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**CITY OF ARDEN HILLS, MINNESOTA  
PLANNING COMMISSION  
WEDNESDAY, NOVEMBER 9, 2022  
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.

**ROLL CALL**

Present were: Chair Paul Vijums, Commissioners Shelley Blilie, Joshua Collins, Marcie Jefferys, Arlene Mitchell, Kurt Weber, and Jonathan Wicklund.

Absent: Steven Jones (Alternate) and Clayton Zimmerman (Alternate).

Also present were: Community Development Director Jessica Jagoe and Councilmember Fran Holmes.

**APPROVAL OF AGENDA – NOVEMBER 9, 2022**

**Commissioner Mitchell moved, seconded by Commissioner Wicklund, to approve the November 9, 2022, agenda as presented. The motion carried unanimously (7-0).**

**APPROVAL OF MINUTES**

*October 5, 2022 – Planning Commission Regular Meeting*

**Commissioner Wicklund moved, seconded by Chair Vijums, to approve the October 5, 2022, Planning Commission Regular Meeting as presented. The motion carried unanimously (7-0).**

**PLANNING CASES**

- A. **Planning Case 22-019; 3588 Ridgewood Road – Variance – *Public Hearing Not Required***

**Community Development Director Jagoe** stated at the August 16, 2021 Work Session, the Arden Hills City Council first discussed selling the city-owned parcel at 3588 Ridgewood Road—now the Subject Property of this planning case. At the subsequent meeting, the Planning

Commission reviewed the interest in selling the parcel for consistency with the City's Comprehensive Plan. The City has verified that the parcel is not dedicated for a public purpose that would prohibit the sale (i.e. park land or public improvements) or as a site for future development to meet the needs of city infrastructure or operational activities, and it was found that the sale of the Subject Property would be in compliance with the City's Comprehensive Plan.

**Community Development Director Jagoe** reported during the discussions, the City was evaluating the parcel size based off of Ramsey County Property Records and GIS mapping as there was no certificate of survey on record for the Subject Property. Ramsey County Property Records have the deeded acreage as 0.31 acres (approx. 13,500 square feet). The Subject Property came from the State through the County as part of the turn back of the Old Snelling Avenue (now referred to as Snelling Avenue North) corridor ROW to the City. Based on the best information available from Ramsey County, city staff initially identified that the total lot area of the parcel would be nonconforming since the minimum lot area requirement in the R-1 District is 14,000 square feet. A preliminary analysis of lot dimensions was completed as part of the Planning Commission review utilized the County's GIS mapping in order to garner the approximate lot width and lot depth.

**Community Development Director Jagoe** explained over the next year, city staff worked through the process to facilitate the sale of the Subject Property. On August 8, 2022, the City Council approved the purchase agreement for the Subject Property from Ahmed Ali and Nawal Hirsi. The purchase agreement included an acknowledgement of the Applicant's responsibility for all costs associated with due diligence which includes the variance review due to the nonconforming lot size. As part of the due diligence via a survey, it was determined that the lot measured approximately 14,472 square feet, and would not require a variance for lot area but would require a variance for lot depth.

**Community Development Director Jagoe** reviewed the site data, 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 the required R-1 Zoning District lot depth, front yard setback, and driveway access at the Subject Property, 3588 Ridgewood Road.
2. The Subject Property is a nonconforming lot of record deeded to the City through the State and County from the Old Snelling Avenue corridor right-of-way (now referred to as Snelling Avenue North).
3. The Subject Property is a nonconforming lot with a mean lot depth of 97.4 feet and does not comply with the minimum R-1 district standards for lot depth of 130 feet.
4. The Subject Property is currently undeveloped.
5. The Planning Commission has determined that a potential sale of the City owned property at 3588 Ridgewood Road would be in compliance with the City's Comprehensive Plan.
6. The proposed single-family dwelling would not require a side yard setback variance.
7. The proposed single-family dwelling on the Subject Property would conform to all other requirements and standards of the R-1 Zoning District.

