



Approved: August 5, 2020

**CITY OF ARDEN HILLS, MINNESOTA
PLANNING COMMISSION
WEDNESDAY, JULY 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. 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, Kurtis Weber (alternate), and Jonathan Wicklund.

Absent: Commissioner Clayton Zimmerman.

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

APPROVAL OF AGENDA – JULY 8, 2020

Chair Gehrig stated the agenda will stand as published.

APPROVAL OF MINUTES

June 3, 2020 – Planning Commission Regular Meeting

Commissioner Vijums moved, seconded by Commissioner Subramanian, to approve the June 3, 2020, Planning Commission Regular Meeting as presented. A roll call vote was taken. The motion carried unanimously (7-0).

PLANNING CASES

- A. Planning Case 20-011; North Heights Lutheran Church – Conditional Use Permit and Amended Planned Unit Development – *Public Hearing***

Associate Planner Hartmann stated the use of the Subject Property as a place of worship has been in continuous operation since 1947. The City Council approved Planned Unit Development Permit (PUD) Planning Case 84-21 in 1984 that gave the Applicants permission to operate a

church at the Subject Property. The PUD included conditions of approval such as a requirement that the use of the church and supporting facilities with the R- 1 Zoning District shall be limited to those uses and activities normally associated with a church operation. The PUD was amended two (2) times in 1995 and 2000 respectively. In 2002, a Special/Conditional Use Permit was approved for the North Heights Family Life Center to operate a program for high school aged students with eighty-six (86) matriculated students on site, but the program was never implemented and the permit has since been expired. The proposed use of the Subject Property at that time was found to be consistent with its original approvals and there were no exterior modifications proposed with that request. The one (1) condition of approval associated with this previous request was that the main parking lot access drive for the secondary school use should be from Highway 96 and North Heights was to direct as much traffic to the Highway 96 access drive as possible.

Associate Planner Hartmann explained the proposed use would utilize existing classrooms, gymnasium and playground. Entrance B will be used for child drop off and pickup as shown below. Parent and staff will utilize the East Lot/B for parking. Hours of operation are 7:00 A.M. and 6:00 P.M. Monday through Friday each week, with pre-school lasting from September through May of each year and the nursery use continuing over the summer. If approved, the center would enroll up to 100 children between the ages of 33 months to 5 years old in either a half-day or full-day pre-school curriculum. The Applicant states that the purpose of this proposal is to better utilize the existing space and to meet the needs of the growing population of the north suburbs.

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

1. The Subject Property is located on an approximately 41 acre parcel in the R-1 Single Family Residential District.
2. The Subject Property is located at 1700 Highway 96 W.
3. The Subject Property is utilized by the North Heights Lutheran Church.
4. The Subject Property has been approved for a house of worship use as defined by in Section 1305.04 in the City Zoning Code.
5. The facilities of a church or other religious assembly may be used for a licensed pre-school and childcare center and playground with a Conditional Use Permit.

Associate Planner Hartmann stated staff recommends approval of Planning Case 20-011 for a Conditional Use Permit and Planned Unit Development Amendment at 1700 Highway 96 W, based on the findings of fact and the submitted plans, as amended by the conditions in the July 8th, 2020 Report to the Planning Commission:

1. The project shall be completed in accordance with the plans submitted 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 Planning Commission and City Council.
2. All conditions of the original Planned Unit Development shall remain in full force and effect.
3. This approval does not include signs. A separate sign permit is required for all proposed signage.

4. A Zoning Permit shall be required for the fencing around the playground area.
5. A Building Permit shall be required for the interior improvements.
6. The Applicant shall modify the southern curb at the intersection of Snelling Avenue and the private drive to restrict right turns onto Snelling Avenue. Prior to construction the Applicant shall submit plans for engineering staff to review. A Right of Way permit is required. The proposed improvements shall be completed no later than November 31, 2020.
7. The applicant shall designate and sign ten (10) parking stalls for parent drop-off/pick-up during pore-school/nursery hours of operation in East Lot/B.
8. No expansion to enrollment beyond 100 students shall be permitted without City Council approval.
9. Any violation of the conditions of this Conditional Use Permit may result in revocation of the permit.

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 stated she could not see the slides. She asked if the slideshow for this Planning Case was sent to the Planning Commission.

Community Development Manager/City Planner Mrosla explained the PowerPoint presentation was sent to the Commissioners prior to this meeting.

Commissioner Jefferys questioned if the childcare facility would be providing food to the children.

Associate Planner Hartmann commented food would be provided for the students and this would be regulated by Ramsey County.

Commissioner Jones indicated he could not see the slideshow either. He asked if the Commission had a quorum without him present.

Community Development Manager/City Planner Mrosla stated the Commission would still have a quorum given the fact Commissioner Weber was in attendance.

