



Approved: July 8, 2020

**CITY OF ARDEN HILLS, MINNESOTA
PLANNING COMMISSION
WEDNESDAY, JUNE 3, 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. Due to the COVID-19 pandemic this meeting was held virtually.

ROLL CALL

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

Absent: Commissioners Kurtis Weber and Clayton Zimmerman.

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

APPROVAL OF AGENDA – JUNE 3, 2020

Chair Gehrig stated the agenda will stand as published.

APPROVAL OF MINUTES

May 6, 2020 – Planning Commission Regular Meeting

Commissioner Jones moved, seconded by Commissioner Jefferys, to approve the May 6, 2020, Planning Commission Regular Meeting as presented. A roll call vote was taken. The motion carried unanimously (7-0).

PLANNING CASES

- A. **Planning Case 20-003; 3246 New Brighton Road – Preliminary Plat/Variance request – *Public Hearing***

Associate Planner Hartmann stated the subject property at 3246 New Brighton Road is approximately 3.12 acres in size and is comprised of the decommissioned Lake Johanna Fire Station No. 1 building, a detached garage, and parking areas. The two existing structures are

located along New Brighton Road and there are multiple curb cuts currently providing access to the property. The topography of the lot is relatively flat along New Brighton Road, but then slopes down significantly to a pond located on the easterly half of the property. The elevation change from New Brighton Road to the pond edge is roughly 15 feet. The pond occupies approximately 1.3 acres of the site leaving 1.5 acres of developable land.

Associate Planner Hartmann reported since 2017 the Subject Property has had three (3) previous development applications reviewed but not approved. The first application was submitted in April, 2017; the developer was requesting to subdivide the subject property into four (4) lots, however, the former landowner and the applicant couldn't agree on a sale price and the applicant withdrew their application. In January, 2018, a different applicant submitted an application requesting to subdivide the subject property into four (4) lots. On April 23, 2018, the City Council considered the application for a Preliminary Plat, Final Plat, Comprehensive Plan Amendment, and Variance. The City Council voted to deny this application because the proposal was not consistent with the Comprehensive Plan designation of the property as Public and Institutional.

Associate Planner Hartmann commented at their May 29, 2018 meeting the City Council approved a Comprehensive Plan Amendment, Preliminary Plat and Variance at the subject property. The Comprehensive Plan Amendment changed the designation of the property from Public and Institutional to Very Low Density Residential. The City Council approved a Preliminary/Final Plat request would have created three (3) single-family residential parcels on the existing lot. The proposed project never came to fruition and the property was voluntarily foreclosed.

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 for preliminary plat and variance at the Subject Property 3246 New Brighton Road.
2. The property at 3246 New Brighton Road is located in the R-2 – Single and Two-Family Residential Zoning District and is guided as very low density on the Land Use plan.
3. The subject property is currently comprised of the former Lake Johanna Fire Station 1 building, a detached garage, and parking areas.
4. The subject property is 3.12 Acres.
5. The applicant has requested a Preliminary Plat in order to subdivide the property into four (4) single-family residential lots.
6. The adjacent properties to the north, east, west and south are zoned R-2 District and are guided for Low Density Residential uses in the Arden Hills 2040 Comprehensive Plan
7. A single-family detached dwelling is a permitted use for the lots in the R-2 district where the Subject Property is located.
8. The applicant has requested a variance from Section 1130.07, Subd. 2 of the City Code, to allow a lot width of 81.75 feet, or 3.25 feet less than the minimum 85-foot requirement for the R-2 District.
9. Approximately one-third of the properties within this block that have lot widths less than the required 85 feet for the R-2 District. While, the majority of the lots on this block are 85 feet wide or greater, few have the depth or area of the four lots proposed in the redevelopment.

10. The proposed preliminary plat meets the other Minimum Subdivision Design requirements included in Section 1130 of the City Code.
11. The proposed preliminary plat meets or will be required to meet the Required Improvements for subdivisions included in Section 1140 of the City Code.
12. The proposed development requires public use dedication, as required in Section 1130.08 of the City Code.

