



Approved: April 15, 2020

**CITY OF ARDEN HILLS, MINNESOTA
PLANNING COMMISSION
WEDNESDAY, FEBRUARY 5, 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: Commissioner Steven Jones and Clayton Zimmerman.

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

APPROVAL OF AGENDA – FEBRUARY 5, 2020

Chair Gehrig stated the agenda will stand as published.

APPROVAL OF MINUTES

January 8, 2020 – Planning Commission Regular Meeting

Commissioner Vijums moved, seconded by Commissioner Wicklund, to approve the January 8, 2020, Planning Commission Regular Meeting as presented. The motion carried unanimously (5-0).

PLANNING CASES

- A. Planning Case 19-018; Boston Scientific PUD Amendment and Site Plan Review –
*No Public Hearing Required***

Associate Planner Hartmann stated Lorne Rothbauer of Boston Scientific (“The Applicant”) is requesting Amended Planned Unit Development and Site Plan Review for a proposed project on 4100 Hamline Avenue N (“Subject Property”) to renovate a 700 square foot addition to the south

side of Building 10 near Innovation Way for the delivery of research resources to the Research Therapies Center (“RTC”) facility.

Associate Planner Hartmann explained the Boston Scientific campus at 4100 Hamline Avenue North operates under a Planned Unit Development (PUD) that was originally approved in 2002 for the Guidant Corporation. The last update to the PUD and Campus Master Plan took place in 2017 when the City approved a 5,330 square foot building addition on the northeast corner of Building 9 (Planning Case 17-013). New building construction or site modification identified on the approved Campus Master Plan requires the submittal of a Site Plan Review application prior to construction. For building construction or site modifications not included on the Master Plan, a PUD Amendment is required. The proposed addition to Building 10 is not shown on the current Master Plan and a PUD Amendment is therefore being requested.

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

1. The Boston Scientific campus at 4100 Hamline Avenue North operates under a Planned Unit Development (PUD) that was originally approved in 2002 for the Guidant Corporation.
2. The last update to the PUD and Campus Master Plan took place in 2017 when the City approved a 5,330 square foot building addition on the northeast corner of Building 9 (Planning Case 17-013).
3. New building construction or site modification identified on the approved Campus Master Plan requires the submittal of a Site Plan Review application prior to construction.
4. For building construction or site modifications not included on the Master Plan, a PUD Amendment is required.
5. The proposed addition to Building 10 is not shown on the current Master Plan.
6. A public hearing for a PUD Amendment request is required before the request can be brought before the City Council; provided, however, that when such changes are deemed insignificant by the Zoning Administrator, the requirements of a hearing may be waived.
7. The changes to the site that the Applicants propose would impact less than 1% of the total area within the PUD, and given these circumstances, staff waived the requirements of a public hearing in this case.

Associate Planner Hartmann recommended the Commission approve a Site Plan Review of 4100 Hamline Avenue, based on the findings of fact and the submitted plans, as amended by the conditions in the February 5, 2020 Report to the Planning Commission:

1. All conditions of the original Planned Unit Development shall remain in full force and effect.
2. Prior to the issuance of a grading permit, all items identified in the January 24th, 2020 Engineering Division memo shall be addressed. All comments shall be adopted herein by reference.
3. 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 City Planner, shall require review and approval by the Planning Commission and City Council.
4. The proposed structures shall conform to all other regulations in the City Code.

5. A Grading and Erosion permit shall be obtained from the city's 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, and Ramsey County prior to the start of any site activities.
6. Heavy duty silt fence and adequate erosion control around the entire construction site shall be required and maintained by the Developer during construction to ensure that sediment and storm water does not leave the project site.
7. The Applicant shall be responsible for protecting the proposed on-site storm sewer infrastructure and components and any existing storm sewer from exposure to any and all stormwater runoff, sediments and debris during all construction activities.
8. Prior to the issuance of a building permit, a landscape financial security of \$2,500 shall be submitted. Landscape financial security shall be held for two full growing seasons.
9. Prior to the issuance of a building permit, the Applicant shall submit a materials board to be approved in writing by staff.
10. All light poles, including base, shall be a maximum of 25 feet in height and shall be shoebox style, downward directed, with high-pressure sodium lamps or LED and flush lenses. Other than wash or architectural lighting, attached security lighting shall be shoebox style, downward directed with flush lenses. In addition, any lighting under canopies (building entries) shall be recessed and use a flush lens.

