



Approved: February 5, 2020

**CITY OF ARDEN HILLS, MINNESOTA
PLANNING COMMISSION
WEDNESDAY, JANUARY 8, 2020
6:30 P.M. - ARDEN HILLS CITY HALL**

CALL TO ORDER/ROLL CALL

Pursuant to due call and notice thereof, Chair Nick Gehrig called to order the regular Planning Commission meeting at 6:30 p.m.

ROLL CALL

Present were: Chair Nick Gehrig, Commissioners James Lambeth, Subbaya Subramanian, Paul Vijums, and Jonathan Wicklund.

Absent: Commissioners Steven Jones and Clayton Zimmerman.

Also present were: Community Development Manager/City Planner Mike Mrosla, Associate Planner Joe Hartmann, and Councilmember Steve Scott.

APPROVAL OF AGENDA – JANUARY 8, 2020

Chair Gehrig stated the agenda will stand as published.

APPROVAL OF MINUTES

December 4, 2019 – Planning Commission Regular Meeting

Commissioner Lambeth moved, seconded by Commissioner Wicklund, to approve the December 4, 2019, Planning Commission Regular Meeting as presented. The motion carried unanimously (5-0).

PLANNING CASES

- A. Planning Case 19-017; Arden Shoreview Animal Hospital – CUP Amendment – *Public Hearing***

Associate Planner Hartmann stated Richard and Louise Routhe (“The Applicants”) are requesting a Conditional Use Permit Amendment to remove some provisions of their Special Use Permit for the Arden Shoreview Animal Hospital (“Subject Property”), which is now a permitted

use by right under the current Zoning Code. The Subject Property is located at 1261 County Road E.

Associate Planner Hartmann reported the Subject Property is a veterinary clinic facing County Road E in the B-2 General Business District that has been in continuous operation since 1984. At the time, a veterinary clinic was not a permitted use for the Subject Property within the B-2 District. However, on April 23rd, 1984, the City Council approved Special Use Permit Case No. 84-5 (“Case No. 84-5”) that gave the Applicants permission to operate a clinic, which the Zoning Code defines in City Code Section 1305.04 as a building for out-patient medical treatment of humans or small animals. Case No. 845 included conditions of approval such as a limit on the business hours and number of employees. When the City adopted its current Zoning Code in 1993, the Subject Property no longer needed a Special Use Permit to operate a clinic in the B-2 District because the clinic is permitted in the B-2 District under the current Zoning Ordinance as per Section 1320.05. However, under the current Zoning Ordinance, a clinic with an accessory use as a kennel for the boarding of animals still requires a Conditional Use Permit.

Associate Planner Hartmann explained the current use of the subject property is not intensifying from its original approvals and there are no exterior modifications proposed site with this request. It is important to note that the subject property is non-conforming due to the size and setback requirements of the lot and a variance was granted as a condition of approval for Planning Case No. 84-5. Per the city attorney, the previously approved variance will carry over to the new Conditional Use Permit as a condition of approval. Staff note that in the 35 year history of the clinic operating at that location, there have been no code enforcement complaints regarding traffic and parking conditions and other nuisance characteristics, and Staff does not anticipate that approval of the Conditional Use Permit Amendment will have a negative impact.

Associate Planner Hartmann reviewed the surrounding area, the Plan Evaluation and provided the Findings of Fact:

General Findings:

1. The Subject Property is located at 1261 County Road E in the B-2 General Business Zoning District.
2. The Subject Property is the Arden Shoreview Animal Hospital, defined as a clinic use in Section 1305.04 in the City Zoning Code.
3. At the time it received approval, an animal clinic was not a permitted use and required a Special Use Permit.
4. The Subject Property has been continuously operated as a clinic for 35 years.
5. The City’s Zoning Code was amended in 1993 to allow clinics by right in the B-2 General Business District.

Conditional Use Permit Amendment Findings:

1. The Subject Property was previously granted a Special Use Permit to operate a veterinary clinic on the Subject Property in 1984 (SUP 84-5).
2. The Subject Property has not been expanded, renovated, or modified since the Special Use Permit was issued.
3. These are the first amendments to the SUP proposed since it was initially approved.
4. An application for amendment shall be administered in the same manner as required for a new application.