Commissioner Jones asked what the timeline was for this project.

Associate Planner Hartmann reported the plan was to open the childcare facility this fall.

Commissioner Lambeth discussed how a place of worship is defined within City Code and understood this could include a childcare facility. He inquired if the applicant already had a license from DHS for the facility.

Associate Planner Hartmann deferred this question to the applicant.

John Oldfield, representative from North Heights Lutheran Church, explained he has a DHS application in for licensing with Ramsey County.

Commissioner Lambeth questioned how security would be managed at the pickup/drop-off area.

Mr. Oldfield reported the area had been restriped and stop signs had been installed on either side of the crosswalk to improve safety. He commented he did not anticipate there would be a security issue with the children coming into the building.

Commissioner Subramanian applauded the church for proposing the childcare and preschool facility in Arden Hills. He asked if an additional traffic study should be completed prior to the school starting. He inquired if it was wise to have 100 children in this facility given the concerns with COVID-19.

Mr. Oldfield stated North Heights had a COVID-19 plan for the entire facility. He discussed the area the students would be in and noted it was quite large. He reported the students would be able to social distance per the governor's executive orders.

Associate Planner Hartmann explained the applicant had spoken to Public Works Director/City Engineer Todd Blomstrom and he determined a traffic study was not necessary for this proposal.

Commissioner Vijums commented he supported the proposed plan.

Commissioner Wicklund asked what type of construction would occur to get traffic turning left onto Snelling Avenue.

Associate Planner Hartmann reported the proposal would be to extend the curb on the right hand side by 20 feet.

Chair Gehrig opened the public hearing at 7:11 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 7:11 p.m.

Commissioner Wicklund stated he supported this Planning Case moving forward without Condition 6. He believed Condition 6 was an unnecessary expense that should not be taken on by the applicant.

Community Development Manager/City Planner Mroska commented staff was requesting a minor modification to the curb line to further minimize the turns.

Commissioner Wicklund commented he would not make this a significant issue and noted he was a fan of perpendicular intersections.

Commissioner Jones asked if there was an issue to have the daycare users entering the site through the north lot off of Highway 96 rather than the east entrance off of Snelling Avenue.

Associate Planner Hartmann stated this was a possibility.

Commissioner Lambeth indicated he supported Commissioner Wicklund’s recommendation to omit Condition 6.

Commissioner Vijums stated he did not object to Condition 6 and agreed it would be best to provide direction regarding traffic flow.

Chair Gehrig indicated he supported the comments from Commissioner Wicklund and believed Condition 6 was overly burdensome. He supported the Commission making a recommendation regarding traffic flow into the site for the daycare facility.

Mr. Oldfield reported he could inform parents using the daycare facility that they would have to enter and exit the site on Highway 96.

Commissioner Jefferys stated she did not believe Condition 6 was overly burdensome and should remain a part of the CUP.

Commissioner Vijums agreed.

Community Development Manager/City Planner Mrosla recommended the Commission first take action on the removal of Condition 6, prior to approving the CUP.

Commissioner Wicklund moved and Commissioner Subramanian seconded a motion to recommend Condition 6 be removed consideration in Planning Case 20-011. A roll call vote was taken. The motion carried 4-3 (Commissioners Jefferys, Lambeth and Vijums opposed).

Commissioner Wicklund moved and Commissioner Subramanian seconded a motion to recommend approval of Planning Case 20-011 for a Conditional Use Permit and Planned Unit Development Amendment at 1700 Highway 96 W based on the findings of fact and the submitted plans, as amended by the conditions, excluding Condition 6 in the July 8, 2020, report to the Planning Commission. A roll call vote was taken. The motion carried unanimously (7-0).

**B. Planning Case 20-013; Amendment to Zoning Ordinance Regarding Call Centers –
*Public Hearing***

Associate Planner Hartmann stated National Recoveries is a debt recovery service which operates a call center within the Arden Hills Corporate Center at 4265 Lexington Avenue North.

National Recoveries employs approximately 350-400 persons and has been a tenant of Arden Hills Corporate Center since 2015.

Associate Planner Hartmann reported the available parking at the center does not meet the demand of National Recoveries. Call center uses typically require ample parking due to the high staffing demands. Because of this, National Recoveries has contracted with North Heights Lutheran Church to provide overflow employee parking. North Heights Lutheran Church has significant excess parking during the week. National Recoveries has a shuttle that transports staff from the church to their facility. The existing offsite parking is permitted by ordinance section 1325.06 Subd D, 6, stating that “if required parking is located on a site other than the site on which the principal building or use is located, a properly drawn legal instrument, executed by the parties involved, must be filed with the City, which provides for such parking and which shall not be terminated without approval by the City Council.” National Recoveries has provided the City with the parking contacts.