Associate Planner Hartmann stated staff recommends approval of Planning Case 20-003 for a Preliminary Plat and a Variance at 3246 New Brighton Road, based on the findings of fact and the submitted plans, as amended by the conditions below:

1. The project shall be completed in accordance with the submitted plans 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.
2. The applicant shall submit a park dedication fee in the amount of \$26,000, subject to the approval of the City Council. The park dedication fee shall be submitted prior to the execution of the Final Plat.
3. Preliminary Plat approval shall expire six months from the date of the City Council approval unless the Final Plat has been approved by the City Council and recorded with Ramsey County or a time extension granted by the City Council.
4. A Letter of Credit in the amount of 125 percent of the cost of materials and installation for the required replacement tree plantings shall be provided prior to the issuance of any development permits. The Letter of Cred shall be valid for two full years from the date of installation of the replacements trees.
5. Prior to the issuance of a Grading and Erosion Control permit the Applicant shall work with the City to locate the additional 87 caliper inches of replacement trees on the site or on the adjacent properties to the north and south of subject property. If the replacement tree plantings cannot be reasonably accommodated on the site, the City can work with the applicant to find off-site locations for the plantings or require that a fee in lieu of the plantings be provided.
6. The applicant shall provide the City with a copy of the approved Rice Creek Watershed District Permit prior to the issuance of any development permits.
7. Signage depicting the conservation easement boundaries shall be shown on grading plan, final location and sign design is subject to the approval of the Public Works Director.
8. A grading as-built and utility as-built plan shall be provided to the City upon completion of grading and utility work.
9. The proposed buildings shall conform to all other standards and regulations in the City Code.
10. The Applicant shall be financially responsible for all applicable water and sanitary charges. Rates applied shall be those in effect at the time of Final Plat approval and shall be memorialized in the Development Agreement.
11. Before construction, grading, or land clearing begins, trees or tree areas that are to be preserved shall be visibly marked and city-approved tree protection fencing or other method shall be installed and maintained at the critical root zones of the trees to be protected. The location of the fencing shall be in conformance with the approved tree preservation plan and approved by staff in writing.

12. 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 Developer shall be responsible for obtaining any permits necessary from other agencies, including but not limited to, MPCA, Rice Creek Watershed District, and Ramsey County, MNDOT prior to the start of any site activities.
13. 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. Temporary stormwater facilities shall be installed to protect the quality aspect of the proposed and existing stormwater facilities prior to and during construction activities. Maintenance of any and all temporary stormwater facilities shall be the responsibility of the Applicant.
14. Prior to the issuance Grading and Erosion permit, the Engineering Department shall review and approve final grading and utility plans in writing.
15. Staff shall review and approve the final landscaping plan showing a minimum of three trees in the front yard per lot prior to the release of the Final Plat.
16. The Applicant shall be financially responsible for any cost incurred for undergrounding existing overhead electric utilities and other associated private utilities and within the development.
17. The Developer shall be wholly responsible for the removal of debris and fencing found onsite.
18. Prior to the release of the Final Plat, the Applicant shall execute the grant of permanent conservation easement and restrictive covenant for wetland and wetland buffer. A Development Agreement shall be prepared by the City Attorney and subject to City Council approval. The Development Agreement shall be fully executed prior to release of the Final Plat.

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 this project would come back to the Planning Commission again.

Community Development Manager/City Planner Mrosla stated this would be the only time this Planning Case comes before the Planning Commission.

Commissioner Jones questioned if the only request before the Commission was for narrower lots.

Community Development Manager/City Planner Mrosla indicated the Variance request was for narrower lots and noted the applicant was also requesting Preliminary Plat approval that

would subdivide the parcel into four lots. He commented further on the setbacks and buildable area for each lot.

Commissioner Jones inquired what the maximum height was for a house.

Community Development Manager/City Planner Mrosla reported the maximum height for a home was 35 feet from grade.

Commissioner Jones commented he was not a fan of this project noting he believed three should be the maximum number of homes allowed. He questioned why a pond was being built when there was an existing pond in place.

Community Development Manager/City Planner Mrosla explained the proposed pond was under review by the watershed district and would be used to preserve the quality of the existing pond.

Commissioner Lambeth discussed the proposed lots and noted their sizes. He commented there should be no foreseeable FAR concerns with the lots and future homes. He explained the only issue left for the Commission to consider was lot width. He asked what objections would be legitimate for denying this project.

Commissioner Subramanian requested further information regarding the trees that would be lost on the parcel. He questioned how many trees would be preserved. He inquired what the reasons were for requesting smaller lot sizes, other than economic reasons.

