

DRAFT

1. **The odd and unusual shape of the lot and topography are unique to the Subject Property, and those factors restrict alternative options for increased accessory storage.**
  2. **There is limited ability to extend the existing driveway to a detached structure in another location, and single family residential properties are limited to one driveway access per property so a second driveway access would not be permitted off of Valentine Avenue.**
  3. **The garage addition will not impede sight lines or obstruct the clear vision area from the roadways.**
  4. **This is a legal nonconforming lot that was developed in 1953 at which time City Code allowed a 10 foot side yard setback. The scope or scale of the variance request is to locate the proposed garage at a 7.82 foot setback.**
- and based on the submitted plans, as amended by the two (2) conditions in the June 8, 2022, report to the Planning Commission. The motion carried unanimously (6-0).**

**B. Planning Case 22-009; 1700 Highway 96 W – Comprehensive Plan Amendment – Public Hearing**

**City Planner Jagoe** stated Trident Development has submitted an application for two amendments to Chapter 6, Land Use of the Arden Hills 2040 Comprehensive Plan. The proposed amendments would change the future land use designation in the northwest corner of 1700 Highway 96 West (“Subject Property”) from P/I, Public and Institutional to be guided as HDR, High Density Residential as well as modify existing language in Section 6.4.10 to include the entire Subject Property to allow an increase in the maximum density through the use of a Planned Unit Development.

**City Planner Jagoe** reported Minnesota state law requires that all communities within the Minneapolis-St. Paul metropolitan area update their Comprehensive Plans every ten years. The purpose of the Comprehensive Plan is to establish the policies that guide the future physical and community development of Arden Hills. It is also a reference document for the Planning Commission and City Council when evaluating private development projects.

**City Planner Jagoe** explained based on the future land uses, the City can plan for improvements, anticipate infrastructure needs, and create appropriate land use regulations. The City’s Zoning Code identifies specific zoning districts through which the land uses and goals in the Comprehensive Plan can be implemented. The zoning cannot conflict with the future land use designation. When there is a conflict between the Comprehensive Plan and the Zoning Code, the City is required to amend the Zoning Code to comply with the Comprehensive Plan.

**City Planner Jagoe** stated the Comprehensive Plan and all its amendments must reflect the adopted regional policies in the Metropolitan Council’s system and policy plans. Local planning efforts are linked to the larger regional infrastructure of parks and trails, road networks, and wastewater infrastructure, and the City’s plan must conform to the regional vision. An amendment to the Comprehensive Plan requires a recommendation from the Planning Commission following a public hearing, and adoption of a resolution by the City Council. Adjacent communities must be given up to 60 days to review and comment on the proposed amendment before it can be reviewed and approved by the Metropolitan Council. The Metropolitan Council has the final determination as to whether to allow a CPA or not, though

they provide great deference to the City as long as the proposed land use change does not have a negative impact on a regional system (i.e. transportation, sanitary sewer, and regional parks).

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

1. The Arden Hills 2040 Comprehensive Plan designates the future land use for the Subject Property as P/I, Public and Institutional.
2. The Applicant has requested a Comprehensive Plan Map Amendment to change the future land use designation of approximately 10.75 acres in the northwest corner of the Subject Property to HDR, High Density Residential.
3. The 30 +/- acres of developed land on the Subject Property would remain guided as P/I, Public and Institutional.
4. The Applicant has requested a Comprehensive Plan Text Amendment to modify the boundaries described in existing language of Chapter 6 to include the Subject Property.
5. The proposed text amendment incorporates a defined area of land west of Snelling Avenue North to existing Comprehensive Plan language that allows an increase in the maximum density as part of a Planned Unit Development.
6. The application is not anticipated to create a negative impact on the immediate area or the community as a whole.
7. The purpose of the Comprehensive Plan is to establish the policies that guide the future physical and community development of Arden Hills.
8. The Metropolitan Council has previously approved similar amendments adding language supporting increasing the densities above the maximum permitted in a specific land use district.
9. The proposed map and text amendments have been discussed with the Metropolitan Council.

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

1. Recommend Approval with Amendments
2. Recommend Approval as Submitted
3. Recommend Denial
4. Table

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

**Commissioner Blilie** commented on how a high density building would impact this corner.

**City Planner Jagoe** discussed the concept plans that were presented to the City Council noting access to the building was shown to be from Highway 96. She explained more detailed plans would be brought to the City with the future land use application for the project if the Comprehensive Plan Amendment was approved.

**Commissioner Collins** requested further information regarding the wetland easement.

**City Planner Jagoe** reported the wetland impacts would be further understood as part of the future project review.

**Commissioner Collins** stated it looks like this development would share parking and access with the North Heights Church.