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 the applicant had provided staff with information regarding the proposed truck movements and number of trucks that would be moving through the site. He believed that the site was a little tight for the proposed truck movements.

Matt Ritton, Boston Scientific, explained the volume of trucks per day would be between zero and five or six. He indicated this would be a very low volume dock compared to the other docks at Boston Scientific. He noted this building expansion would have two bays for truck deliveries. He stated he understood the turning radius was tight, but because the volume of trucks would be quite low, he did not anticipate this would be a problem.

Commissioner Subramanian questioned why the applicant was proposing two more dock bays if the truck volume would be low.

Mr. Ritton reported this dock was on the research facility and would be used for receiving. He stated safety would be improved by adding this dock versus having on-grade deliveries.

Commissioner Vjums asked if the driveway width should be increased for turning radius purposes.

Mr. Ritton commented the driveway width had been widened to make the turning safer. He indicated he would work with the delivery drivers to ensure they were heading south on Innovation Drive after deliveries.

Community Development Manager/City Planner Mroska explained the width of the driveway was somewhat limited given the location of a wetland on the property.

Commissioner Lambeth questioned what the construction schedule was for this project.

Mr. Ritton reported construction would begin in the spring of 2020 pending approval from the City.

Chair Gehrig moved and Commissioner Lambeth seconded a motion to recommend approval of Planning Case 19-018 for Site Plan Review of 4100 Hamline Avenue based on the findings of fact and the submitted plans, as amended by the ten (10) conditions in the February 5, 2020, report to the Planning Commission. The motion carried unanimously (5-0).

B. Planning Case 19-020; 3159 Shoreline Lane Variance Request – *No Public Hearing Required*

Associate Planner Hartmann stated Justin Brown (“The Applicant”) has requested a variance for an ordinary high water (OHW) yard setback of five feet, six inches (5’ 6”) to construct a new deck behind a single-family dwelling located at 3159 Shoreline Lane (“Subject Property”).

Associate Planner Hartmann reported on October 16th, 2019 Curtin and Sons Construction LLC submitted a building permit for construction of a new deck in the rear yard of the Subject Property (“2019-01063”). Staff inspected the property and determined that the previous deck, which was approved under a building permit in 2007 (“B07-9967”), had been removed and the contractor was planning to build a larger deck, based on photos of the property from 2017 and the evidence that the posts for the new deck had been dug farther out than the posts for the previous deck. Under 2019-01063, the contractor indicated the replacement deck proposed was 13 feet, 6 inches wide and 34 feet, 3 inches long where the previous deck under B07-9967 was built to eight feet (8’) wide and 30 feet long.

Associate Planner Hartmann explained the Applicant is requesting a variance to the setback from the ordinary high water level (OHWL). The required setback is 50 feet but the Zoning Ordinance allows a six foot (6’) encroachment into the required setback. The proposed deck exceeds the allowed setback and encroachment by five and a half feet (5.5’).

Associate Planner Hartmann indicated staff notes that building plans are not required as part of a submission for a Land Use Application, but because the nature of the request is regarding a pre-existing structure encroaching on the setbacks for the property, previous building permits have been included in the Land Use Application for comparison. The Planning Commission is being asked to determine if a variance request for flexibility with the OHW setback requirement should

be approved. The evaluation of the proposal should be based on the District Provisions in Section 1320.06 and the Requirements for a Variance in Section 1355.04, Subd. 4.

Associate Planner Hartmann reviewed the Plan Evaluation, Variance Criteria and provided the Findings of Fact for review:

General Findings:

1. City Staff received a land use application for a request to build a new deck behind the single family dwelling at the Subject Property 3159 Shoreline Lane.
2. The Subject Property is located in the R-2 One and Two Family Residential District.
3. A deck on a single-family detached dwelling is a permitted use in the R-2 district.
4. The Subject Property is non-conforming with the R-2 districts standards for minimum lot width requirements.
5. The rear setback to the property is determined by the Ordinary High Water Level (OHWL) for Lake Josephine, which is 50 feet.
6. The principle structure is 52 feet from the OHWL.
7. Decks, uncovered porches, ramps, and steps generally may extend six feet (6') into required setbacks but in no case shall these encroachments be less than six feet (6') from any lot line.
8. The proposed deck on the Subject Property would otherwise conform to all other requirements and standards of the R-2 district and Shoreland Management Regulations.
9. The proposed development would not encroach on any flood plains, wetlands, or easements.
10. A variance may be granted if the Applicant meets all three factors of the statutory test for practical difficulties.

