



Approved: June 3, 2020

**CITY OF ARDEN HILLS, MINNESOTA
PLANNING COMMISSION
WEDNESDAY, MAY 6, 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 Marcie Jefferys, Steven Jones, James Lambeth, Subbaya Subramanian, Paul Vijums, and Jonathan Wicklund.

Excused Absences: Commissioners Kurtis Weber

Also present were: Community Development Manager Mike Mroska, Associate Planner Joe Hartmann, Councilmember Steve Scott, and Planning Commission Alternate Clayton Zimmerman.

APPROVAL OF AGENDA – MAY 6, 2020

Chair Gehrig stated the agenda will stand as amended changing Planning Case 3B to Planning Case 20-004.

APPROVAL OF MINUTES

April 15, 2020 – Planning Commission Regular Meeting

Commissioner Lambeth moved, seconded by Commissioner Jefferys, to approve the April 15, 2020, Planning Commission Regular Meeting as presented. A roll call vote was taken. The motion carried unanimously (7-0).

PLANNING CASES

- A. Planning Case 20-008; 3244 Sandeen Road – Variance Request – *No Public Hearing Required***

Associate Planner Hartmann stated the Applicants are requesting a variance to increase the FAR of their single-family detached dwelling on the Subject Property from 0.30 to 0.34. The Applicants were previously approved for a front yard setback variance at the January 27th 2020

City Council meeting. The Subject Property is currently a vacant lot, zoned R-2, Single and Two Family Residential District, and is guided as Low Density Residential on the land use plan.

Associate Planner Hartmann reported according to the Applicants' narrative submitted as a part of their application, the home has been designed in such a way that it can capture the additional 396 sq. ft. that the Applicant requests without changing the envelope or appearance of the home from the exterior; which could be built by right. The Applicants are requesting to incorporate more livable space above the garage and in the basement. The proposed spaces would be otherwise used for storage and would meet applicable building codes to not be included within the FAR Calculation. Without the variance the space above the garage would be accessible from the garage via a drop down stair. There will no changes required to the exterior of the property to meet their request for a greater FAR.

Associate Planner Hartmann explained the Planning Commission is being asked to determine if a variance request for flexibility with the FAR requirement should be approved. The sketches that have been submitted show that the extra livable space would be wholly within the principle structure. The evaluation of the proposal should be based on the District Provisions in Section 1320 and the Requirements for a Variance in Section 1355.04, Subd. 4.

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

1. City Staff received a land use application for a variance request to increase the allowable FAR on a single family dwelling at the Subject Property 3244 Sandeen Road.
2. A single-family detached dwelling is a permitted use in the R-2 district.
3. The Subject Property is non-conforming with the R-2 districts standards for minimum lot width and area requirements.
4. The proposed additional floor area would be below grade and wholly within the principal structure of the house.
5. The proposed development of the subject parcel would conform to all other requirements and standards of the R-2 district.
6. A variance may be granted if enforcement of a provision in the zoning ordinance would cause the landowner practical difficulties.
7. Variances are only permitted when they are in harmony with the general purposes and intent of the ordinance.

Associate Planner Hartmann stated staff recommends approval of Planning Case 20-008 for a Variance at 3244 Sandeen Road, 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. 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 Jefferys asked if the City has previously approved a FAR request over .3 in the past.

Community Development Manager/City Planner Mrosła stated it was his understanding the City has received one other request for a FAR variance and this was for another unique lot. He explained the majority of lots in the City meet all zoning requirements, but older lakefront lots were unique.

Commissioner Jefferys questioned if an architect would be aware of the City's FAR requirements.

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

Andrew Peterson, architect for the Applicants, explained he understood the requirements ahead of time. However, he stated it took time to lay out the space and to fully understand how the Applicants would want the building to be laid out.

Commissioner Jones commented on the Met Council information that was provided to the Commission. He supported the City reviewing how FAR was measured. He noted this was the third time this home has been before the Commission. He inquired if the Applicants were planning to raise the floor in the basement while also adding space above the garage.