**City Planner Jagoe** commented this was the case as shown during the concept review, noting a shared parking and access agreement would be drafted and recorded with the property as part of the development approvals.

**Commissioner Collins** questioned if there were plans for a high density senior housing development within TCAAP.

**City Planner Jagoe** stated she could not confirm specifics within TCAAP, but she understood there were plans for multi-family dwellings within the TCAAP site.

**Councilmember Holmes** explained the TCAAP site has gone through many iterations. She commented at one time a senior, multi-family dwelling was included but at this time, there was nothing specifically designated for seniors, however, this did not mean there won't be. She discussed how the developer for this project wants to get the Comprehensive Plan Amendments in place prior to moving forward with their development plans.

**Commissioner Collins** indicated the TCAAP community will be much different than the community that resides south of Highway 96. He stated he had concerns with building a unicorn on the corner of this lot that does not relate to the rest of the neighborhood. He anticipated the proposed senior housing development would fit better on the TCAAP site.

**Commissioner Weber** stated he would be impacted by the proposed project as he lived directly across the street from the North Heights Church. He agreed with the concerns that have been raised about how this development would not fit in with the surrounding neighborhood. He believed a high density building did not fit in with the low density neighborhood. He discussed how the Comprehensive Plan guides this property to Public and Institutional and explained he did not support a change to the Comprehensive Plan. He indicated he was seriously concerned about the proposed change. He noted he was also concerned about including the entire North Heights Lutheran Church property in the high density zoning district. He explained he would not be allowed to put up a large building on his property and therefore he did not support North Heights Church being allowed to do this. He discussed how the large building would reflect sound to neighboring properties which would compound problems for the neighboring residents. He was of the opinion if this project were to move forward, property values would be adversely impacted. He reported this property was classified for an institutional use and should remain as such.

**Commissioner Wicklund** asked if there were any links between making these Comprehensive Plan Amendments with the proposed traffic light that would be installed with TCAAP.

**City Planner Jagoe** stated this could be reviewed and discussed with a future development plan.

**Commissioner Wicklund** reported the TRC for TCAAP does allow for senior independent living, assisted living and memory care within the Town Center portion of the development.

**Commissioner Mitchell** commented her initial reaction to this project was that this was a good corner for the proposed development because it was separated from the surrounding neighborhood by the church property. She understood there would be a loss of trees but she understood the City had tree replacement requirements. She stated she drove the site and she appreciated the concerns that were raised by Commissioner Weber. She suggested a sound wall or green buffer be required in order to address the noise concerns that would be created by the proposed senior apartment complex. She understood the Twin Cities needed more housing and she believed there were some upsides to developing this corner into senior housing.

**Chair Vijums** stated he has many concerns with this development site. He understood the North Heights Church has elected to sell of this corner for financial reasons. He indicated this allows a developer to come in but noted this was not a high density area. He reported this property was zoned low density. He believed it would be horrible for the people that live adjacent to the proposed senior building to have to look at this from their single-family home. He commented on how difficult it would be for seniors to enter and exit the proposed property. He did not see anything good about locating this senior housing project on this parcel. He spoke about the senior housing project that was being constructed at the corner of Hamline and Snelling Avenue. He noted this was a more suitable corner for such a structure. He reiterated that he did not believe the proposed corner was the right fit for a senior housing project. He feared the City would be opening a big can of worms if this project were to move forward.

**Commissioner Weber** stated it takes 100 feet of trees in order to reduce 10 decibels of sound. He indicated there was not enough space on the North Heights Church property to plant enough trees to assist with addressing the noise concerns. He commented further on how this portion of Highway 10 was in the top 10 for being the loudest roadways in the State of Minnesota. He discussed how the proposed apartment building would compound the noise concerns.

**Commissioner Blilie** reported she does not live in this area of Arden Hills and was not familiar with the noise concerns. She explained she opposed making a Comprehensive Plan Amendment, given the lack of sensible ways to access this property. She did not support this project moving forward due to the lack of access in and out of this site.

**Chair Vijums** opened the public hearing at 7:35 p.m.

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

**Denise Sayer**, 4482 North Snelling, stated she lived directly across the street from North Heights. She discussed how the rezoning or reguiding of this property would adversely impact the surrounding neighborhood. She explained when she purchased her home in the 1990's she understood North Heights would be located on this corner with a great deal of greenspace. She discussed how the events at the church has evolved over time. She stated since Highway 10 was redone, she can no longer open her windows because of the traffic noise. She feared that the proposed senior housing complex compound the noise concerns. She made the Planning Commission aware of the fact there was a petition going around from the neighbors stating they did not support the project.

