



Approved: April 5, 2023

**CITY OF ARDEN HILLS, MINNESOTA
PLANNING COMMISSION
WEDNESDAY, MARCH 8, 2023
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.

OATH OF OFFICE

Chair Vijums administered the Oath of Office to Commissioners Kurt Weber and Brad Bjorklund.

ROLL CALL

Present were: Chair Paul Vijums, Commissioners Brad Bjorklund, Shelley Blilie, Arlene Mitchell, and Kurt Weber.

Absent: Commissioners Joshua Collins, and Jonathan Wicklund.

Also present were: Community Development Director Jessica Jagoe and Councilmember Emily Rousseau.

APPROVAL OF AGENDA – MARCH 8, 2023

Commissioner Weber moved, seconded by Commissioner Mitchell, to approve the March 8, 2023, agenda as presented. The motion carried unanimously (5-0).

APPOINTMENT OF VICE-CHAIR

Community Development Director Jagoe requested the Commission appoint a Vice-Chair for 2023.

Commissioner Weber moved, seconded by Commissioner Blilie, to elect Jonathan Wicklund Vice-Chair of the Planning Commission for 2023. The motion carried unanimously (5-0).

APPROVAL OF 2023 MEETING CALENDAR

Community Development Director Jagoe requested the Commission approve the meeting calendar for 2023.

Chair Vijums stated he would not be able to attend a Planning Commission meeting on July 5. He suggested this meeting be rescheduled to July 12. The Commission supported this recommendation.

Commissioner Mitchell moved, seconded by Commissioner Bjorklund, to approve the meeting calendar for 2023 as amended. The motion carried unanimously (5-0).

APPROVAL OF MINUTES

December 7, 2022 – Planning Commission Regular Meeting

Commissioner Blilie moved, seconded by Chair Vijums, to approve the December 7, 2022, Planning Commission Regular Meeting as presented. The motion carried 3-0-2 (Commissioners Bjorklund and Weber abstained).

PLANNING CASES

A. Planning Case 23-003; 1174 Edgewater Avenue – Minor Subdivision and Variance – *Public Hearing*

Community Development Director Jagoe stated the Subject Property, 1174 Edgewater Avenue, is a 1.31-acre (56,806 SF) parcel located on the northeast side of Lake Josephine, west of Lexington Avenue. The Property is zoned R-2, Single & Two-Family Residential District and is guided as Low Density Residential (LDR) in the 2040 Comprehensive Land Use Plan. The subject property is currently vacant land. All surrounding parcels are also zoned R-2, Single & Two-Family Residential District and designated for Low Density Residential Uses in the Land Use Plan. The Subject Property is the site of the (now demolished) St. Paul Lodge #2 – I.O.O.F, also known as the Oddfellow’s Lodge. The Applicant was issued a building permit to demolish the existing structure in September 2022. The Subject Property was originally approved as a lodge under a Conditional Use Permit (then called a Special Use Permit) in Planning Case #70-36. Since then, an amendment and a minor subdivision have been approved by the City Council.

Community Development Director Jagoe reviewed the Site Data, the Plan Evaluation and provided the Findings of Fact for review:

General Findings:

1. The Subject Property at 1174 Edgewater Avenue is located in the R-2 – Single and Two Family Residential Zoning District.
2. The Arden Hills 2040 Comprehensive Plan designates the Subject Property as LDR – Low Density Residential.
3. The Applicant has submitted a land use application for a Minor Subdivision to subdivide the Subject Property into two (2) lots and is requesting a variance to the required R-2 Zoning District lot width, lot depth, and rear yard setback.
4. The property is properly guided and zoned for the development of single- family residential dwellings.

5. The request proposes to use the properties in a reasonable manner allowed by code as a single-family dwelling.
6. The Owner of the unplatted lot to be divided has filed with the Zoning Administrator a registered land survey of the lot to be divided.
7. The proposed Minor Subdivision would not require a front yard or side yard setback variance and as conditioned would comply with Shoreland Regulations.
8. The Applicant states the proposed single-family dwellings on the Subject Property would conform to all other requirements and standards of the R-2 Zoning District.
9. 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.