Associate Planner Hartmann stated recommends approval of the Variance at 3159 Shoreline Lane, based on the findings of fact and the submitted plans, as amended by the conditions below:

1. A Building Permit shall be issued prior to commencement of construction.
2. 2. The proposed building shall conform to all other standards and regulations in the City Code.

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 Vijums asked if other deck variances on Lake Josephine have been approved.

Associate Planner Hartmann stated staff found one other instance where a variance was approved on Lake Johanna in 1995. He commented further on the previous variance request.

Community Development Manager/City Planner Mrosła commented the City's Shoreline Ordinance was not approved until 2010.

Chair Gehrig questioned if staff had visited the site and if so, were there any concerns about any extended deck interfering with sight lines.

Community Development Manager/City Planner Mrosła reported staff has visited the site numerous times. He explained views and sight lines were not to be taken into consideration for variance requests but rather the zoning level only.

Commissioner Lambeth asked what the width of this property was.

Associate Planner Hartmann reported the lot was 45 feet at its narrowest point. He stated the lot was a legally non-conforming property.

Commissioner Lambeth reviewed the comments the City had received from the neighbors noting there were concerns regarding views and sight lines. He stated five and half feet was not a great deal of space and he wondered how this small of a variance would inconvenience the neighbors. He anticipated the neighbor's six foot solid fence blocked more views than the proposed deck would. He explained he supported the proposed deck and found it to be reasonable.

Commissioner Subramanian questioned if the owners would consider redesigning the deck to maintain a length that did not require a variance.

Community Development Manager/City Planner Mrosła deferred this question to the applicant.

Curt Kirklin, Kirklin & Sons Construction, stated he was representing the applicant. He reported the deck would not be functional if it were angled. He noted this was an awkward lot that was developed prior to all of the current City Code. He explained the proposed deck would have clear glass railings so as not to obstruct any views.

Commissioner Lambeth asked how long the applicant has lived in the home.

Justin Brown, 3159 Shoreline Lane, stated he has lived in the home since 2013. He explained the home was owned between six of his family members. He reported the deck was being proposed to provide more space for the family when recreating at the lake home.

Commissioner Lambeth questioned if Mr. Brown was aware of the existing restrictions and setbacks when he purchased the home.

Mr. Brown explained he looked at replacing the deck last year after the existing trusses began to give out. He stated the new deck would be made out of composite materials.

Commissioner Lambeth inquired if Mr. Brown had spoken to the neighbors who objected to the new deck.

Mr. Brown stated he had spoken to Catherine and Trace Robinson, the homeowners to the north, along with the neighbors to the south. He explained he has had a relationship with these neighbors since 2013. He noted the Robinson's use their lake home as a vacation property noting they live in Houston, Texas.

Commissioner Wicklund requested further information regarding the footings that were already in the ground.

Mr. Kirklin reported these footings were for the existing deck. He noted these would be removed and only two would be put in place.

Chair Gehrig stated the applicant was requesting a 13' 5" deck. He questioned how this deck would be used by the applicant.

Mr. Brown explained the deck would be used for outdoor dining space.

John Lily, attorney representing Catherine Robinson and Trace Ritt, stated his client's home was at 3167 Shoreline Lane. He noted he provided the City with a written submission. He respectfully disagreed with Commission Lambeth noting the proposed deck would impact the neighbors. He commented on the legal requirements for a practical difficulty and stated this request had not met the standards. He feared if the City were to approve this variance request a precedent would be set for future deck expansion requests. He anticipated there were many homes on the lake that wanted to extend their decks closer to the lake. He explained there was not enough usable space to install a deck. While he understood this lake lot was uniquely sized, he stated this was not enough of a reason to approve the variance. He commented further on how the proposed deck would adversely impact the view his clients have of the lake. He reiterated that financial difficulty did not meet the standard within Statute to approve a variance.

