



Approved: March 8, 2023

**CITY OF ARDEN HILLS, MINNESOTA
PLANNING COMMISSION
WEDNESDAY, DECEMBER 7, 2022
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 Shelley Blilie, Joshua Collins, Marcie Jefferys, Arlene Mitchell, and Jonathan Wicklund.

Absent: Commissioner Steven Jones (Alternate), Kurt Weber and Clayton Zimmerman (Alternate).

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

APPROVAL OF AGENDA – DECEMBER 7, 2022

Chair Vijums moved, seconded by Commissioner Collins, to approve the December 7, 2022, agenda as presented. The motion carried unanimously (6-0).

APPROVAL OF MINUTES

November 9, 2022 – Planning Commission Regular Meeting

Chair Vijums moved, seconded by Commissioner Wicklund, to approve the November 9, 2022, Planning Commission Regular Meeting as presented. The motion carried unanimously (6-0).

PLANNING CASES

- A. **Planning Case 22-022; 1861 Highway 96 West - Variance – *Public Hearing Not Required***

Community Development Director Jagoe stated the Subject Property is currently developed with a single-family residential dwelling (727 SF) and detached garage (584 SF). The dwelling

was constructed in 1939 and the detached garage was added in 1961. The original legal description for the subject property has a described property boundary of 1.0689-acres (46,561 SF). Between 1949 and 2014, there have been four acquisitions of land by the State of Minnesota and Ramsey County for highway right-of-way purposes. As a result of the ROW dedication, the parcel size has been reduced to 0.62-acre (27,098 SF) as shown on the survey provided. The reduction in lot area due to the dedication of ROW is primarily along the north and northeast sides of the property which is considered to be the front yard for the Subject Property. Today, the property is considered legal nonconforming with a front yard setback of 25 feet as measured from the northeast corner of the home.

Community Development Director Jagoe explained the Applicants are proposing to demolish the existing structures and rebuild one principal structure (i.e. single family dwelling with attached garage) on the Subject Property. In considering the city code requirements and environmental features of the property, the Applicants have determined the most suitable location to rebuild would be to shift and orientate the new structure south/southeast of the current structure location. The new home location would require a variance to allow a front yard setback of 28 feet versus 40 feet as required by city code. The proposed project complies with all other applicable city code requirements for the R-1 Zoning District (i.e. structure coverage, FAR, impervious surface, etc.) and Shoreland regulations.

Community Development Director Jagoe reported at their October 17, 2022 meeting, the City Council reviewed the concept plans for the proposed redevelopment of the Subject Property. Overall, the City Council acknowledged the rationale for the reduced front yard setback request given the additional right-of-way acquisitions that had occurred over time. At that time, there were no suggested changes to the conceptual site layout. The Applicants were encouraged to review the rear yard sightlines to make sure that the view of the adjacent property was not obstructed by the placement of the new dwelling.

Community Development Director Jagoe reviewed the site data, surrounding area, 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 front yard setback at the Subject Property 1861 Highway 96 W.
2. The Subject Property is a nonconforming lot of record attributed to State and County right-of-way acquisitions for highway purposes that resulted in a front yard setback encroachment of 25.05 feet and does not comply with the minimum R-1 district standards of 40 feet.
3. The proposed redevelopment would bring the Subject Property closer to conformance with the R-1 district standards and reduces the front yard setback encroachment at 28.92 feet.
4. The proposed single-family dwelling would not require a side yard, rear yard, or Shoreland setback variance.
5. 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:

6. Variances are only permitted when they are in harmony with the general purposes and intent of the ordinance.
7. 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.
8. A single-family dwelling is a permitted use within the R-1 Zoning District.
9. 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.
10. The nonconforming front yard setback for the R-1 Zoning District is a unique circumstance that is attributed to acquisitions of additional highway right-of-way by the State and County.
11. 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.
12. The variance request is not based on economic considerations alone.

Community Development Director Jagoe reviewed the options available for Planning Case 22-022 to the Planning Commission on this matter:

1. Recommend Approval with Conditions
 1. A Building Permit shall be issued prior to the commencement of demolition and for the new home 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. The Applicant shall be responsible for obtaining any permits necessary from other agencies, including but not limited to, MPCA, Rice Creek Watershed District, Minnesota Department of Natural Resources, U.S. Fish and Wildlife Services, and Ramsey County prior to the start of any site 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 right-of-way permit shall be required for work performed within the City right-of-way.
 9. 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 Wicklund asked who owned the land along the rear property line.