Variance Findings:

10. Variances are only permitted when they are in harmony with the general purposes and intent of the ordinance.
11. 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.
12. A single-family dwelling is a permitted use within the R-2 Zoning District.
13. The Applicant states the proposed single-family dwellings would not alter the essential character of the neighborhood because the configuration of future development on the Subject Property in the east and west configuration would be consistent and compatible with the neighborhood.
14. The variance request is not based on economic considerations alone.

1.

Community Development Director Jagoe reviewed the options available for Planning Case 23-003 to the Planning Commission on this matter:

1. Recommend Approval with Conditions
 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 required under the Subdivision ordinance on the recorded survey with Ramsey County and a copy shall be provided to the City within sixty (60) days of the City's approval.
 3. The Applicant shall pay the required park development fee of \$6,500 for Tract B prior to issuance of permits for either lot within the Minor Subdivision.
 4. Monument stakes shall be installed to demarcate the property lines between Tract A and Tract B.
 5. A Building Permit shall be required on each lot for construction of the new dwelling.
 6. The proposed buildings shall conform to all other standards and regulations in the City Code.
 7. A Grading and Erosion permit for each lot shall be obtained from the City's PW/Engineering Division prior to commencing any grading, land disturbance or utility activities.

8. Upon completion of grading and utility work on the site, a grading as-built and utility as-built shall be provided to the City.
 9. Final grading, drainage, and utility plans shall be subject to approval by the Public Works Director/City Engineer prior to the issuance of a grading and erosion control permit or other development permits.
 10. Heavy duty silt fence and adequate erosion control around the entire construction site shall be required and maintained by the Applicant during construction to ensure that sediment and storm water does not leave the project site.
 11. The Applicant 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.
 12. A separate right-of-way permit for each lot shall be required for work performed within the City right-of-way.
 13. The Applicant shall be responsible for obtaining a Sanitary Sewer Connect Permit.
 14. The Applicant shall be responsible for obtaining a Water Connect Permit.
 15. Prior to the issuance of a building permit, the Applicant shall be financially responsible for 100 percent of all applicable sewer connection, sewer availability, water connection, water availability and Metropolitan Council SAC charges.
 16. A Tree Preservation Plan shall be required as part of the Building Permit application for the new dwelling on Tract A and Tract B. Any tree removal, preservation, and mitigation shall be completed in accordance with City Code Section 1325.055.
 17. Future development on Tract A would be evaluated as presented in Site Plan B designating the north and east elevations as the required front yards.
 18. Future development on Tract B would be evaluated as presented in Site Plan B designating the north and east elevation as the required front yards.
 19. The Minor Subdivision shall be required to comply with all applicable provisions of Section 1330, Shoreland Regulations and the Applicant is to submit an updated certificate of survey in satisfaction of these requirements prior to issuance of any building permits for the new home construction on Tract A or B.
2. Recommend Approval as Submitted
 3. Recommend Denial
 4. Table

Chair Vijums opened the floor to Commissioner comments.

Commissioner Weber asked if it was typical for a property to have the front of the house facing the front and side yard.

Community Development Director Jagoe reported this was not typical. She commented on how this was not a traditional lot split, but noted the Applicant states the proposed layout optimizes the setting for the property.

Commissioner Weber anticipated it was not typical for a home to not have roadway frontage in from the house. He expressed concern with the fact the proposed home would be quite close to the roadway when compared to the surrounding homes.

Community Development Director Jagoe discussed that setbacks are measured from the property line and noted the house pad would be approximately 32 feet from the edge of the road. There is a 10 foot easement dedicated to the City along a portion of the north property line for access and road maintenance.

Commissioner Blilie requested further clarification on how the houses would be oriented on the lots.

Community Development Director Jagoe discussed how the houses would be oriented on the lots in further detail with the Commission.

Commissioner Blilie inquired what the footprint would be for each house.

Community Development Director Jagoe anticipated the footprint for Tract A would be 3,400 square feet and for Tract B the footprint would be 2,800 square feet as shown on Site Plan A.

Commissioner Bjorklund explained he did not have any problems with the proposed variances and noted he would be supporting the request.

Chair Vijums requested further information regarding history of the lot.

Community Development Director Jagoe provided the Commission with the history of the Odd Fellows minor subdivision lot.

Chair Vijums discussed the OHW requirements in the Shoreland Ordinance and asked if the applicant would be meeting the City's requirements.

