



DRAFT

Approved:

CITY OF ARDEN HILLS, MINNESOTA
PLANNING COMMISSION
WEDNESDAY, APRIL 5, 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.

ROLL CALL

Present were: Chair Paul Vijums, Commissioners Brad Bjorklund, Shelley Blilie, Joshua Collins, Arlene Mitchell, Kurtis Weber and Jonathan Wicklund.

Absent: Commissioners Steven Jones (alternate) and Clayton Zimmerman (alternate).

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

APPROVAL OF AGENDA – APRIL 5, 2023

Commissioner Mitchell moved, seconded by Commissioner Weber, to approve the April 5, 2023, agenda as presented. The motion carried unanimously (7-0).

APPROVAL OF MINUTES

March 8, 2023 – Planning Commission Regular Meeting

Commissioner Weber moved, seconded by Commissioner Bjorklund, to approve the March 8, 2023, Planning Commission Regular Meeting as presented. The motion carried unanimously (7-0).

PLANNING CASES

- A. **Planning Case 23-007; 1273 West County Road E – Site Plan Review and Zoning Code Amendment Chapter 13 to Allow Commercial Recreation – Outdoor in the B2 Zoning District – Public Hearing**

Community Development Director Jagoe stated the Applicant is applying for Site Plan Review for evaluation of the site layout and parking modifications that are being proposed to expand the

existing outdoor patio area. The patio expansion will include additional dining tables, pergolas, a lounge area with fireplace, and a commercial recreation area for cornhole leagues. In order to construct the patio expansion, the Applicant would need to remove five parking spaces in front of the building. Two of those spaces are accessible parking spaces that will be relocated near the patio within the existing parking lot. A Site Plan Review is required in any Business, Industrial, or Multiple Family Zoning District when there is the reorganization of parking, drives, and entrances.

Community Development Director Jagoe explained as part of the application, the Applicant is also requesting a zoning code amendment to allow for commercial recreational use to be conducted outdoors in the B-2 Zoning District. Currently, the city code limits any commercial recreational activity to be conducted within an enclosed building (i.e. indoors). The Applicant is proposing that the allowance for a commercial recreation – outdoor would be limited to being an accessory use only when conducted in conjunction with a commercial recreation – indoor land use. Additionally, their narrative notes that restrictions could be included in the amended ordinance language such as capping the evening hours for which the outdoor recreational activity would be allowed (i.e. 10 PM) or no high voltage lighting (i.e. flood lights).

Community Development Director Jagoe reported the Subject Property is approximately 1.5 acres. The bowling alley also features a full service restaurant/party room and an arcade. In addition to the Subject Property, the Applicant owns two other parcels in the immediate area (i.e. east and north) along Connelly Avenue that are utilized for overflow off-street parking for the bowling alley. Neither of these parcels have a structure, parking lot only.

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

General Findings:

1. The Applicant has submitted an application for Site Plan Review at 1273 West County Road E to expand the existing outdoor patio that will include an accessory outdoor commercial recreation area.
2. The Subject Property is located within the B2 General Business District and is guided as Community Mixed Use on the 2040 Land Use Plan.
3. Through the Site Plan Review, the Applicant is seeking approval to remove five off-street parking spaces and reconfigure the location of accessible parking spaces in order to expand the outdoor patio space.
4. The Applicant is proposing to add approximately 1,350 square feet of new impervious surface for the expanded outdoor patio area and is converting approximately the same square footage of existing impervious surface to a permeable surface with the addition of artificial turf on the Subject Property.
5. The proposed plan does not conflict with the general purpose and intent of the Zoning Code or the Comprehensive Development Plan for the City.
6. The application is not anticipated to create a negative impact on the immediate area or the community as a whole.
7. The proposed plan will not produce any permanent noise, odors, vibration, smoke, dust, air pollution, heat, liquid, or solid waste, and other nuisance characteristics.
8. The proposed plan is not anticipated to have any impact on traffic or parking conditions.

9. The outdoor patio and accessory commercial recreation – outdoor area would be in compliance with all provisions of the Zoning Code.
10. A public hearing is not required for Site Plan Review.

Text Amendment Findings:

1. Flaherty's, 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 Commercial Recreation – Outdoor.
3. The Applicant is proposing the City amend the zoning code to add a definition for Commercial Recreation - Outdoor to Section 1305.04 of the Zoning Code.
4. The Applicant is proposing an amendment to alter the Land Use Chart in Section 1320.05 of the Zoning Code to allow a Commercial Recreation – Outdoor as an Accessory Use in the B2 General Business District.
5. The proposed amendment advances the economic development goals in the City's Comprehensive Plan because it provides for land use regulations in commercial zones that provide flexibility for economic development while requiring high aesthetic standards.
6. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council.
7. If the zoning amendments were approved, an Applicant would be required to apply for an Administrative Permit for the accessory use to allow Commercial Recreation – Outdoor within the B2 Zoning District.