Mr. Peterson explained this was a new construction home and the house has been designed with flexibility to where additional space could be captured. He indicated the space above the garage and in the lower level could accommodate the therapy room. He reported if the FAR variance was not approved, he would need to revise the plans.

Commissioner Jones questioned if the .34 FAR included both the basement and space above the garage.

Mr. Peterson stated nothing has been approved yet. He commented in the lower level the floor would be raised for a crawl space. He indicated the exterior envelope of the home would not be altered if the FAR variance was not approved. He described how the home was built into a hillside and a portion would be useable space and the remainder would be crawl space. He reported the crawl space had to not be livable space because of the City's FAR requirements.

Commissioner Lambeth commented on the information that was provided to the Commission in November of 2019. He asked what the lot size was for this property noting there were three different numbers included in the materials. He discussed the history of this Planning Case noting the previous requests from the Applicants. He understood the Applicants were requesting extra space for special needs programming for their child, but indicated the Applicants were now

requesting even more space than was previously approved on a 9,400 square foot lot. He stated the Applicants were proposing to increase the FAR from .36 to .4. He explained the new plan includes some questionable data. He reviewed the lot area numbers further and expressed concerns that the facts were a moving target. He questioned why the City would assign an FAR calculation to this lot that does not meet the square footage minimums of the zoning requirements.

Associate Planner Hartmann referenced the packet from November and noted a different architect had provided the City with those FAR numbers. He noted the size of the lot was estimated to be 9,400 square feet. He reported the current Applicant has gone with a different architect and a certified survey of the lot was provided to the City stating the lot was 9,900 square feet in size. He reported this number was more accurate than the previous information taken from an aerial photo.

Commissioner Lambeth stated it was important for the City to have a clear lot size in order to have this number as the denominator for the FAR equation. He feared that at this time the City had three or four numbers out there.

Associate Planner Hartmann clarified the correct and most accurate number was 9,900 square feet based on the certified survey.

Further discussion ensued regarding the change in the plans.

Commissioner Lambeth expressed concern with the fact revised, detailed plans had not been provided to the Planning Commission.

Mr. Peterson commented a simple plan diagram had been provided to staff detailing the locations of the two spots where additional space would be used if the FAR variance were approved. He explained elevations had been provided to staff.

Commissioner Lambeth stated it was concerning that this information was not provided to the Commission. He reported the Commission was running blind and had no actual revised drawings to review.

Community Development Manager/City Planner Mrosła apologized for not having this information in the presentation. He noted he just received the information from the architect via email this afternoon. He stated the diagram shows the additional FAR was in the basement and above the garage. He explained if the FAR variance was not approved by the Commission these spaces would remain storage.

Commissioner Lambeth asked if the change was to move the rehabilitation space to above the garage.

Community Development Manager/City Planner Mrosła reported the plans before the Commission were different from the previous plans.

Commissioner Lambeth questioned if there was any finished area adjacent to the garage in the lowest level.

Mr. Peterson explained there was a very small amount of finished square footage on the entry level which would act as an entry/mudroom and houses stairs to go up to the main level, along with a mechanical room.

Commissioner Vijums asked how basements that don't meet minimum ceiling height was considered within the FAR requirements.

Associate Planner Hartmann discussed the Minnesota State Building Code Requirements. He reported the minimum was seven feet.

Commissioner Vijums questioned if the crawl space was less than seven feet.

Community Development Manager/City Planner Mroska stated according to the applicant this was correct.

Commissioner Vijums inquired where the therapy room would be located.

Mr. Peterson indicated the occupational therapy room would be located either above the garage or in the lower level. He stated his clients have yet to make this decision. It was noted the exterior of the building would not change if this space were used for occupational therapy.

Chair Gehrig reported this Planning Case does not require a Public Hearing. However, he opened the meeting for public comments.

Steven Campbell, 3248 Sandeen Road, stated he lives adjacent to the property in question. He noted he submitted a letter on behalf of the residents in the neighborhood that have concerns about the property. He explained he attended the previous Planning Commission meetings. He indicated this was a unique lot that was non-conforming. He stated he had concerns with how the FAR was being calculated. He expressed concern with the fact he has not been given information from the City when it has been requested. He reported the proposed home was much too large for the size of the property and he recommended the Planning Commission deny the variance request.