Commissioner Wicklund stated after hearing comments from the neighbors representative he had several questions. He asked if staff recommended it was not advisable to make decisions based on views.

Community Development Manager/City Planner Mrosla stated this was correct. He noted the City had reached out to the watershed district and the DNR and received no comments. He reported staff had also discussed the matter with the City Attorney and he was advised a determination on the variance should be made by the Planning Commission.

Commissioner Wicklund questioned who governed docks and dock sizes.

Community Development Manager/City Planner Mrosla explained the City had some regulations in place for dock widths at the shoreline.

Commissioner Wicklund stated it may be helpful, from an educational standpoint, to let the residents that have raised concerns know about the City's dock standards.

Community Development Manager/City Planner Mrosla reported staff would follow up with these residents. He commented further on the impervious surface questions that were raised by the neighbors.

Chair Gehrig thanked staff for outlining the Commission’s purview for this request. He commented on the practical difficulties for this request. He suggested the fact that the home was built 52 feet from the high water mark was a difficulty given the fact it left no room for a deck. He stated these things happen and noted how City Code has changed over the years. He believed an eight foot deck was simply a balcony space and a 13’ 5” deck would be more useable. In addition, he did not believe the proposed deck would alter the character of the neighborhood. He stated he supported the variance as requested.

Commissioner Vijums agreed stating this property was legally non-conforming. He supported the applicant being able to have a useful deck versus simply a walking space.

Commissioner Vijums moved and Commissioner Lambeth seconded a motion to recommend approval of Planning Case 19-020 for a Variance at 3159 Shoreline Lane based on the findings of fact and the submitted plans, as amended by the two (2) conditions in the February 5, 2020, report to the Planning Commission. The motion carried unanimously (5-0).

C. Planning Case 19-021; Brausen Family Automotive PUD Amendment – *No Public Hearing Required*

Community Development Manager/City Planner Mrosla stated Brausen Automotive Repair (“The Applicant”) has submitted an application for a Planned Unit Development Amendment. The Applicant is requesting flexibility in the color scheme and materials proposed for the renovation and remodel of the existing automotive repair garage, service station and car wash.

Community Development Manager/City Planner Mrosla explained at its June 5, 2019 meeting, the Planning Commission reviewed and approved a Land Use Application for a Final Planned Unit Development (PUD) and Site Plan Review at Brausen Automotive Repair. At that time, the Applicant proposed to demolish the exiting service station and carwash. The structures would be replaced with a new 7,978 square foot convenience store and a 1,600 square foot carwash. In addition, the Applicant proposed a 4,505 square feet garage and repair bay addition. During the PUD process the Applicant received approval for the general site design, building architecture and materials, parking, carwash access, stormwater ponding, landscaping and lighting.

Community Development Manager/City Planner Mrosla reported since receiving their approvals, the Applicant is requesting to modify the approved building architecture and materials. The intent of the modifications are to improve the aesthetics of the proposed buildings to better complement the existing repair garage. In order to incorporate the existing repair garage into the design the Applicant is requesting flexibility to utilize pre-cast panels on the proposed carwash and repair garage addition. Pre-cast concrete panels are a construction material produced by casting concrete in a mold and then is cured. After the product is cured, it is transported to the construction site and lifted/tilted into place (Figure 1). The Applicant is requesting to utilize pre-cast panels because the product can be formed to match the existing structure design.

Community Development Manager/City Planner Mrosla stated however, the City Code section below depicts pre-cast panels as an undesirable material.

1325.05 Subd 7. (D)(3)Undesirable materials shall include simulated brick, vinyl or aluminum siding, sheet or corrugated metal siding, plain concrete blocks or panels, brightly colored metal roofing or canopies, pre-cast tilt-up walls, mirrored or reflective glass, and materials that represent corporate colors or logos not in conformance with approved building materials.