Community Development Director Jagoe stated this land was owned by US Fish and Wildlife Services.

Commissioner Wicklund questioned vehicles were being parked on the neighbor's property.

Community Development Director Jagoe deferred this question to the applicant.

Chair Vijums commented the right of way has been reduced over time because of the expansion of Highway 96, which was an unfair constraint on this property. He inquired if the architect considered moving the new structure a little closer to the lakefront in order to satisfy City Code.

Community Development Director Jagoe explained the applicant had considered other possible locations on the property, but after trying to save as many significant trees as possible, the proposed house placement was presented to staff.

Katie Bach, 1861 Highway 96 West, reported she went through a number of different iterations with her architect when considering the placement of the house and garage on this lot. She discussed how the ordinary highwater setback was set based on her neighbors setback. She noted the placement and angle of the garage was difficult, due to the location of mature oaks and maples.

Chair Vijums questioned if the house could be shifted south or southwest.

Ms. Bach stated if the house was pushed south, this would cause concern with the ordinary highwater setback relative to the neighbors setback and to the west there was a mature maple she was trying to save.

Chair Vijums indicated this was a non-conforming lot that has been eroded by Highway 96 easements and encroachments, which made it difficult to place a home. He was of the opinion the proposed home was well placed on the lot and noted only a small portion of the garage was encroaching within the setbacks.

Commissioner Wicklund moved and Commissioner Collins seconded a motion to recommend approval of Planning Case 22-022 for a Variance at 1861 Highway 96 West based on the findings of fact and the submitted plans, as amended by the conditions in the December 7, 2022, report to the Planning Commission. The motion carried unanimously (6-0).

- B. **Planning Case 22-023; 3565 Pine Tree Drive – PUD Amendment – *Public Hearing Required***

Community Development Director Jagoe stated the Applicant has submitted a land use application for a Planned Unit Development Amendment, seeking flexibility on the size, type, location, and design of wall and monument signs at the New Perspective Senior Living building. The Applicant shares an existing multi-tenant sign with Bethel University. The Applicant is proposing three additional signs, a main entrance monument sign, a roof sign, and a directional sign. The proposed main entrance monument size requires flexibility on the design, location, and number/size. The proposed roof sign requires flexibility on the type and size.

Community Development Director Jagoe reported at its January 25, 2021 meeting, the City Council approved a Conditional Use Permit for the property at 3665 Pine Tree Drive. On February 8, 2021, the Council subsequently approved a Planned Unit Development and a Site Plan for this development, allowing for the construction of a four (4) story multi-family senior living facility. This approval did not include signs. A Condition of Approval was included in the City Council's motion that required a separate sign permit for all proposed signage and for all signage to meet the requirements of Sign District 4. The Conditions of Approval also required the Applicant to provide City staff with written approval from Bethel University, the owner of Outlot A, permitting the construction of the proposed monument sign on Bethel's property. In a letter dated September 27, 2021, the Applicant agreed to forego the right to an individual monument sign on Outlot A to be part of a multi-tenant sign with Bethel University. The multi-tenant sign has since been constructed and is currently located on Outlot A, where Pine Tree Drive meets the access road to New Perspective Senior Living and Bethel University's Anderson Center.

Community Development Director Jagoe reviewed the site data, 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 General Business District (B-2) and is guided for Community Mixed Use (CMU) in the Land Use Plan.
3. The Subject Property is approximately 6.4 acres and is owned by Arden Hills RE, LLC.
4. Adjustments to the requirements and standards for the height, number, type, lighting, area, and/or location of a sign or signs established by this Chapter may be approved with a Site Plan Review or a Planned Unit Development process as described for in Section 1320 and 1355 of the Zoning Code.
5. Flexibility through the PUD process has been requested for the location, number/size, and design of the proposed wall and monument signs.
6. The proposed signage plan will not result in a sign that is inconsistent with the purpose of the zoning district in which the property is located or the current land use.
7. A public hearing for a Planned Unit Development Amendment is required before the request can be brought before the City Council.