Variance Findings:

8. Variances are only permitted when they are in harmony with the general purposes and intent of the ordinance.
9. The variance would be consistent with the City's Comprehensive Plan because it meets the City's housing goal of encouraging redevelopment that is complimentary to and enhances the character of the City's established neighborhoods.
10. A single-family dwelling is a permitted use within the R-1 Zoning District.
11. A single-family dwelling is a reasonable use of the property that would not be allowed under the rules of the Zoning Code without the requested variance.
12. The nonconforming lot depth for the R-1 Zoning District is a unique circumstance that is attributed to the dimensions of the Old Snelling Avenue corridor right-of-way (now referred to as Snelling Avenue North) turned over to the City.
13. The proposed single-family dwelling would not alter the essential character of the neighborhood because the configuration of development on the Subject Property would be consistent and compatible with the neighborhood.
14. The variance request is not based on economic considerations alone.

**Community Development Director Jagoe** reviewed the options available for Planning Case 22-019 to the Planning Commission on this matter:

1. Recommend Approval with Conditions of the Variance at 3588 Ridgewood Road, based on the findings of fact and the submitted plans, as amended by the conditions in the November 9, 2022, Report to the Planning Commission:
  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.
  3. A Grading and Erosion permit shall be obtained from the City's PW/Engineering Division prior to commencing any grading, land disturbance or utility activities.
  4. Upon completion of grading and utility work on the site, a grading as-built and utility as-built shall be provided to the City.
  5. Final grading, drainage, utility, and site plans shall be subject to approval by the Public Works Director/City Engineer and Community Development Director prior to the issuance of a grading and erosion control permit or other development permits.
  6. Heavy duty silt fence and adequate erosion control around the entire construction site shall be required and maintained by the Applicants during construction to ensure that sediment and storm water does not leave the project site
  7. The Applicants shall be responsible for providing verification of approval and obtaining any permit necessary from the Rice Creek Watershed District prior to the start of any site activities.
  8. A separate right-of-way permit for each roadway shall be required for work performed within the City right-of-way.
  9. All Public Works Director/City Engineer comments as stated in the November 9, 2022 Staff Report for driveway access connection and utility connections shall be addressed and are adopted herein by reference. The Applicants shall be financially responsible for 100 percent of the costs for connections.
  10. The Applicants shall be responsible for obtaining a Sanitary Sewer Connect Permit.
  11. The Applicants shall be responsible for obtaining a Water Connect Permit.

12. Prior to the issuance of a building permit, the Applicants shall be financially responsible for 100 percent of all applicable sewer connection, sewer availability, water connection, water availability and Metropolitan Council SAC charges.

13. A Tree Preservation Plan shall be required as part of the Building Permit application for the new dwelling. Any tree removal, preservation, and mitigation shall be completed in accordance with City Code Section 1325.055.

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

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

**Commissioner Weber** asked if water and sewer connections were available for this property.

**Community Development Director Jagoe** stated water and sewer lines had not been run to this property. She noted the homeowners were aware of this and would have to extend utilities to the property from Ridgewood Road.

**Commissioner Collins** questioned if the City anticipated this lot would become a residential lot.

**Community Development Director Jagoe** explained the City was anticipating this property would be developed with a single-family dwelling. She reported the City understood that they could not control what was being requested on the lot for variances from the R-1 District requirements.

**Commissioner Blilie** inquired what the footprint was for the lots to the north and south.

**Community Development Director Jagoe** stated she did not have this information, but reviewed the table in the staff report with the preliminary analysis of setbacks for the proposed future development at 3588 Ridgewood Road in comparison to the two adjacent parcels.

**Commissioner Blilie** discussed how the neighboring properties were extremely close to the lot lines. She asked if either of these properties had received a variance.

**Community Development Director Jagoe** reported both of the neighboring properties comply with the City's minimum setback requirements for the R-1 zoning district.

**Commissioner Blilie** was of the opinion the proposed lot would be keeping in line with the character of the neighborhood.

**Commissioner Wicklund** questioned if the City had previously granted setback variances that were approaching 75%.

**Community Development Director Jagoe** stated in her time with the City she was not aware of a variance to this degree, but variances had been approved for setbacks.

**Commissioner Wicklund** inquired if the challenges of this lot were communicated to the buyer prior to purchasing this property.

**Community Development Director Jagoe** explained this information was passed along to the buyer prior to the purchase agreement and language was included in the listing agreement.