Community Development Manager/City Planner Mrosla reviewed a diagram where trees would be planted onsite noting the property had 1920 caliper inches of significant trees. He explained only 14 of the 150 significant trees onsite would be removed. It was noted an additional 20 trees would be planted. He discussed how the site and trees would be impacted if the development was reduced to three lots.

Chair Gehrig reported this request did not require a Tree Preservation Variance.

Commissioner Subramanian stated other than economic consideration, was there any other reason for this Variance.

Brendan O'Meara, representative for the applicant, thanked the Commission for their time. He discussed the tree preservation efforts and stated it would be impossible to understand how this property would be impacted if only three lots were pursued. He anticipated if only three lots were approved the homes would be much larger. He explained the variance request would allow this development to keep in character with the surrounding neighborhood. He reported if only three lots were pursued, these lots would be larger than any in the neighborhood and would have much bigger homes. He stated his purpose would be to construct four homes that more closely matched the neighborhood.

Commissioner Vijums asked if there was any way to adjust the width of the maintenance easement.

Community Development Manager/City Planner Mrosła stated the purpose of the 15 foot maintenance easement was to allow for City crews to access the existing pond.

Commissioner Vijums commented he has driven by this property several times and he noted it was an eyesore at this time. He explained the existing buildings needed to go away. He believed the new homes would improve the aesthetics of the neighborhood. He encouraged the applicant to keep the FAR requirements within the City's guidelines. He recommended the developer find an additional 180 caliber inches of trees within this development.

Commissioner Wicklund inquired if it was normal practice for staff to remove wetland area and right of way from calculating the density unit per acre.

Community Development Manager/City Planner Mrosła stated this calculation can be done both ways. He discussed how the density unit per acre was calculated for this development noting the site did have a number of encumbrances, such as the wetlands and easement.

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.

Kurt Weber asked if there were any other granted variances for reduced lot widths in the area.

Chair Gehrig stated he would be happy to address questions, but noted this was a time for the public comment.

Community Development Manager/City Planner Mrosła explained he cannot think of any lots off the top of his head in the surrounding area that have a reduced lot width.

Mr. Weber indicated if the City was going to calculate density by subtracting or discounting area of the property this should be done when the FAR was calculated as well.

Dave Anderson, 1896 Gerald Avenue, explained he lived across the street from the old fire station property. He stated he had been to several of the public meetings and he wanted clarification on the variance request. He understood the requested variance was not based on economic consideration. He expressed concern that at one of the neighborhood meetings the applicant stated three house would not be economically feasible and therefore, four was necessary. He questioned why the neighbors had to bear the circumstances when the developer knew the size and expense of the lot when he purchased it. He suggested more creative thinking be put into this development in order to have three homes on the parcel, which would eliminate the need for a variance. He recommended the Commission not approve the variance request and that the project move forward with only three lots.

There being no additional comment Chair Gehrig closed the public hearing at 7:24 p.m.

Commissioner Jones thanked Mr. Anderson for his comments. He reported the economic stress of selling three homes versus four was different when considering the expense of tearing the building down. He anticipated the existing building could be added onto or remodeled in order

to serve as a twinhome. He commented further on the tree loss and noted he was not a fan of the project.

Commissioner Wicklund discussed the variance requirements and noted the applicant was requesting to go from 85 feet to 81 feet. He believed the applicant was proposing a reasonable use. He appreciated the fact the developer was proposing to have lots sizes and homes that would match the character of the surrounding neighborhood.

Commissioner Jefferys understood this property needed to be redevelopment, but she was concerned about the proposed lot widths. She feared that the only reason the applicant was requesting a variance was for economic reasons.

Chair Gehrig commented variance requests were all different and unique. He stated the variance request was not extreme. He noted the proposed development would not place an extreme strain on the neighborhood or abuse City services. He appreciated the fact the developer was taking into consideration the character of the neighborhood. He understood the homes would be a little closer together, but he believed this would match the adjacent neighborhood.

Commissioner Lambeth stated the only conformance issue to consider was the lot width. He believed that the proposed lot widths successfully addressed City Code. He explained he would be supporting this Planning Case.

Commissioner Jones indicated he liked the smaller lots with smaller homes as this would be more in keeping with the neighborhood.

Commissioner Lambeth moved and Commissioner Vijums seconded a motion to recommend approval of Planning Case 20-003 for a Preliminary Plat and Variance at 3246 New Brighton Road based on the findings of fact and the submitted plans, as amended by the eighteen (18) conditions in the June 3, 2020, report to the Planning Commission. A roll call vote was taken. The motion carried 5-2 (Commissioners Jefferys and Subramanian opposed).