5. The Applicants are requesting the language in paragraph 2, sentence 3 be removed to allow for more flexibility to regulate the operating hours of a business.
6. The Applicants request that paragraph 3, sentence 1 be removed regarding the maximum number of staff members.
7. The Applicants request that the language in paragraph 4 sentences 1 and 2 be amended to read that the construction of the hospital shall be in accordance with the design standards set forth in the City Code.
8. The Applicants request that paragraph 5, sentence 2 be amended. Staff finds that a requirement specifying the required number of weekly refuse pickups is unnecessary.

Associate Planner Hartmann stated the Commission could make a motion to approve Planning Case 19-017 for a Conditional Use Permit Amendment at 1261 County Road E, based on the findings of fact and the submitted plans, as amended by the conditions in the January 8, 2019 Report to the Planning Commission:

1. All dogs shall be leashed when being transported in and out of the facility.
2. The property owners shall work with city staff to resolve the any parking concerns if complaints are received.
3. Any future relocation of the trash enclosures shall utilize wooden gates and shall be constructed on three sides using the same materials and patterns used on the building. The location shall be approved by the Planning staff in writing.
4. The use shall not emit offensive odors. Odors shall be vented by a duo-ventilation system.
5. If nuisance complaints are received the City Council may amend this Conditional Use Permit establishing a maximum number of animals kenneled overnight via a council resolution.
6. No outdoor kennels are permitted.
7. Outdoor examination area shall be enclosed by a six (6) tall privacy fence.
8. No Animals shall be left unattended in the outdoor examination area.
9. If the City receives complaints from the owners and occupants of surrounding properties regarding a violation of any condition set forth in the permit, violations of City Code may be cause for revocation of the permit.
10. Permittee is hereby granted a side yard setback variance of ten feet (10') and a rear yard setback variance of ten feet (10') -- i.e., ten feet (10') from the north and east property lines.

Associate Planner Hartmann reviewed the options available to the Planning Commission on this matter:

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

Chair Gehrig opened the floor to Commissioner comments.

Commissioner Lambeth asked if this request was part of a contingency in a purchase agreement.

Richard Routhe, applicant, explained he was selling his business to a new veterinarian and stated he was preparing the site for the buyer.

Commissioner Lambeth questioned if this property boarded animals.

Mr. Routhe commented he was approved for boarding.

Louise Routhe introduced Chris Anderson with Mission Veterinarians noting he would be taking over her husband's business. She explained Mission Veterinarians would be a great addition to the community.

Commissioner Lambeth thanked Mr. Routhe for his service to the country.

Commissioner Subramanian asked how often the medical waste was picked up.

Ms. Routhe explained this was not picked up twice a week every week because the facility does not generate that much medical waste.

Mr. Anderson reported he would be running the business much the same and did not anticipate generating more waste.

Chair Gehrig opened the public hearing at 6:47 p.m.

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

There being no comment Chair Gehrig closed the public hearing at 6:47 p.m.

Commissioner Vijums moved and Commissioner Lambeth seconded a motion to recommend approval of Planning Case 19-017 for a Conditional Use Permit Amendment at 1261 County Road E, based on the findings of fact and the submitted plans, as amended by the conditions in the January 8, 2020 Report to the Planning Commission.

Commissioner Wicklund stated he was not certain Condition 5 had to be included in the motion. He made a friendly amendment to remove Condition 5 from the motion for approval.

Community Development Manager/City Planner Mrosla explained Condition 5 was added to allow the City Council the flexibility to address any future concerns should a complaint be received regarding the number of dogs being boarded on the property.

Chair Vijums supported Condition 5 being removed.

The amended motion carried unanimously (5-0).

B. Planning Case 19-019; Non-Commercial Signs – Zoning Amendment – *Public Hearing*

Community Development Manager/City Planner Mrosla stated the Planning Commission shall hold a Public Hearing to review an amendment to Chapter 12, Sign Code to clarify and add

language to make non-commercial signs in an election years consistent with temporary off-premise signs and Minnesota State Statutes.

