
2. The City of Arden Hills is proposing a front yard setback of 50 feet in the B-2, General Business Zoning District.
3. The proposed ordinance will include amendments to the language of Chapter 13 – Zoning Code of the City Code.
4. 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 21-024 as presented (or as modified by Planning Commission) for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to amend and strike ordinance language in the B-2, General Business District for the front yard setback as well as requirements to building façade and parking setback standards that includes the B-3, Service Business District as presented in the October 6, 2021 Report to the Planning Commission.

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

1. Recommend Approval
2. Recommend Denial
3. Table

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

**Commissioner Jefferys** asked how the Goodwill and Walgreens would look if these requirements had been in place when these buildings were constructed.

**Senior Planner Jagoe** discussed how the front yard setback would change and noted how the building placement would have been impacted.

**Commissioner Weber** stated he believed these were all good changes.

**Chair Vijums** questioned if these changes were made based on other communities making changes, or because the City was making variances in these areas.

**Senior Planner Jagoe** explained she could not answer specifically what was occurring in other communities. She anticipated this may have been part of the research, but noted the City Council held numerous workshops on this topic to address language changes for the B-2 zoning district.

**Chair Vijums** opened the public hearing at 7:11 p.m.

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

There being no additional comment Chair Vijums closed the public hearing at 7:12 p.m.

**Commissioner Zimmerman moved and Commissioner Subramanian seconded a motion to recommend approval of Planning Case 21-024 as presented for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to amend and strike ordinance language in the B-2, General Business District for the front yard setback as well as requirements to building facade and parking setback standards that includes the B-3, Service Business District as presented in the October 6, 2021 Report to the Planning Commission. 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 Scott** provided the Commission with an update from the City Council. He reported the State of the City event has been postponed and noted a recorded event would be delivered at some time in the near future. He discussed the actions of the Council at its recent meeting noting both Planning Cases were approved. He commented on the construction that occurred along Lexington Avenue and noted a Chick-Fil-A was being built on the old Perkins site. He noted the newly renovated stadium at Bethel was recently completed. He reported the Council would be reviewing the City's drive-thru requirements given the fact there has been an increase in the number of drive-thru businesses due to COVID. He stated the groundbreaking ceremony for the senior living facility along Pine Tree Drive would occur on Wednesday, October 13. He commented the litigation for TCAAP was now complete.

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

None.

### **ADJOURN**

**Commissioner Zimmerman moved, seconded by Commissioner Subramanian, to adjourn the October 6, 2021, Planning Commission Meeting at 7:22 p.m. A roll call vote was taken. The motion carried unanimously (5-0).**