**Commissioner Jefferys** asked what the footprint of the home would have to be in order to meet City requirements.

**Community Development Director Jagoe** stated she was uncertain and recommended the applicant speak to this.

**Chair Vijums** questioned what the buyer knew, as far as restrictions on the lot, prior to making the purchase.

**Community Development Director Jagoe** explained the buyer knew the lot was non-conforming for lot size and the City acknowledged that they would have to issue a variance for lot size. The City stated in the listing that the property would have to adhere to all other district requirements, including setbacks, and would have to be constructed in conformance with City Code. In addition, the property was to be accessed from Ridgewood Road.

**Chair Vijums** inquired if any type of design for the home was attempted to meet the City's zoning criteria.

**Community Development Director Jagoe** indicated this would be a question for the applicant. She reported no plans were presented to the City that met R-1 District requirements.

**Chair Vijums** requested the applicant or builder to come forward and address this question. He asked if another design for this property could be considered in order to meet the City's setback requirements.

**Owen Norcut**, Norcut Homes, stated he hired a surveying company to stake the lot and find the setbacks for the property. He noted the red outline was the size of the building pad, which was not very large. He explained the applicant was proposing to build a two story home with a three car garage with a walk out basement. He was of the opinion there was no way to build a home in within the small building pad area.

**Chair Vijums** questioned if the applicant was aware of all of the non-conformities on this lot before making the purchase.

**Ahmed Ali**, 1290 County Road F, explained he was aware the lot was non-conforming and he knew the lot dimensions would require a variance. He indicated the City did not have a survey for this lot.

**Chair Vijums** asked if Mr. Ali did his research regarding the setback requirements for this lot.

**Mr. Ali** commented he researched what was needed, but did not do a lot of research. He explained he understood he would have to find a builder and a surveyor for this lot to see if he

could build the house he wanted on this lot. He understood that he could build the home he wanted, but it would require a variance.

**Commissioner Weber** inquired if the applicant was aware of the fact the City would require access to this lot from Ridgewood Road.

**Mr. Ali** stated he was aware of this fact.

**Commissioner Weber** questioned if all potential buyers for this lot were made aware of the fact access would have to be made off of Ridgewood Road.

**Community Development Director Jagoe** reported this requirement was stated in the listing language so that all potential buyers were made aware of this fact. She explained the City received multiple offers for this lot, beside the offer that was accepted from Mr. Ali.

**Commissioner Weber** asked if Snelling Avenue was assumed to be the rear yard.

**Community Development Director Jagoe** indicated this was the case.

**Commissioner Weber** stated he did not believe accessing Ridgewood Road was impossible, but he understood it would be difficult. He was of the opinion this lot should be accessed from Ridgewood Road.

**Mr. Norcut** discussed how a driveway off of Ridgewood Road would require an “S” curve, which would further eat into the buildable lot area. He commented further on the topography of the lot and stated the best access for the family would be from Snelling Avenue.

**Commissioner Mitchell** stated she was concerned with people backing out onto a County road and asked if the lot would have turnaround space for safety purposes.

**Mr. Norcut** reported there would be enough room for vehicles to turn around and drive forward out onto Snelling Avenue.

**Commissioner Mitchell** discussed the size of the buildable lot area for this property and stated the main issue would be whether or not the City would be willing to make this lot buildable by providing variances. She noted she drove along both Ridgewood Road and Snelling Avenue to view the property, noting a retaining wall was already in place on this lot. She stated it was her understanding the house to the north accessed their home from Snelling Avenue. She requested further information regarding how the proposed home would be situated on the lot.

**Mr. Norcut** described how the home would be placed on the lot.

**Commissioner Weber** asked how many trees would be lost on the lot.

**Mr. Ali** reviewed the survey and spoke to the number of trees that would be lost.

**Mr. Norcut** explained the lot would not be clear cut, rather only the trees on the building pad and driveway would be removed.

**Community Development Director Jagoe** stated a tree preservation plan would have to be submitted by the applicant, along with a grading plan for the building permit. She explained Mr. Ali had attended a Council Worksession meeting and based on the feedback made by the City Council, adjustments had been made to the plan.

**Chair Vijums** opened the meeting for public comments.

**Steven Nelson**, 3475 Siems Court, stated the City was establishing a precedent by dumbing down the requirements for this lot in an attempt to raise funds. He noted the applicant was aware of the setback and lot size requirements, as well as the access requirement from Ridgewood Road. He encouraged the Commission to consider the precedent that would be set if this variance were approved, especially given the fact the applicant knew the rules prior to purchasing the lot.