Jim Day, 3242 Sandeen Road, stated he lived south of the property in question. He discussed State Code and reported in order for basement space to not be counted as livable it had to be under six feet in height. He believed the square footage on the proposed home was too high. He was of the opinion a variance was not justified simply because the applicant had not changed the envelope of the home. He indicated the proposed home would be three stories from the street and reported all other homes on Sandeen Road were one or two stories. He stated the proposed home would be inconsistent with the character of the neighborhood. He recommended the Planning Commission deny the variance request.

Commissioner Zimmerman stated he was listening to the meeting as an alternate.

Richard Priore, applicant, explained the house as presented meet all City Code requirements. He indicated he could build this home tomorrow without needing a variance. However, because he was requesting additional space for a therapy room, he needed to come before the Planning Commission. He questioned why the neighbors were struggling with the additional space given

the fact the envelope of the home would not change. He understood the neighbors wanted to preserve the neighborhood, but stated he would be dramatically improving the lot. He explained the height of the house was within City Code. He stated he was having a hard time understanding why the neighbors were objecting to the project when the home would be built per the plans whether or not the FAR was approved.

Chair Gehrig thanked the public for their comments and brought the discussion back to the Planning Commissioners.

Chair Gehrig explained the request before the Commission was for a FAR variance. He reported the home itself did not require any variances to City Code. He stated because the exterior footprint of the home would not be increased and because the additional space was for a good use, he supported the proposed request.

Commissioner Jones agreed with Chair Gehrig and reiterated that the structure itself required no variances to City Code.

Commissioner Jefferys explained she had concerns with the fact the home plans were of a new design. She indicated if the home had been built with a .3 FAR it would have a smaller envelope and would not have the capacity for the therapy room.

Chair Gehrig reported the home could be built per the plans today and the extra spaces could be used as storage. However, the applicant was asking to convert the space into useable space in order to provide a therapy room for their special needs son.

Commissioner Wicklund stated he supported the FAR increase. He believed this was a reasonable request and the lot was unique. He explained he could support the FAR increase because the essential character of the property would not be altered because the envelope meets City Code.

Commissioner Lambeth reported he did not believe the Commission could review and approve this request because it did not have adequate information. He believed the Commission needed to be able to review a complete package that demonstrates compliance with all applicable State, County and local statutes and codes.

Chair Gehrig indicated the Planning Commission's scope was to review variances requests per City Code. He explained the Commission does not review every building request if there were no variance requests.

Commissioner Lambeth stated he could support this variance in order to move forward but noted in doing this without the required documentation was a concern to him.

Community Development Manager/City Planner Mroska apologized to the Planning Commission for not including the house elevations within the packet. He noted this information was included in the information that was emailed within the PowerPoint presentation. He stated if the Commission believes they need additional time to review the elevations the item could be tabled.

Chair Gehrig thanked Commissioner Lambeth for clarifying the disconnect. He asked how the Commission would like to proceed.

Commissioner Jones stated he supported moving the item forward.

Commissioner Wicklund was in agreement.

Commissioner Wicklund moved and Commissioner Jones seconded a motion to recommend approval of Planning Case 20-008 for a Variance at 3244 Sandeen Road based on the findings of fact and the submitted plans, as amended by the two (2) conditions in the May 6, 2020, report to the Planning Commission.

Commissioner Lambeth stated he supported this project moving forward. However, he requested in the future that all variance requests include all information submitted by the applicant so the item can be properly considered by the Planning Commission.

A roll call vote was taken. The motion carried unanimously (7-0).

B. Planning Case 20-004; 1741 Venus Avenue – Variance Requested – *No Public Hearing Required*

Associate Planner Hartmann stated the Applicants are requesting a variance to replace a deck in the front yard of their single-family detached dwelling on the Subject Property that also serves as the front door entrance to the house given the unique topography of the parcel. The front yard property line is 40 feet from the house and thus the proposed deck is 28 feet from the property line. The Subject Property is zoned R-1, Single Residential District and is guided as Low Density Residential on the land use plan.