Community Development Director Jagoe reviewed the options available for Planning Case 23-007 to the Planning Commission on this matter:

1. Recommend Approval with Conditions
 1. That the project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to these plans, as determined by the Community Development Director, shall require review and approval by the Planning Commission and City Council.
 2. An administrative permit shall be obtained for the commercial recreation outdoor area.
 3. Prior to commencement of patio expansion, the Applicant shall provide the City with the final erosion control plans for review and approval by the Public Works Director/City Engineer.
 4. All retaining wall materials shall be complementary to the building materials and shall be approved in writing by the Planning Division prior to issuance of a building permit. Retaining walls greater than four (4) feet in height shall be engineered and detailed calculations shall be submitted to the City.
 5. The Applicant shall be responsible for obtaining any permits necessary from other agencies, including but not limited to, Rice Creek Watershed District and Ramsey County prior to the start of any site activities. Verification whether a permit is required or not shall be provided to the City.
2. Recommend Approval as Submitted

3. Recommend Denial
4. Table

Chair Vijums opened the floor to Commissioner comments.

Commissioner Bjorklund stated he had a lot of concerns with the proposal. He questioned if Flaherty's would be serving alcohol in the outdoor locations.

Community Development Director Jagoe explained the Applicant was currently allowed to serve alcohol on the patio and this service would continue in the new expanded patio area.

Commissioner Bjorklund indicated he was concerned with noise that would be generated from the expanded patio area. He feared amplified sound would be coming from Flaherty's which would adversely impact the quiet enjoyment of the surrounding residential neighbors. He suggested the patio area be properly screened.

Commissioner Collins requested further information on what was meant by commercial recreation.

Community Development Director Jagoe explained this included bowling alleys, indoor archery or health clubs that were in a commercial zoning district.

Commissioner Weber stated he supported the request and recommended screening be considered for the patio area.

Chair Vijums questioned if the proposed zoning code language would apply to future commercial recreation requests.

Community Development Director Jagoe stated this language would apply to businesses that were commercial recreation indoor uses that wished to expand to having commercial recreation outdoor use.

Chair Vijums asked how staff came up with the proposed size limitations (1,500 square feet).

Community Development Director Jagoe explained this was based on the proposed request and staff attempting to set a standard for the outdoor space so that it might not be expanded into the size of a hockey rink or ballfield size outdoor area.

Chair Vijums supported the City having more flexibility with the size of the outdoor recreation space or perhaps having this be a ratio to the building size.

Community Development Director Jagoe stated the Planning Commission could modify this language or make the outdoor recreation a conditional use.

Commissioner Weber indicated he did not believe it was appropriate to change City Code that only benefits one business in the City. He supported outdoor recreation being more open to other businesses as well.

Commissioner Collins commented he supported the Commission discussing the size of the outdoor space further. He explained he did not want the outdoor spaces taken to an extreme, but rather would support the City moving forward with staff's recommendation as a model for success moving forward.

Chair Vijums explained he supported the model provided by staff as well.

Commissioner Wicklund requested further information regarding what the options would be to screen the outdoor recreational space.

Community Development Director Jagoe discussed the pergola that would be installed on site noting the pergola would have greenery planted to grow on it. She then reviewed the location of a 20 foot Ramsey County easement on the Flaherty's property, noting the patio would go right to the edge of the easement. She cautioned the applicant from putting any plantings in the easement area.

Commissioner Wicklund stated he was in favor of the language provided by staff when it came to the size of the outdoor recreation area.

Commissioner Mitchell indicated she supported the expanded outdoor patio area being a fun place for individuals. She did not want the area to be closed off from the passing public, but rather thought the area should be visible from the street as a welcoming space.

Chair Vijums agreed stating if the area was heavily screened the public would not be able to see the activities that occur within the expanded patio area. He stated he would not be in favor of any type of screening. He noted he also supported leaving the size of the outdoor recreational space at 1,500 square feet.

Commissioner Weber reiterated that he was not comfortable with the City writing code that was only for one business in the community. He suggested a conditional use permit be considered versus rewriting City Code.

Community Development Director Jagoe explained if the Commission were to require the applicant to receive a conditional use permit, this recommendation would be considered by the City Council and the applicants would have to come back and apply for an outdoor commercial use as a conditional use.