Associate Planner Hartmann explained at its December 2019 work session, the Council discussed call center parking requirements in regards to National Recoveries. Following a discussion, the City Council directed staff to review and propose a zoning code amendment to add a definition for “call centers” and parking count standards for the use. At its June 8th, 2020 work session, staff presented the proposed language to the Council. The Council directed staff to move forward with adding a definition and parking counts requirements for call centers. If this amendment is approved, National Recoveries would be considered legal non-conforming as the user would not meet the new parking requirement. National Recoveries can continue to operate their shuttle and provide their off-site parking, but if they expand or modify their facilities in a way that would trigger a land use request requiring approval from the City Council, their proposal would have to conform to the new call center requirements.

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

1. The City of Arden Hills is proposing amendments to the language of Chapter 13 of the Zoning Code.
2. Under City Code Section 1305.04, definitions for items found in the Zoning Code are laid out in a glossary of terms.
3. City Code does not have a definition for a “Call Center” under City Code Section 1305.04.
4. City Code Section 1325.06, Subd. 1, J defines the number of parking spaces requirements under each category of use within the Zoning Code.
5. Call Center uses are not defined under City Code Section 1325.06, Subd. 1, J.
6. Under City Code Section 1325.06, Subd. 1, J Business & Professional Office uses require (1) one parking spot for every 250 square feet of office space.
7. The City is proposing that a Call Center use shall require 1 parking space per 150 square feet.
8. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council.
9. If this amendment is approved, National Recoveries will be considered legal nonconforming as the user would not meet the new parking requirement.

Associate Planner Hartmann 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.

Commissioner Jefferys asked if future call centers could be approved in the City with shared parking agreements in place, as was done for National Recoveries.

Associate Planner Hartmann stated this could be done but noted the new parking standards would have to be met.

Commissioner Jones commented he could not support the proposed code amendment because he believed the proposed parking requirements were still too low for call centers.

Community Development Manager/City Planner Mroska reported staff had researched parking requirements for communities around the nation and noted call centers were mostly considered officer uses. He understood call centers had high staffing models and he explained the City trying to set a standard. He reported call centers may be required to receive a conditional use permit in the future given the intensity of their use.

Commissioner Jones stated he was please this use was being further considered.

Commissioner Lambeth questioned what lot the National Recoveries employees were parking in at this time.

Associate Planner Hartmann stated the employees were parking in the south most lot, designated Lot C. He explained only Highway 96 could be used for the shuttle service that was provided by National Recoveries.

Chair Gehrig encouraged the Commission to keep the discussion to the proposed Code Amendment and not on National Recoveries.

Commissioner Lambeth explained he was trying to better understand how much parking National Recoveries required at North Heights Church.

Community Development Manager/City Planner Mroska commented National Recoveries employees have been parking at North Heights Church since 2015. He noted there are over 700 parking stalls onsite. He estimated National Recoveries utilizes 150 to 200 parking stalls at this time.

Further discussion ensued regarding the parking at North Heights Church.

Chair Gehrig asked how staff arrived at the 150 square foot recommendation.

Associate Planner Hartmann reported he reviewed other communities that had call center definitions within their City Code and had defined call center parking requirements. He explained these communities recommended 150 square feet.

Chair Gehrig opened the public hearing at 7:45 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 7:46 p.m.

Commissioner Jones stated he supported the 150 foot parking standard.

Commissioner Lambeth agreed.

Commissioner Jones moved and Commissioner Jefferys seconded a motion to recommend approval of Planning Case 20-013 for a City Code Amendment to Chapter 13 of the Zoning Ordinance based on the findings of fact and the submitted Ordinance language provided in the July 8, 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 discussed how the City was being impacted by COVID-19 and noted the City was operating in a virtual mode at this time. He reported City Hall remains closed but all essential functions remained in place. He discussed the actions of the City Council from their June 22nd meeting. He explained a virtual neighborhood meeting would be held on Thursday, July 9th at 6:30 p.m. to discuss a proposed senior housing building on the Bethel property. He requested staff forward a link for this meeting to the Planning Commissioners. He stated the July 13th City Council meeting has been canceled and a Special City Council Worksession meeting would be held instead at 5:00 p.m.

B. Planning Commission Comments and Requests

Commissioner Jones asked that the virtual neighborhood meeting be posted for the entire public to attend.

Commissioner Jones requested staff send a direct link to the Zoom meetings prior to each meeting.

C. Staff Comments

None.

ADJOURN

Commissioner Jones moved, seconded by Commissioner Vijums, to adjourn the July 8, 2020, Planning Commission Meeting at 7:53 p.m. A roll call vote was taken. The motion carried unanimously (7-0).