Community Development Director Jagoe indicated the applicant would have to make a minor adjustment in order to meet the setback for the property on the south.

Chair Vijums stated he was happy to see this empty lot was being redeveloped.

Further discussion ensued on how the lots and homes would be oriented (east/west) in order to meet the City's setbacks.

Chair Vijums anticipated the homes that would be built on these lots would not be any larger than the homes that were on the surrounding lake lots.

Commissioner Weber expressed concerned with how the houses would be oriented on these lots, and how they would be impacted if a house were placed on the adjacent lot to the east. In addition, he was concerned with how the front and side yards were being identified within this subdivision. He believed ten feet between the future homes on Tract A and Tract B was too small. He discussed the demolition work that had been done on the site and asked if any tree removal had occurred on the property.

Community Development Director Jagoe stated she did not believe any trees had been removed.

Chair Vijums commented further on how the houses would be oriented and noted the houses would not look into each other even if they were only 10 feet apart. He explained he owned a house in St. Paul and it was less than 10 feet from the neighbors.

Commissioner Weber stated he understood this was common in other communities. He indicated he would still like more information regarding the buildability of the lot to the east because this would impact the two proposed homes.

Commissioner Mitchell discussed the length and width for the lot to the east noting it appeared to be buildable. She commented on how the home on Tract B would have a view of the road, while the home on Tract A would not. She commented on how the future homeowner on Tract A could plant trees or shrubs to screen their view. She noted the widths of the lot were not substantially different than the neighboring lots and the two homes would have a shared driveway. She believed this was a better use of the land than having one huge house on the property.

Chair Vijums opened the public hearing at 7:27 p.m.

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

Mike Mezzenga, property owner and applicant, explained the equipment on the site was recently placed onsite to clear the snow from the parking lot. He commented further on how the lots would be oriented and reviewed house plans that would work on each of the tracts. He discussed how the future homes may not be as large as he was proposing, which meant the setbacks between the houses would be larger. He explained he was not intending to go any closer to the lake than the OHW setback.

Roland Cargalatti, 1137 Edgewater Avenue, explained he received notice of the proposed subdivision. He stated the project was lacking an easement. He discussed how the homes along Edgewater Avenue had deeded lake access to Lake Josephine. He reported after speaking with his neighbors, they confirmed the same information. He then reviewed the language within his abstract regarding the deeded lake access. He requested this easement be included in City documents and be taken into consideration. He noted the neighbors use this easement to access the lake.

There being no additional comment Chair Vijums closed the public hearing at 7:41 p.m.

Community Development Director Jagoe requested Mr. Cargalatti provide her with information regarding the deeded lake access noting she would investigate this matter further.

Chair Vijums asked how the Commission wanted to proceed with this Planning Case.

Commissioner Weber asked if the Commission could make a recommendation for approval, with adjustments to the side yard setbacks.

Community Development Director Jagoe stated the Commission could make a recommendation to the Council to adjust the side yard setbacks in order to bring about more separation between the two homes.

Commissioner Weber feared the City was allowing too much through this minor subdivision and he would support having more regulations in place.

Commissioner Blilie indicated she was uncomfortable with the sizes of the proposed homes. She noted the typical home on in this neighborhood was not 3,400 square feet.

Community Development Director Jagoe reported the proposed house and garage size for Tract A was 4,200 square feet and on Tract B the house and garage would be 3,700 square feet as shown on Site Plan B. She reiterated that the numbers she was providing was for the home and garage and the earlier stated square footages for both homes was from Site Plan A.

Commissioner Blilie stated she would be more comfortable with the minor subdivision if the proposed homes were reduced in size by 5%. She explained on Tract A she would like to see a 10 foot side yard setback.

Commissioner Weber indicated he still did not believe this was enough of a setback. He explained he lived on a lake and he feared there was too much leeway within this request. He recommended the side yard setbacks be set at 15 feet.

Chair Vijums reported the Commission could recommend approval of this request with one additional condition to read: The side yard setback for Tract A shall be 10 feet.

Chair Vijums moved and Commissioner Bjorklund seconded a motion to add Condition 20 to read: The side yard setback for Tract A as measured from the south property line shall be 10 feet. The motion carried unanimously (5-0).