Commissioner Weber questioned if the applicant had a contractor lined up for the outdoor patio expansion.

Adam Flaherty, 1273 West County Road E, explained he did have a contractor lined up for the patio work. He noted the patio season in Minnesota was limited and he would like to have the work done and ready for the 2023 season.

Commissioner Weber stated he was concerned with the fact the new language was too restrictive. He supported the use being opened to other businesses in the community in order to allow restaurants to have outdoor patios.

Community Development Director Jagoe explained the language could be amended, striking Item A, which would then allow other businesses to have an outdoor patio because they were a commercial use in the B-2 zoning district.

Commissioner Weber believed this was a reasonable change to the language.

Chair Vijums reported the Commission would have to also take into consideration how this language could be interpreted for the TCAAP property.

Commissioner Bjorklund commented he was still concerned about amplification of sound and requested that no amplification of noise be allowed on the outdoor patio.

Commissioner Mitchell suggested the outdoor patio be tied to a decibel level.

Community Development Director Jagoe reported noise standards per City Code would have to be followed for the outdoor patio.

Chair Vijums stated he did not believe it was necessary to restrict the decibel level for the patio area.

Commissioner Weber asked if Bethel University or Mounds View High School had a special permit to allow for the amplification of noise on their property.

Community Development Director Jagoe explained she would have to review their stadium renovation requests. She understood the sound was projected in a specific manner so as to reduce the impact on the neighboring residential properties and as part of the stadium approvals there were limitations on types of events and hours.

Commissioner Wicklund reviewed the language that was included in the Bethel University stadium request noting the sound system installed was to meet all EPA and MPCA standards.

Commissioner Collins stated he did not believe the same volume would be created on an outdoor patio as was being generated by the football stadium.

Commissioner Bjorklund commented on how difficult it was to enforce noise concerns and stated he would have to rely on the owner's best judgement to manage the noise coming from the outdoor patio.

Chair Vijums opened the public hearing at 7:29 p.m. The Planning Commission received one written comment that was submitted by Kim Sawtell, 3637 Hamline Avenue N., in advance of the meeting in support of the application as requested.

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

There being no additional comment Chair Vijums closed the public hearing at 7:30 p.m.

Commissioner Weber moved and Commissioner Blilie seconded a motion to strike the language within Item A from the draft Attachment H - Zoning Code Amendment, Accessory Uses . The motion carried unanimously (7-0).

Chair Vijums moved and Commissioner Weber seconded a motion to recommend approval of Planning Case 23-007 as amended for a Site Plan Review at 1273 West County Road E and Zoning Code Amendment to Section 1305.04 – Definitions, Section 1320.05 – Land Use Chart and Section 1325.02 – Accessory Uses based on the findings of fact and the submitted plans, as amended by the conditions in the April 5, 2023, report to the Planning Commission. The motion carried unanimously (7-0).

B. Planning Case 23-005; 4300 Round Lake Road W and 1987 Gateway Boulevard – Site Plan Review – *Public Hearing Not Required*

Community Development Director Jagoe stated the Applicant has submitted a land use application for a Site Plan Review, seeking flexibility on the size wall signs at two Delkor office buildings. The two buildings are located in Sign District 7, which allows a wall sign with a maximum size of 45 square feet. The Applicant is proposing one (1) 60 square foot wall sign on the western elevation of each building.

Community Development Director Jagoe explained at its January 17, 2023 meeting, the City Council considered a request for a Concept Plan Review for the proposed wall signs. At this meeting, the Council expressed general support for the requested flexibility in wall sign size. At this meeting, Planning Staff presented the City Council with a second option to amend the Sign Code. The City Council briefly discussed the undertaking of amending the sign ordinance. Given the Applicant's desired timeline for sign installation, they are pursuing the application for Site Plan Review based on the Council's feedback.

Community Development Director Jagoe reported the Applicant was recently approved for a Planned Unit Development Amendment at a third location they occupy at 4200 Round Lake Road. At their August 22, 2022 meeting, the City Council approved a request for wall signage with a 60-square-foot copy area on three elevations at the new Gateway building subject to sign standards under Sign District 6. The Applicant has indicated the proposed signage would be consistent and conform to the approvals at 4200 Round Lake Road.

Community Development Director Jagoe indicated the Applicant is proposing 60 square foot signage that will match the wall signs at their 4200 Round Lake Road location. Planning Staff would add that the new construction of the Gateway Interstate building at 4200 Round Lake Road was approved on October 12, 2020 as part of a Planned Unit Development that included sign district flexibility. The sign flexibility that the Applicant is seeking under this proposal for