**Matthew Dreon**, 3586 Ridgewood Road, stated he lived two houses to the north from the subject property. He believed the City made a mistake by selling this lot, when it was not buildable. He feared the City put this family in a tough spot because a house would not fit on this lot. He reported 25% of the proposed home would not fit on this lot. He stated he was not anti-development, but he anticipated a dangerous precedent would be set if the City were to approve the requested variances. He indicated this lot was not designed for a 2,300 square foot foundation home and recommended the Commission deny the requested variance.

**Chair Vijums** closed the meeting for public comments.

**Chair Vijums** commented when this property went for sale he reluctantly approved the sale, but he did so with the understanding the lot would require a variance for lot size. He stated the buyers purchased the lot with the understanding the lot was non-conforming. He indicated he would not be supporting the requested variances, because the requests were well beyond what the City would typically see.

**Commissioner Wicklund** explained this was an incredibly complex situation. He believed the City should take some responsibility for the complexity of the situation, which was unfortunate. He stated his preference would be to find a workable solution. He suggested a structure be pursued that was put into the buildable area red triangle that was modern and required only five extra feet versus the requests that were currently before the Commission. He indicated he would not be able to support the variances as requested from the applicant.

**Commissioner Jefferys** stated the variance request process was arbitrary and the applicant knew variances had been approved by the City in the past. However, the applicant may have been taking too big of a risk when purchasing this property.

**Commissioner Collins** agreed the variance issue was complicated. He indicated the applicant was requesting a standard house that fit the character of the neighborhood. He noted the setbacks were to the property line and do not infringe on the neighbors, but rather infringe on the roadways. He believed the applicant had significant right-of-way from the house to the streets. He reported the driveway requirement was a safety issue for him because the City did not complete a survey on the property to see if a driveway could even be accessed from Ridgewood Road. He noted the property to the north accesses Snelling Avenue and for this reason he could

support the subject property having access to Snelling Avenue. He believed a modern home would not fit into the neighborhood and stated he would be in favor of the variances as requested.

**Commissioner Wicklund** clarified for the record that the Planning Commission would make a recommendation to the City Council on this item and the final decision on this variance would be made by the City Council.

**Community Development Director Jagoe** reported this was the case. She noted if the Commission wanted the applicant to reconsider the home on the lot, or the home size, action on the variance could be tabled to a future Planning Commission meeting.

**Chair Vijums** stated the Commission could table action on this item in order to allow the applicant to reconsider his plans that meets or more closely meets the setback requirements. He indicated this would allow the applicant to come back with a design that more closely meets the design criteria of the City.

**Community Development Director Jagoe** reported an extension would be required from the applicant if the Commission were to table action on this item.

Further discussion ensued regarding how the right-of-way was measured for this property.

**Councilmember Holmes** commented on the discussions the applicant had with the City Council at the October Work Session meeting.

**Commissioner Wicklund** commented that either way this property was accessed, whether from Ridgewood Road or Snelling Avenue, the driveway would be steep. He stated he was not recommending action on this item be tabled because this would carry the action over into 2023 and a new City Council that was not familiar with this property.

**Chair Vijums** questioned how the Commission wanted to proceed.

**Commissioner Blilie** asked if the Commission could approve with a strong recommendation requesting the applicant to pursue other architectural designs to reduce the variances requested.

**Chair Vijums** commented the applicant was requesting specific variances and the Commission had to make a decision whether or not to support the requested variances.

**Commissioner Blilie** stated she would approve the variances at this time.

**Commissioner Collins** explained he would support the variances as well.

**Commissioner Weber** indicated he was torn on this request, but stated he believed he could support the request at this time.

**Commissioner Mitchell** reported she would vote to approve the variances for this unique lot. She stated she would like to see the property utilized for a single family home. She commented the encroachment would be on the streets and not onto the neighboring homes. For this reason, she would be voting to support the requested variances.



**Commissioner Jefferys** stated these were all good points, but noted she would not be able to support the variances as requested.

**Commissioner Wicklund** indicated he would also vote to deny the variance given the fact the setbacks requested were significant.

**Chair Vijums** commented he would also be voting to deny the variance because the requests were too significant for the lot.