Chair Vijums moved and Commissioner Bjorklund seconded a motion to recommend approval of Planning Case 23-003 for a Minor Subdivision and Variance as submitted by the Applicant in Site Plan B at 1174 Edgewater Avenue, based on the findings of fact and the submitted plans, as amended by the conditions in the March 8, 2023, report to the Planning Commission with Condition 20. The motion carried 4-1 (Commissioner Weber opposed).

Chair Vijums recessed the Planning Commission meeting at 8:01 p.m.

Chair Vijums reconvened the Planning Commission meeting at 8:06 p.m.

B. Planning Case 23-004; Zoning Code Amendment to Chapter 13 to Allow Solar Energy Systems in the Conservation District – *Public Hearing*

Community Development Director Jagoe stated Alatus LLC, “The Applicant,” is proposing an amendment to the language of Chapter 13 – Zoning Code of the Arden Hills City Code to allow for the conditional use of solar energy systems within the Conservation District in City Code Section 1320.05 – Land Use Chart.

Community Development Director Jagoe explained in 2013, the City adopted two zoning code amendments to establish the Parks and Open Space Zoning District and Conservation Zoning

District within the city code. Prior to this, there were no zoning districts designated for “parks or open space areas” that corresponded to two of the City’s future land use designations in the 2030 (and now 2040) Comprehensive Plan.

- Park and Open Space defined as “areas designated as public parks”
 - o Consists of 529 acres of land of City owned public parks, Ramsey County parks, and other open spaces for trails or stormwater easement ponds owned by the City, Ramsey County, the State of Minnesota, and private property owners/homeowner’s associations.
- Park Preserve defined as “areas designated as natural or scenic areas that are to be preserved for public use or open space”
 - o Consists of 1,449 acres all located on the Arden Hills Army Training Site

Community Development Director Jagoe explained by creating the Parks and Open Space Zoning District and Conservation Zoning District, the City was working towards compliance with Minnesota State law, which mandates that local zoning codes are consistent with adopted comprehensive plans. Specific to this application, the Conservation District is guided by the Park Preserve future land use classification in the Comprehensive Plan. The CD District only applies to the Arden Hills Army Training Site (AHATS). In 2014, the City rezoned 2/3’s of the AHATS property to the Conservation District and then in 2016 the remaining acreage was rezoned. The City did not rezone the entire AHATS property originally in 2014 because Ramsey County was working with the Federal Government to purchase some of the area to be incorporated into their park system.

Community Development Director Jagoe discussed the AHATS background, commented further on the Zoning Code Text Amendments, and provided the Findings of Fact for review:

1. Alatus, LLC, The Applicant, is proposing amendments to the language of Chapter 13 – Zoning Code of the City Code.
2. Currently, Section 1305.04 does not include a definition for Solar Energy System.
3. The Applicant is proposing the City amend the zoning code to add a definition for Solar Energy System to Section 1305.04 of the Zoning Code.
4. Under the City’s Zoning Code Section 1320.05, a Solar Energy System is considered a prohibited land use in the Conservation District.
5. The Applicant is proposing an amendment to alter the Land Use Chart in Section 1320.05 of the Zoning Code to allow a Solar Energy System as a Conditional Use in the Conservation District.
6. The City is proposing to add Solar Energy System design standards to Section 1320.15 – Special Requirements for the Conservation District.
7. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council.
8. If the zoning amendments were approved, an Applicant would be required to submit a Conditional Use Permit land use application for the permitting of a Solar Energy System within the Conservation District.

Community Development Director Jagoe reviewed the options for Planning Case 23-004 for a Zoning Code Amendment to Chapter 13 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.

Commissioner Bjorklund asked for clarification on what properties were being impacted.

Community Development Director Jagoe clarified primer tracer property is located within the Conservation District, rather the zoning code text amendment would be applicable to all of the land within the conservation district, not just site specific.

Commissioner Weber asked if there was interest in other parcels.

Community Development Director Jagoe stated she was not aware of any other property that the federal government owns, that they were considering selling.

Commissioner Bjorklund commented on the definition of solar array system. He recommended the size of an array be greater defined. He stated overall he supported solar systems on homes. He asked if other communities have allowed solar energy systems within their City Code. He believed it would be beneficial to review this language.

Chair Vijums asked what the acreage was of the federal government property.