Associate Planner Hartmann reported the Applicants are proposing to replace the design instead of repairing the current structure. According to the Applicants' narrative submitted as a part of their application, the proposed plan is to replace the deck and walkway which is original to the house. The decking is failing due to rotting wood after over 50 years in service and some of the current two-by-four support structure is not up to current state building code standards for decks.

Associate Planner Hartmann explained the Applicants argue that the deck is an essential feature of the house, as it provides the only access to the front door and the plan they propose does not extend any farther toward the front lot line than the current deck and adjoining stone stairs, nor is the proposed deck any higher than the current deck, which would preserve neighborhood character. The proposal also removes a section of the deck to the west of the front door which partially blocks of the egress window on the ground level. The Applicants' plan increases the area in front of the front door to make the front door more accessible and to create a space in the front of the house they argue will support neighborly engagement.

Associate Planner Hartmann commented the Planning Commission is being asked to determine if a variance request for flexibility with the front setback requirement should be approved for the deck and "bridge" walkway. The sketches that have been submitted show that the replacement walkway would be the same size and length as the current walkway, but the replacement deck would exceed the area of the deck currently in place. The Applicant could replace the deck with a

new deck of the same size without a variance, but they are asking for a variance to build a larger deck than would be allowed by code. The evaluation of the proposal should be based on the District Provisions in Section 1320 and the Requirements for a Variance in Section 1355.04, Subd. 4.

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

1. City Staff received a land use application for a request to build a replacement deck for a single family dwelling at the Subject Property 1741 Venus Avenue.
2. A deck on a single-family detached dwelling is a permitted use in the R-1 district.
3. The proposed walkway is necessary as the means of egress out the front door of the house.
4. The Subject Property is non-conforming with the R-1 districts standards for minimum lot length and area requirements.
5. The Subject Property is also nonconforming for topography due to the sunken elevation of the front yard.
6. The proposed deck and walkway would encroach into the front yard setback a combined 28 feet.
7. The proposed development of the subject parcel would conform to all other requirements and standards of the R-1 district.
8. A variance may be granted if enforcement of a provision in the zoning ordinance would cause the landowner practical difficulties.
9. Variances are only permitted when they are in harmony with the general purposes and intent of the ordinance.

Associate Planner Hartmann stated staff recommends approval of Planning Case 20-004 for a Variance at 1741 Venus Avenue, based on the findings of fact and the submitted plans, as amended by the conditions below:

1. Prior to issuance of a Building Permit, engineering department staff shall review a revised landscaping plan to ensure no impacts to the right-of-way.
2. A Building Permit shall be issued prior to commencement of construction.
3. 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 Jones indicated this was a wonderful project.

Commissioner Subramanian stated he appreciated the fact the neighbors were supportive.

Commissioner Vijums asked if access to the egress windows below the deck would be hindered.

Community Development Manager/City Planner Mrosla reported the far left egress window would be upgraded to meet egress and building code requirements. He stated the other windows would remain as is.

Commissioner Wicklund questioned what the square footage of the deck was currently and asked what the square footage would be of the new deck.

William Tourdot, 1741 Venus Avenue, reported proposed deck was 375 square feet, noting the deck would be 20' by 12' and would have a 17' by 5' bridge. He commented further on the egress windows in the basement and reported he was not required to replace the egress windows in the laundry room.

Commissioner Wicklund asked why the deck was being proposed to come straight out from the house versus having the main entrance off the driveway.

Mr. Tourdot reported this matches the existing deck and the neighbors know the house by this feature. In addition, this would provide access into the main entrance of the house.

Commissioner Wicklund questioned if the City has approved any other variances for residents that want to put decks in the front yard.

Community Development Manager/City Planner Mrosla reported there were not a whole lot of decks in front yards. He stated residents could place structures in the front yard so long as it does not exceed 30" in height and meets appropriate setbacks. He indicated once structures were above 30" railings were required, along with a permit. He explained this was a unique request given the topography of the lot and there was an existing deck.

Chair Gehrig asked if this property had a backyard that supports a patio or deck.

Community Development Manager/City Planner Mrosla stated the back of the home has a walkout entry with a patio.