Community Development Director Jagoe reviewed the options available for Planning Case 22-023 to the Planning Commission on this matter:

1. Recommend Approval with Conditions
 1. All conditions of the original Preliminary/Final Plat, Planned Unit Development, Conditional Use Permit, and Site Plan Review shall remain in full force and effect.
 2. A separate sign permit shall be required for all proposed signage.

3. All signage shall meet all other requirements of Sign District 4.
2. Recommend Approval as Submitted
3. Recommend Denial
4. Table

Chair Vijums opened the floor to Commissioner comments.

Commissioner Collins asked how Bethel University used their building.

Community Development Director Jagoe stated Bethel's building was zoned B-2, General Business District and noted the building was used as classroom space and other commercial uses. She noted the building was not used for residential housing.

Commissioner Mitchell recommended proper signage be posted on the site to direct traffic to the senior housing. She indicated she was torn when considering this request. She feared the proposed sign was too large for the property and was being used for advertising purposes rather than to help people find the building.

Community Development Director Jagoe reported the Applicant has stated the proposed signage would assist people with finding the building, especially given the fact they would not have a free standing sign along Snelling Avenue.

Chair Vijums questioned if the City recently changed the sign code.

Community Development Director Jagoe explained there have been no recent changes to the sign code.

Councilmember Holmes stated the Council has discussed the sign code, but noted no changes have been made. She discussed how each sign request was so unique.

Chair Vijums reported the applicant was asking for a sign that was 3½ times larger than would be allowed within City Code. He inquired if the City had ever approved a sign this large. He anticipated the only sign this large would be Cub Foods.

Councilmember Holmes noted the Gradient Financial sign was large, as well as the signs for Cub Foods.

Chair Vijums stated he was struggling with the proposed sign size and asked what other alternatives had been considered. He supported the signage being reconsidered. He feared that if the proposed sign were approved, there would be future requests for very large wall signs.

Commissioner Wicklund asked if a fourth condition regarding the sign concerns could be added to the PUD Amendment.

Community Development Director Jagoe explained the Commission could add a fourth condition addressing their concerns regarding the proposed sign size. She noted this condition

would go to the City Council for further consideration. She requested the Commission be clear regarding what the recommendation for the roof sign.

Commissioner Jefferys commented it appears the wall sign was being used for advertising due to the fact the applicant states within the staff report that the proposed sign size was necessary due to the speed of traffic along Snelling Avenue. She explained she would like the applicant to speak to the Commission regarding the proposed sign size. In addition, she also wanted to learn more about the different sign design for the free standing sign.

Commissioner Mitchell indicated there was a science to signage and the size of a sign should be calculated to be useful based on the surrounding lighting conditions, whether people are in motion, and proposed typeface. She stated for the sign proposed for the parapet should be calculated and properly scaled for the building. She encouraged the applicant to pursue a sign that was large enough to be useful, but not larger than that. She questioned how the applicant arrived at the proposed sign size.

Commissioner Jefferys stated she also wanted to know what the purpose was for the sign. She anticipated people visiting this building, were doing so on purpose.

Chair Vijums commented on how the monument signs along Snelling Avenue help with directing traffic. He believed the proposed building sign was being used for advertising purposes based on its size. He invited the applicant to come up at this time to address the Commission.

Florent Ilazi, Arden Hills RE, LLC, thanked the Commission for their time and consideration. He discussed the proposed building sign. He stated he understood the sign was 3½ times larger than was allowed by sign code, but noted the sign was only 1% of the building area. He believed this was a key distinction when considering sign size. He discussed how the building was oriented on the property and how far it was from Snelling Avenue. He reported this was the same sign that was used for a similar project that was completed in Wisconsin. He indicated there was no other location for signage on the building. He stated due to the distance and speed of passing traffic, a larger sign was being requested. He noted he could reduce the sign size slightly if this was a concern of the Commission. He commented further on the landscape plan and indicated the site would be heavily wooded, which led him to the proposed location for the roof sign. He reviewed the building elevations in further detail and noted there was no other location for wall signage.

Commissioner Wicklund stated he was happy to have this new housing in Arden Hills. He noted he works out of the Bethel Anderson Center building. He believed there was no confusion when driving to the Bethel Anderson Center or New Perspective Senior Housing building. He believed that the generic use of “Senior Living” on the building was being done for marketing purposes and asked that the applicant speak to this. He questioned why the applicant was not considering a higher quality branded sign for the building.