**Community Development Director Jagoe** clarified the City would be required to issue a variance for the non-conforming lot depth component in order for any future development on the lot to occur. She explained the Commission could make two motions on this Planning Case in order to separate the non-conforming lot depth from the setback/driveway access variances.

**Commissioner Blilie** reported the City sold this lot for residential developmental purposes. She believed it would be outrageous to sell the lot without approving the lot depth variance.

**Commissioner Weber** stated the reason this lot was sold was because it was excess property of the City that did not have a designated use.

**Community Development Director Jagoe** stated the City Council was willing to sell the lot after being approached by a prospective buyer. She explained the Council completed a title report and found there were no future park purposes, encumbrances or deed restrictions, which then led the Council's decision to sell the land. The Planning Commission as part of the process for disposal of city land also had approved last year that the potential sale would be in compliance with the City's Comprehensive Plan.

**Councilmember Holmes** clarified for the record, when the City sold this land the listing stated a variance would be granted for the non-conforming lot depth. She stated development could not occur on this lot without approval of a lot depth variance.

**Chair Vijums** recommended the Commission break up the action for this Planning Case into two separate motions. The first motion would be for the non-conforming lot depth variance and the second would be for the setback/driveway access variances.

**Commissioner Collins** questioned why the Commission had to take action on the non-conforming lot variance when it was assumed this would be approved by the City Council.

**Chair Vijums** stated the Commission had to make a recommendation to the City Council on this Planning Case for the requested variances.

**Commissioner Collins moved and Commissioner Blilie seconded a motion to recommend approval of Planning Case 22-019 for the Variance at 3588 Ridgewood Road on the findings of fact and the submitted plans, as amended by the thirteen (13) conditions in the November 9, 2022, report to the Planning Commission. The motion failed 3-4 (Commissioners Jefferys, Weber, Wicklund and Chair Vijums opposed).**

**Commissioner Wicklund** anticipated the lot depth variance would be reviewed and approved by the City Council.

**Community Development Director Jagoe** requested the Commission still make a recommendation to the City Council on the lot depth variance.

**Commissioner Weber moved and Commissioner Mitchell seconded a motion to recommend approval of Planning Case 22-019 for the Non-Conforming Lot Depth Variance at 3588 Ridgewood Road on the findings of fact and the submitted plans, as amended by the thirteen (13) conditions in the November 9, 2022, report to the Planning Commission. The motion carried unanimously (7-0).**

**Community Development Director Jagoe** requested the Commission make a motion denying the setback and driveway access variances with findings for the recommendation of denial.

**Chair Vijums moved and Commissioner Wicklund seconded a motion to recommend denial of Planning Case 22-019 for the Lot Setbacks and Driveway Access Variances at 3588 Ridgewood Road based on the degree of the setback variance requests being too significant, the site was to be accessed from Ridgewood Road, and for safety purposes when it comes to the driveway access. The motion carried 4-3 (Commissioners Blilie, Collins and Mitchell opposed).**

**B. Planning Case 22-021; City of Arden Hills – Zoning Code Amendments – Chapter 13, Design Standards and Tree Preservation – *Public Hearing Required***

**Community Development Director Jagoe** stated at their September 19th work session, the City Council discussed draft language for a proposed tree preservation ordinance. The City Council had previously requested Staff to investigate changing the City’s ordinance as it relates to tree preservation. Staff was directed to research whether or not the scope can be broadened to include items, such as landscaping or other green spaces. The City Attorney in his preliminary review of the draft changes believed the amendment would accomplish the flexibility being sought. The general consensus of the City Council was to move forward with the proposed amendments as presented in the work session and with the references to “green space” being modified to “landscaping”.

**Community Development Director Jagoe** commented staff was directed to finalize the language with the City Attorney and 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.

**Community Development Director Jagoe** explained staff has prepared a draft ordinance showing stricken language to be deleted and new language added in red font for your review. The general consensus of the City Council was that the current ordinance language is narrowly focused on tree preservation. The city code defines landscaping as “plantings such as trees, grass, shrubs.” Under the tree preservation ordinance as written, the City Attorney confirmed that the tree fund or a fee in lieu of planting may only be used for tree related expenses. The Council noted that there are projects (i.e. parks, right-of-way) in the City that could be considered or in