Chair Gehrig commented he was understanding of the existing sunk in front yard and structure in place with the bridge that extends to the front door. He understood that the existing structure was 50 years old and was in need of replacement. He stated he was struggling with the fact the replacement deck would exceed the requirements by double for the porch section. He questioned what about the parcel was unique that a deck should be built on the front of the house when there was space in the back of the home.

Mr. Tourdot indicated there were many homes in his neighborhood that had front porches and patios.

Jennifer Granick, 1741 Venus Avenue, reported in her neighborhood there were a lot of front patios but because of the elevation of her home she could not have a patio. She discussed the

topography of property and noted some of the new deck space would be used as a walkway into the home, which would be unusable space. She explained the deck would be used to visit with neighbors while kids were playing, which was consistent with the feel of the neighborhood.

Chair Gehrig asked if the topography of this property was more traditional with a deck in the front, how far the deck could extend into the front yard setback.

Community Development Manager/City Planner Mroska stated per City Ordinance, decks and covered porches may extend six feet into the front and rear setback.

Commissioner Lambeth requested further information on how the deck was supported and questioned what portions of the deck were failing.

Mr. Tourdot reported the main portion of the deck that was failing was the bridge. He stated the bridge was canted to one side and the 2'x4's on the walkway were becoming soft. He explained the existing deck structure could not be rebuilt as it was because it was cantilevered out from the house. He commented further about how the deck was supported by joists that were cantilevered out from the house, four feet on center. He discussed how construction of decks had changed in the past 50 years.

Commissioner Lambeth reported 2'x4's was not the typical material used for decks. He asked what the applicants would be using for deck material.

Mr. Tourdot indicated he would be using recycled decking material.

Commissioner Lambeth questioned what would happen to the cantilevered supports.

Mr. Tourdot explained this would be addressed during the building permit phase but he anticipated a ledger would have to be installed in order to support the deck, along with posts and footings to support the joists.

Commissioner Lambeth inquired what the scope of work would be for this project.

Mr. Tourdot stated he was proposing to remove the existing deck and to build a new deck in the front of his home.

Chair Gehrig commented the variance request before the Commission was for the size of the structure. He reported the scope of the building materials was not under consideration and would be reviewed by staff through the building permit process.

Commissioner Lambeth indicated what he was trying to get at was that the applicant was proposing to build a maintenance free deck that would last for some time into the future.

Commissioner Vijums explained he was constructing a deck at his cabin. He commented further on the building requirements and anticipated the proposed deck would last 50+ years.

Commissioner Jones discussed the cantilevered decks he had built and stated he supported the project as proposed.

Chair Gehrig agreed this was a fantastic project but stated he was struggling with the three factor test. He understood this was a unique parcel but stated City Code did not allow people to put large decks on the front of their home. For this reason, he would rather see a porch structure built within the six foot requirement.

Commissioner Jones moved and Commissioner Vijums seconded a motion to recommend approval of Planning Case 20-004 for a Variance at 1741 Venus Avenue based on the findings of fact and the submitted plans, as amended by the three (3) conditions in the May 6, 2020, report to the Planning Commission. A roll call vote was taken. The motion carried 4-2 (Commissioner Jefferys and Chair Gehrig opposed).

Commissioner Lambeth lost his connection to the meeting prior to the vote, but subsequently informed staff that his intent was to vote aye.

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 explained the City Council was meeting virtually due to COVID-19. He reported the Council appointed two new members to the PTRC in April. He indicated a feasibility report was ordered for the 2021 Pavement Management Plan and approved an agreement for the Karth Lake runoff control project. He stated the first quarter financials were also approved. He reported construction continues for the 34th Infantry headquarters was progressing and would have a grand opening later this summer. He explained a national grocer was interested in moving into the Pace building. He noted the City Council had canceled all summer park and recreation programs due to the COVID-19 crisis.

B. Planning Commission Comments and Requests

None.

ADJOURN

Commissioner Jones moved, seconded by Commissioner Jefferys, to adjourn the May 6, 2020, Planning Commission Meeting at 8:35 p.m. A roll call vote was taken. The motion carried unanimously (6-0, Commissioner Lambeth was not available for the vote.)