Mr. Ilazi explained the colors were intentional and the sign was simple and legible for viewing purposes. He noted this was based on science. He indicated this was a tricky area for due to the large amount of traffic along Snelling Avenue and County Road E.

Commissioner Wicklund inquired if there was an option to create a monument sign on the piece of property near the retaining pond.

Mr. Ilazi commented on the landscaping plan and noted this area was proposed to be planted with trees.

Commissioner Jefferys explained she was concerned with labeling this building “Senior Living” versus branding the building as “New Perspective”. She requested further information regarding the proposed free standing monument sign noting that it do not conform with City Code.

Mr. Ilazi anticipated he missed the column requirement and noted he could amend the monument sign to meet City Code requirements.

Chair Vijums asked if additional signage has been allowed on other buildings like this.

Community Development Director Jagoe stated she was not aware of history for any multi-tenant PUD’s having additional signage. She commented on the signage that was allowed for Launch Properties.

Chair Vijums indicated signs 1, 3 and 4 were fine so long as the base material and design can be addressed. He stated sign 2 was more difficult for him to consider. He requested the applicant come up with other options for sign 2, as he believed sign 2 was currently being used as a marketing platform.

Commissioner Mitchell stated if the purpose of sign 2 was to identify the building by its name, it would feel better if it had the New Perspective name, versus having the generic “Senior Living”.

Community Development Director Jagoe explained when the Commission reviews signage, it should not be considering the content of the sign, but rather should consider the sign adjustment standards under the PUD for exceptional design, architecture of building, size to the scale of the building and area as well as location.

Commissioner Collins commented it was his understanding this sign package was used in another state by the applicant. He noted the applicant was asking for flexibility on a sign type that was not allowed, and a size of sign that was not allowed. He questioned if the applicant had reviewed the City’s sign standards or if this was simply the sign package used for a previous project.

Mr. Ilazi discussed the process that was followed for the sign package. He explained the monument signs were in their proposed locations for visibility purposes. He indicated the western elevation was the only side of the building that could hold a sign and noted the proposed building sign would be legible and viewable for passing traffic. He stated he would be willing to decrease the size of the building sign slightly.

Commissioner Collins requested further information on why the building sign has to be viewable from Snelling Avenue.

Mr. Ilazi stated this had to do with the site selection. He reported this site was chosen because of its close proximity to Snelling Avenue.

Commissioner Collins expressed concern with the fact the applicant was proposing a sign that was not allowed and a size that was not allowed. He was of the opinion the applicant was requesting too much flexibility for sign 2. He wanted to see this property signed appropriately given its location.

Chair Vijums commented another option would be to build a freestanding sign on the edge of the parking lot to identify the building. He stated the building had no identifying factors whatsoever, except for the words “Senior Living”.

Mr. Ilazi reported this area of the parking lot was the main semi-truck access point for the rear of the building. He stated there was not enough space for a freestanding sign and sign foundation in this area of the parking lot.

Commissioner Wicklund indicated the Commission wanted to find a way to make something work. He reported the Commission had to decide where the signage should be, so it wasn’t just a big non-branded marketing sign, but rather was something that fit with the character of the structure.

Mr. Ilazi indicated he was hoping the building would be open by the end of January. He explained it has taken some time to design a sign plan and noted there were some visibility concerns.

Chair Vijums opened the public hearing at 8:01 p.m.

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

There being no comments Chair Vijums closed the public hearing at 8:01 p.m.

Commissioner Wicklund stated he could support signs 1, 3 and 4 noting the logic for these signs was clear. He recognized his role on this Commission was advisory to the City Council and he believed the Commission has clearly voiced their concerns regarding sign 2.

Chair Vijums questioned if the Commission could add a condition stating the flexibility would be granted for signs 1, 3 and 4 noting columns would have to be added to the monument sign, and for sign 2 the applicant shall review options and provide options for sign size and design considerations to better enhance the area consistent with the design and architecture onsite.

Commissioner Jefferys stated she was also questioning the marketing piece or purpose of this sign.

Chair Vijums explained his condition would allow for a sign to be placed on the building, but was requesting the applicant to review the options in order to provide a better design.

Commissioner Collins stated he did not understand why this signage would be allowed. He recommended the applicant reconsider how to properly sign the building, even if this meant in another location.