B. Planning Case 20-005; 2 Pine Tree Drive North – Master Planned Unit Development Request, Preliminary and Final Plat – *Public Hearing*

Community Development Manager/City Planner Mrosla stated in 2013 Bethel University acquired the Country Financial facility at 2 Pine Tree Drive. The property consists of three (3) parcels that total approximately 43 acres. The northern parcel which is 21.52 acres in size contains the access road off of Pine Tree Drive and the majority of the surface parking. The center parcel which is 19.16 acres in size contains an existing 181,432 square foot office building and a small fraction of the surface parking. The remaining undeveloped parcel to the south is 2.43 acres in size and is made up of mainly woodlands and wetlands. The Applicant is proposing to subdivide the northern parcel into two (2) lots and consolidate the center parcel and the remaining southern exception parcel into one lot of record.

Community Development Manager/City Planner Mrosla reported the subject property is located within the B-2 General Business District, where higher educational uses are permitted by Conditional Use Permit (CUP). At its November 25, 2013 meeting, the City Council approved a

CUP for Bethel University to use the existing facility as higher education. The CUP does not include additional conditions to restrict development of the northern section of the site. It is important to note that the current platting process is not associated with any specific development on the site. However, the Lake Johanna Fire Department is in talks with Bethel to acquire the lot adjacent to Pine Tree Drive for a future fire station. This application only pertains to Bethel's request to divide the land and not future development projects.

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

1. The subject property is located at 2 Pine Tree Drive and is zoned B-2, General Business District and is guided as Community Mixed Use on the Land Use Plan.
2. The applicant has submitted an application for Master Planned Unit Development and Preliminary/Final Plat.
3. The Applicant is requesting to create two (2) new lots of record and consolidate two (2) existing lots into one (1) The proposed plat also creates an outlot covering the private access road and utilities.
4. The current platting process is not associated with any specific development on the site.
5. The proposed subdivision is requesting no flexibility through the PUD process.
6. The proposed plats and Master PUD conforms with the requirements of the City Code.
7. The proposed Preliminary Plat and Final Plat are consistent with the Arden Hills Zoning Map and the 2040 Comprehensive Plan.

Community Development Manager/City Planner Mrosła stated staff recommends approval of Planning Case 20- 005 for a Master Planned Unit Development and Preliminary Plat/Final Plat at 2 Pine Tree Drive, based on the findings of fact and submitted plans, subject to the following conditions:

1. The project shall be completed in accordance with the plans submitted and as amended by the conditions of approval. Any significant changes to the plans, as determined by the City Planner, shall require review and approval by the City Council.
2. All conditions of the Master PUD and Preliminary Plat approval shall remain in full force and effect.
3. The applicant shall record the Final Plat with Ramsey County and a copy shall be provided to the City within sixty (90) days of the City's approval.
4. A Development Agreement shall be prepared by the City Attorney and subject to City Council approval. The Development Agreement shall be fully executed prior to release of the Final Plat.
5. Survey monuments shall be placed and installed at all block corners, angle points, points of curves in streets, and at intermediate points as shown on the Final Plat. Pipes or steel rods shall be placed at the corners of each lot.
6. The Developer Agreement shall identify maintenance responsibilities for Outlot A. Unless specifically modified within the Development Agreement, all maintenance responsibilities shall be completed by the property owner of Lot 3, Block 1.
7. All trails on Lot 3, Block 1 shall remain open to the public and terms of the agreement shall be memorialized in the Developers Agreement.