Community Development Director Jagoe stated this property was 1,600 acres in size.

Chair Vijums questioned if there was any purpose of this land remaining greenspace for sustainability purposes.

Community Development Director Jagoe commented under the future land use designation this land was slated for parks and open space. She noted the intent of the conversation district was to hold the federal property.

Commissioner Bjorklund stated he was concerned with how a large portion of property could be sold for a solar farm and this could impact the redevelopment of this property.

Chair Vijums believed solar energy was a good thing, but he feared how the neighboring properties would be impacted if a large solar farm were installed.

Commissioner Bjorklund stated it would benefit the Commission to have an aerial picture of the conservation district property.

Community Development Director Jagoe commented the discussion before the Planning Commission was not specific to the primer tracer property. Rather, the Commission should consider the Conservation District overall.

Commissioner Mitchell recalled that the conservation land (AHATS and primer tracer property) would be difficult to clean to residential standards. For this reason, she was not concerned that an apartment building would be placed directly next to a solar array.

Community Development Director Jagoe discussed the listing for the 62 acres (primer tracer property) being sold by the federal government and noted the site had been cleaned to an industrial standard. She understood the sale document for this property would state this property could not be developed for residential.

Chair Vijums opened the public hearing at 8:43 p.m.

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

Lyle Salmela, 1480 Arden Vista Court, reported he sent comments to the Planning Commission prior to the meeting. He reviewed his comments noting he served as the Chair of the Restoration Advisory Board that was set up by the Army to clean up TCAAP. He noted he was also elected to Chair the Energy Resiliency Board in 2014 and 2015. He commented on the Energy Integration Resiliency Framework (ERIF) that was completed for TCAAP. He explained he understood Councilmember Tena Monson and County Commissioner Nicole Frethem met with the president of NSP, along with Bob Lux of Alatus. He recommended the primer tracer property be zoned for a solar farm and not for any other use. He discussed his visions for TCAAP noting this project could be a potential model for microgrid and grid energy design. He commented further on how the solar array would benefit the entire TCAAP development. He reported the State of Minnesota passed zero net energy requirements, noting no natural gas can be used by 2030.

Chair Vijums asked how much of the City could be powered from a 60 acre solar array.

Mr. Salmela reported this would power everything to the substations in the area. He anticipated substations near Lino Lakes and below I-694 would be fed. He stated if the grid were to go down, a 60 acre solar array would provide enough energy for all of TCAAP.

Commissioner Bjorklund questioned if the lines for the solar array would be above ground or underground.

Mr. Salmela indicated the lines could be either above or below ground.

Rich Skoman, 4380 Arden View Court, reviewed a map of the TCAAP development that included the primer tracer property and discussed the location of the wildlife corridor. He stated it was his hope the AHATS property could be used for cross country skiing in the winter months.

There being no additional comment Chair Vijums closed the public hearing at 8:58 p.m.

Commissioner Bjorklund stated he supported the proposed zoning code amendment and he appreciated the fact that all future solar energy system requests would be a conditional use.

Chair Vijums moved and Commissioner Mitchell seconded a motion to recommend approval of Planning Case 23-004 for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to Allow Solar Energy System as a Conditional Use in the Conservation District, based on the findings of fact and the submitted plans. The motion carried unanimously (5-0).

UNFINISHED AND NEW BUSINESS

None.

REPORTS

A. Report from the City Council

Councilmember Rousseau provided the Commission with an update from the City Council. She stated Planning Case 22-023 was approved by the City Council on February 7. She explained the Council has had a request that the sign code be reviewed. She anticipated staff would begin working on this issue and would be reporting back to the Planning Commission at a future meeting.

B. Planning Commission Comments and Requests

Commissioner Weber welcomed Councilmember Rousseau to the City Council.

Commissioner Bjorklund commented on the work his son was doing to review the deeds in Hennepin County in order to remove racial covenants. He encouraged the City of Arden Hills to research this matter to see if any residents were impacted by racial covenants.

Community Development Director Jagoe indicated this was a topic staff could bring to the City Council for direction at a future work session meeting.

ADJOURN

Chair Vijums moved, seconded by Commissioner Weber, to adjourn the March 8, 2023, Planning Commission Meeting at 9:11 p.m. The motion carried unanimously (5-0).