Chair Vijums agreed another location for the building signage should be considered. He asked if the Commission supported adding a fourth condition. The Commission supported this condition being added.

Commissioner Wicklund asked if the proposed condition would provide clarity for the next step in the approval process.

Community Development Director Jagoe understood the Commission wanted the applicant to reconsider the design, size and location of the building sign. She stated the applicant may not have the opportunity to develop another plan that addresses each of these matters before going before the City Council.

Chair Vijums explained another option would be for the Commission to recommend approval of signs 1, 3 and 4 and to decline approval for sign 2.

Community Development Director Jagoe stated another option would be to require the wall signage to comply with Sign District 4 standards.

Commissioner Wicklund indicated the Planning Commission wants the best win for the applicant. He stated he did not want to see the applicant shrinking the proposed building sign to meet Sign District 4 standards, but rather would like to see another sign option.

Councilmember Holmes stated the City does not currently allow signs on the roof. She noted the Commission could state the sign could not be allowed on the roof. She reported if this sign were approved at the proposed location this would be a variance from the current sign standards.

Commissioner Collins explained he did object to having a sign on the roof, which was why he was objecting to sign 2. While he understood there was a need to have proper signage on this building because it was on a busy road, he recommended the size of the signage and sign location be reconsidered.

Commissioner Wicklund stated he agreed with these comments. He recommended the landscaping plan be modified in order to find a premium location for a monument sign along Snelling Avenue.

Chair Vijums explained the Commission recommends rejecting sign 2 being placed on the roof and would like to see a new location, design and different size.

Commissioner Mitchell supported a condition being added as proposed by Chair Vijums even if this meant the landscaping plan would have to be amended in the future.

Community Development Director Jagoe reported if the applicant were required to put up another free standing sign on the site, this would require additional flexibility.

Commissioner Wicklund hoped that the Commission could communicate to the applicant that if a sign was not placed on the roof system, a third free standing sign would be allowed.

Chair Vijums agreed this should be the case. He suggested the Planning Commission recommend approval of signs 1, 3 and 4 and then recommend denial of sign 2 requesting the applicant to come back with options for sign size, location and design or with consideration of a freestanding sign.

Chair Vijums moved and Commissioner Blilie seconded a motion to recommend approval of Planning Case 22-023 for a Planned Unit Development Amendment at 3565 Pine Tree Drive based on the findings of fact and the submitted plans, as amended by the conditions in the December 7, 2022, report to the Planning Commission adding Condition 4 to read: The Planning Commission recommends approval of signs 1, 3 and 4 and recommends denial of sign 2 due to the location as prohibited under the city code requesting the applicant prepare alternate options for a wall sign that is suited to the size of the building, location, and design that will enhance the area, and be consistent with the architecture of the building, or consideration of a freestanding sign, and Condition 5 to read: Regarding Sign 1, the applicant shall provide a base that extends up the sides of the sign base to meet City Code material design standards is Sign District 4. The motion carried unanimously (6-0).

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 explained the Council has been working on the 2023 budget and tax levy. She reported the Council would be holding a Truth in Taxation Hearing on Monday, December 12. She explained the Council would be holding a special workshop on Monday, December 12 to discuss the Lindy's roundabout. She indicated the Council approved the setback variances for the property on Ridgewood Road. She noted the City had a holiday light map on the City's website. She thanked all of the Planning Commissioners for their service to the community. She wished everyone a happy holiday and happy new year.

Commissioner Wicklund asked if the Council had an update on TCAAP. He questioned if the JDA chair was up for reappointment.

Councilmember Holmes stated the new City Council would be addressing this matter in 2023. She explained she was uncertain of the JDA chair would be reappointed by the end of the year.

B. Planning Commission Comments and Requests

Chair Vijums thanked Commission Jefferys for her service on the Planning Commission.

Chair Vijums thanked Councilmember Holmes for her many years of dedicated service to the City of Arden Hills on the City Council.

Chair Vijums questioned if staff had an update on the unnamed grocer building.

Community Development Director Jagoe reported the building was 85% complete. The Developer has indicated the grocer has suspended construction nationally and still anticipates the project should be completed in 2023.

ADJOURN

Chair Vijums moved, seconded by Commissioner Collins, to adjourn the December 7, 2022, Planning Commission Meeting at 8:36 p.m. The motion carried unanimously (6-0).