Community Development Manager/City Planner Mrosla commented due to the requested use of an undesirable material staff directed the Applicant to submit a Land Use Application requesting a Concept Plan Review. The Concept Plan Review process is an opportunity for the City Council to provide comments and questions regarding the proposed development on the general public health, safety, comfort and general welfare of the inhabitants of the City of Arden Hills. A concept review is considered advisory and is nonbinding to the City and Applicant (Section 1320.14, Subd 4 of the Zoning Code). No formal action can be taken at a Work Session. If the applicant decides to proceed with the project, a formal application will be subject to the full review process, including a public hearing with Planning Commission and City Council review.

Community Development Manager/City Planner Mrosla explained the City Council heard this request at their November 18, 2019 work session meeting. The Applicant and their contractor discussed with the City Council their request to use pre-cast panels on the carwash and repair garage addition. In addition, the Applicant stated they would propose minor changes to the north and west elevation to better complement the existing repair garage as well. During the meeting, Councilmembers asked questions about the pre-cast panels and reviewed proposed elevation changes. Council requested the Applicant to break up the east elevation as the propose plans had no windows or breaks in the pre-cast. However, the Council was overall supportive of the proposed changes.

Community Development Manager/City Planner Mrosla reviewed the surrounding area, the Plan Evaluation and provided the Findings of Fact for review:

1. The property located at 1310 W County Road E is located in the B-2 General Business District.
2. The Applicant received Final Planned Unit Development and Site Plan Review approvals on June 24, 2019.
3. The applicant has submitted an Amended Planned Unit Development application.
4. The Master PUD substantially conforms to the requirements of the City Code.
5. Where the plan is not in conformance with the City Code, flexibility has been requested by the applicant and/or conditions have been placed on an approval that would mitigate the nonconformity.
6. Flexibility through the Amended PUD process has been requested in the following areas: building materials.
7. The proposed development plan meets or exceeds the minimum requirements of the City Code in the following areas: lot size, building coverage, landscape coverage, setbacks, street trees, perennials and shrubs, planting islands, drainage wetlands and flood plain tree selection, lighting, screening.
8. The Master PUD is in conformance with the Arden Hills 2030 Comprehensive Plan. The property at 1310 W County Road E is guided for Community Mixed Use. Community

Mixed Use areas are intended to offer a broad range of retail, services, and office space to meet community needs.

9. The application is not anticipated to create a negative impact on the immediate area or the community as a whole.

Community Development Manager/City Planner Mrosla recommended approval of the Amended PUD at 1310 W County Road E., based on the findings of fact and submitted plans, subject to the following conditions:

1. All conditions of the original Final Planned Unit Development and Site Plan Review (Planning Case 19-001) shall remain in full force and effect.
2. The Amended Planned Unit Development approval shall expire six months from the date of the City Council approval unless a building permit has been requested or a time extension has been granted by the City Council.
3. Prior to the issuance of the building permit, the Applicant shall enter into a Final Planned Unit Development Agreement.

Community Development Manager/City Planner Mrosla 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 the proposed South elevation had reflective glass.

Community Development Manager/City Planner Mrosla stated this elevation would have standard glass and not reflective glass.

Commissioner Vijums questioned if the tip up panels were being used for cost savings measures.

Community Development Manager/City Planner Mrosla reported he was uncertain if this was a factor. He indicated the reason for changing the building materials was to make the existing and new portions of the building more closely align from a visual standpoint.

Commissioner Vijums moved and Commissioner Lambeth seconded a motion to recommend approval of Planning Case 19-021 for an Amended PUD at 1310 West County Road E based on the findings of fact and the submitted plans, as amended by the three (3) conditions in the February 5, 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 provided the Commission with an update from the City Council. He discussed the action the Council took on three Planning Cases. He reported the Council appointed Interim City Engineer/Public Works Director Blomstrom as the City's Engineer. He explained the City Council also appointed Board and Commission positions. He commented on the Presidential Primary election and encouraged residents to vote on Tuesday, March 3rd. He indicated two of the City's precincts had changed, Precinct 2 was now located at the Anderson Center and Precinct 3 would be hosted at North Heights Lutheran Church.

B. Planning Commission Comments and Requests

None.

C. Staff Comments

None.

ADJOURN

Commissioner Lambeth moved, seconded by Commissioner Wicklund, to adjourn the February 5, 2020, Planning Commission Meeting at 7:46 p.m. The motion carried unanimously (5-0).