**Ryan Jenner**, 1555 McClung, stated he lived across the corner from the park. He thanked the Commissioners for their comments on this project. He encouraged the Commission to really hear

the voices of those that would be directly impacted by this project. He discussed how his roads were crumbling and the paths to the parks were failing. He feared how his neighborhood would be impacted if the density were suddenly tripled. He agreed the property had access issues and recommended the amendments not move forward at this time.

**Roger Fink**, Trident Development representative, thanked the Commission and public for sharing their comments. He reported Trident Development has always prided itself on fitting in with the community and for bringing a product to the community that was needed. He stated the comments that were raised this evening were no different from the concerns that were raised at the community meeting. He explained these concerns would be taken into account when plans are drawn up. He indicated he was proposing a 124 unit three story pitched roof building with underground parking. He understood there has been a strong resistance from the neighborhood and Planning Commission to the proposed use. He commented it was critical that he has support for the use before he moves forward and creates final project plans. He stated he wants to be a good neighbor, however, if this project was not well received, he would rather look for another location to bring this product to the community.

**Commissioner Weber** thanked Mr. Fink for being straight forward and for hearing the concerns of the neighbors.

**Chair Vijums** thanked Mr. Fink for sharing his comments with the Commission. He believed Trident Development was a great development company, but he was of the opinion the proposed project would not fit on this corner.

**John Olfeld**, North Heights Lutheran Church, stated the decision to sell this land was not only financial. He explained there was a need for senior housing and as the population of Arden Hills continues to age, these residents would like to remain within the community.

There being no additional comment Chair Vijums closed the public hearing at 7:47 p.m.

**Commissioner Mitchell** questioned what portion of land was being proposed to be re-guided.

**City Planner Jagoe** reviewed the portion of land that was being proposed under the amendment was the northwest corner of the site from Public and Institutional to High Density Residential. The church 30+ acres would stay under the current land use designation.

**Commissioner Wicklund** discussed the concerns that were voiced by the Commission and neighbors. He stated it was his opinion that adding 124 units on this corner doesn't significantly add to the current sound issues that were being generated by Highway 10. Also, he believed putting high density housing was fitting for this site because it was adjacent to Highway 10 and County Road 96.

**Commissioner Weber** indicated he would not support the request due to the harm it would cause to the existing neighborhood both with sound and traffic.

**Commissioner Collins** stated he would be supporting denial of the request.

**Commissioner Blilie** explained she would also be recommending denial of the request.

**Commissioner Mitchell** stated she would support denial of the request as well due to the noise concerns. She reported she also had concerns with how this development would impact traffic, especially given the fact this area already had traffic concerns.

**Commissioner Weber** indicated a sound wall was 10+ years out for this portion of roadway.

**Commissioner Wicklund** commented he looked differently at this project. He understood the Planning Commission did not support high density on this corner property but noted he would be voting differently for this project. He reported the issue before the Commission was a regarding for this property to high density. He stated solving the traffic concerns would be addressed down the road if and when a proposal comes before the City for this property.

**Commissioner Weber** stated he did not believe the Commission was saying we don't ever want high density on this corner, but rather the Commission was saying right now, this project does not fit the character of the neighborhood.

**Chair Vijums moved and Commissioner Weber seconded a motion to recommend denial of Planning Case 22-009 for a Future Land Use Map and Chapter 6 Text Amendments to the 2040 Comprehensive Plan at 1700 Highway 96 West based on the findings of fact and the submitted plans in the June 8, 2022, report to the Planning Commission, noting the Commission had concerns with traffic, access, noise, neighborhood character, and the potential for additional high density units in this neighborhood. The motion carried 5-1 (Commissioner Wicklund opposed).**

**C. Planning Case 22-011; City of Arden Hills – Zoning Code Amendments – Chapter 13, Special Regulations for Drive-Up Windows and Drive Lanes – Public Hearing**

**City Planner Jagoe** stated at their April 18th work session, the City Council discussed possible topics that could be considered for holding a Joint Meeting with the Planning Commission. Reviewing potential topics in advance would allow planning staff an opportunity to research content and flexibility for scheduling the joint meeting at a later date based on planning case submissions. From this discussion, the Council decided that fences, drive-thru commercial districts, and home occupation deliveries would be worked on by staff. Topics for a future joint meeting would be signage and infill items.

**City Planner Jagoe** explained staff was directed to bring forward the proposed ordinance to the Planning Commission for the first review and to hold a public hearing. Following the public hearing, the draft ordinance language with recommendation of the Planning Commission would be brought to the City Council for subsequent discussion and adoption.

**City Planner Jagoe** commented on the Overview of the Ordinance Amendments and provided the Findings of Fact for review:

1. The City of Arden Hills is proposing to amend ordinance language to allow the City Council to add conditions of approval for uses with drive-up windows and drive lanes through a Planned Unit Development.