8. Prior to the release of the Final plat, the property owner of Lot 1, Block 1 shall submit a maintenance plan for the exiting trails on the subject parcel unless a written agreement between the City and owner establishes a different requirement.
9. A 6-ft wide sidewalk shall be constructed along the realigned section of the private driveway extending from Pine Tree Drive to Lot 3.
10. A 6-ft wide sidewalk shall be constructed along the west side of Pine Tree Drive from Outlot A to the north boundary of “Exception Parcel C” upon development of Lot 2 or relocation of the private driveway.
11. A traffic impact analysis shall be prepared in accordance with City standards and provided to City staff for review prior to development of Lot 1 and Lot 2.
12. Proposed extensions of water main and sanitary sewer constructed within Lot 1, Lot 2 and Outlot A shall be private utility services. Public utility easements will not be required over private water and sanitary sewer utilities within the site. The development agreement shall include private access easements over these utilities to the benefit of the three lots.
13. The Applicant shall add a 20-ft wide public drainage and utility easement to the plat extending along the north lot line for Lot 1, Block 1 and along the north lot line for Outlot A.
14. The Applicant shall add a 20-ft wide public drainage and utility easement to the plat extending along the south lot line for Lot 3, Block 1 between the east right-of-way line at the terminus of Dunlap Street and the southwest corner of Lot 1.
15. The Applicant shall add a 10-ft wide public drainage and utility easement to the plat extending along the north lot line for Lot 3, Block 1 between Outlot A and the west lot line for Lot 3.
16. Prior to the issuance of a grading permit, all items identified in the May 27, 2020 Engineering Division memo shall be addressed. All comments shall be adopted herein by reference.

Community Development Manager/City Planner Mrosła 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 Wicklund asked if staff discussed the 16 conditions with the applicant.

Community Development Manager/City Planner Mrosła reported staff had discussed the conditions with the applicant. He explained the applicant supported the staff recommended conditions.

Commissioner Wicklund stated he supported the request from Bethel University.

Commissioner Vijums discussed the trail system and asked if the existing trails would be replaced after the new buildings were constructed.

Community Development Manager/City Planner Mrosla explained it would be difficult to replace all of the existing trails but he noted the trails would be addressed when Bethel University submits a development application.

Commissioner Vijums commented the additional concrete was somewhat of an eyesore to him. He hoped that the new buildings could be constructed without additional concrete parking lots. He recommended that all existing wetlands be preserved.

Commissioner Lambeth stated this application on pertains to the subdivision of the land. He requested clarification as to which lot was being proposed for the Lake Johanna Fire Department.

Community Development Manager/City Planner Mrosla reported the Lake Johanna Fire Department was in conversations to acquiring Lot 2 which was adjacent to Pine Tree Drive.

Commissioner Jones stated he supported the proposed request. He indicated his only concern with the proposal was with how traffic would flow in and out of this site into Pine Tree Drive. He stated he did not want there to be backups at Pine Tree Drive if the fire station were to locate on this corner.

Commissioner Jefferys asked if the City had any agreement in place that Bethel University will maintain these trails.

Community Development Manager/City Planner Mrosla reported a condition of approval (Condition 7) was in place requesting Bethel University to provide the City with a maintenance plan for these trails. He noted the trails were private and were maintained by Bethel.

Chair Gehrig opened the public hearing at 8:01 p.m.

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

Bobby Goldman, 1298 County Road F West, commented on the subdivision and explained he grew up at 1146 Walden Place which borders the nature preserve. He indicated he frequented the trails on this property. He expressed concern with the fact almost 100 significant trees would be removed from this Site 1 and 2. He understood this plan would eliminate the existing trail plan. He recommended park dedication fees not be waived for the fire station.

There being no additional comment Chair Gehrig closed the public hearing at 8:04 p.m.

Commissioner Wicklund explained he supported this Planning Case moving forward as recommended.

Commissioner Wicklund moved and Commissioner Jones seconded a motion to recommend approval of Planning Case 20-005 for a Master Planned Unit Development Request, Preliminary and Final Plat at 2 Pine Tree Drive North based on the findings of fact and the submitted plans, as amended by the sixteen (16) conditions in the June 3, 2020, report to the Planning Commission. A roll call vote was taken. The motion carried unanimously (7-0).

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 stated the City was still under a local peacetime emergency due to COVID-19. He reported City Hall offices remain closed to residents but all essential City services were being provided. He explained the City's recreation programs had been canceled through the summer and virtual programs were being provided. He noted all City parks, playgrounds and trails were open for use. He indicated the Council approved a refund of liquor license fees for bars and restaurants that have had to remain closed due to the Stay at Home order. He discussed the Planning Cases the City Council had considered and approved/tabled. He explained the June 8th City Council meeting has been canceled and a Worksession meeting will be held in its place.

B. Planning Commission Comments and Requests

Chair Gehrig thanked the Planning Commission members for attending this meeting. He encouraged everyone to stay safe and healthy.

C. Staff Comments

None.

ADJOURN

Commissioner Jones moved, seconded by Commissioner Jefferys, to adjourn the June 3, 2020, Planning Commission Meeting at 8:13 p.m. A roll call vote was taken. The motion carried unanimously (7-0).