Community Development Manager/City Planner Mrosla explained the City has initiated proposed amendments to Chapter 12, Section 1230.01, Subd. 2 of the Sign Code. The existing language from section 1230.01, Subd. 2 states:

“Non-commercial Signs in an Election Year. Signs of any size containing noncommercial speech may be posted from August 1 in any general or City election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election provided that the signs are in compliance with Minnesota Statutes. These non-commercial signs shall be placed in accordance with Section 1250.03 Subd 2, 3, and 4.”

Community Development Manager/City Planner Mrosla reported the ordinance language above is inconsistent with Minnesota State Statute 211B.045. Minnesota State Statute 211B.045 states:

“All noncommercial signs of any size may be posted in any number beginning 46 days before the state primary in a state general election year until ten days following the state general election. Municipal ordinances may regulate the size and number of noncommercial signs at other times.”

Community Development Manager/City Planner Mrosla indicated the existing ordinance language restricts the placement of non-commercial signs until August 1st in an election year. However, Minnesota State Statute 211B.045 permits non-commercial signs to be posted 46 days prior to the state primary election. Minnesota primary elections occur on the second Tuesday of August in election years or on August 11, 2020. Per the statute, signs may be posted 46 days prior to the primary election or June 28, 2020. In response, staff worked with the city attorney on the proposed language below.

“Non-commercial Signs in an Election Year. In years where a federal, state or local government election is conducted within the city, non-commercial signs may be posted no more than 46 days prior to that election. These non-commercial signs shall be placed in accordance with Section 1230.02 and 1250.03 Subd. 2, 3, and 4. Those responsible for posting the signs shall remove any signs within 10 days following an election.”

Community Development Manager/City Planner Mrosla commented the proposed language addresses all types of elections and removes the need to address special elections. The proposed language is in conformance with Minnesota State Statute 211B.045 and permits non-commercial signs to be posted no more than 46 days prior to the election. Staff added specific code sections that defines where signs may be located. Section 1230.02 is addresses prohibited sign placement locations and 1250.03 regulates temporary off-premise signs.

Community Development Manager/City Planner Mrosla stated in addition, staff revised and restructured section 1250.03, Temporary Off-premise Signs. The intent of the revision was to bring non-commercial signs in conformance with other temporary off-premise sign standards. The existing ordinance language was silent on placing signs on publicly owned land and there

was no roadway setbacks standards for non-commercial signs. Below is a summary of proposed revisions by subdivision. A full redline of the proposed changes can be found in Attachment C.

Community Development Manager/City Planner Mrosla provided further comment on the Subdivision language changes and recommended the Commission approve the proposed amendments to Chapter 12 of the City Code.

Community Development Manager/City Planner Mrosla reviewed the options available to the Planning Commission on this matter:

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

Chair Gehrig opened the floor to Commissioner comments.

Councilmember Scott reported there would be a Presidential Primary in March of 2020 and encouraged staff to investigate how this election should be signed.

Community Development Manager/City Planner Mrosla stated he would investigate this further.

Commissioner Wicklund questioned how the City enforced signs that were placed illegally throughout the City.

Community Development Manager/City Planner Mrosla explained staff would notify the candidate of the illegally placed sign and ask them to relocate the sign. He reported brochures would be created by staff to inform local candidates of the City's sign standards.

Commissioner Subramanian asked how the City came to the 46 calendar day requirement.

Community Development Manager/City Planner Mrosla indicated this was the number referenced in State Statute.

Chair Gehrig opened the public hearing at 7:15 p.m.

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

There being no additional comment Chair Gehrig closed the public hearing at 7:15 p.m.

Commissioner Wicklund moved and Commissioner Vijums seconded a motion to recommend approval of Planning Case 19-019 for proposed amendments to Chapter 12 of the City Code, as presented in the January 8, 2020, report to the Planning Commission. The motion carried unanimously (5-0).

UNFINISHED AND NEW BUSINESS

None.

REPORTS

A. Report from the City Council

Councilmember Scott explained he would be serving as the City Council liaison for 2020. He provided the Commission with an update from the City Council and commented on the 2020 budget and tax levy that the Council approved. He reported the Council also approved a new TIF District which included the TCAAP property.

B. Planning Commission Comments and Requests

None.

C. Staff Comments

None.

ADJOURN

Commissioner Lambeth moved, seconded by Commissioner Wicklund, to adjourn the January 8, 2020, Planning Commission Meeting at 7:18 p.m. The motion carried unanimously (5-0).