



Approved: November 8, 2023

**CITY OF ARDEN HILLS, MINNESOTA
PLANNING COMMISSION
WEDNESDAY, OCTOBER 4, 2023
6:30 P.M. - ARDEN HILLS CITY HALL**

CALL TO ORDER/ROLL CALL

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

ROLL CALL

Present were: Chair Paul Vijums, Commissioners Brad Bjorklund, Shelley Blilie, Joshua Collins, Kurtis Weber, and Jonathan Wicklund.

Absent: Commissioner Arlene Mitchell.

Also present were: Community Development Director Jessica Jagoe, Senior Planner Elena Fransen and Councilmember Emily Rousseau.

APPROVAL OF AGENDA – OCTOBER 4, 2023

Chair Vijums moved, seconded by Commissioner Wicklund, to approve the October 4, 2023, agenda as presented. The motion carried unanimously (6-0).

APPROVAL OF MINUTES

September 6, 2023 – Planning Commission Regular Meeting

Commissioner Weber moved, seconded by Commissioner Wicklund, to approve the September 6, 2023, Planning Commission Regular Meeting as presented. The motion carried 4-0-2 (Commissioner Bjorklund and Chair Vijums abstained).

PLANNING CASES

- A. Planning Case 23-017; 4504 Hamline Avenue North – Conditional Use Permit – *Public Hearing***

Community Development Director Jagoe stated Brian Densmore (“Applicant”) has submitted an application for a Conditional Use Permit to allow a Class II Accessory Home Occupation at 4504 Hamline Avenue N. The Applicant is the owner of Brian Densmore Tax Service, Inc., a business related to the preparation of tax returns. A home occupation is allowed in residential zoning districts, but a Conditional Use Permit is required when there are customers visiting the

residence or an employee that does not reside in the residence. The Applicant is proposing to meet with customers in-person and virtually by appointment only as well as have one part time employee that does not reside in the residence which triggered the Class II designation requiring a Conditional Use Permit.

Community Development Director Jagoe reported 4504 Hamline Avenue N. (“Subject Property”) is zoned R-1, Single Family Residential District, and is designated for Low Density Residential Uses in the 2040 Comprehensive Land Use Plan. The Subject Property is the site of a single-family dwelling owned by Mr. Densmore. All adjacent properties to the north, east, and south are also zoned R-1, Single Family Residential District, and designated for Low Density Residential Uses in the 2040 Comprehensive Land Use Plan. The parcels to the west across the street on Hamline Avenue are zoned R-3, Townhouse and Low Density Multiple Dwelling District, and designated for Medium Density Residential Uses in the 2040 Comprehensive Land Use Plan.

Community Development Director Jagoe reviewed the site data, the Plan Evaluation and provided the Findings of Fact for review:

1. The subject property located at 4504 Hamline Avenue N is zoned R-1, Single Family Residential District and is designated for Low Density Residential uses on the 2040 Comprehensive Plan.
2. A home occupation is allowed in residential zoning districts, but a Conditional Use Permit is required when there are patrons visiting the premises or an employee that does not reside in the residence.
3. The Applicant is the sole owner of Brian Densmore Tax Service, Inc., a business related to preparation of tax returns.
4. The home occupation is conducted entirely within the dwelling.
5. The proposed home occupation would have a limited number of patrons visiting the home, as the Applicant would only be seeing one client at a time, by appointment.
6. There will be no exterior evidence of the home occupation.
7. The Applicant will be limited to one additional part-time employee that does not reside in the residence to facilitate the home occupation.

Community Development Director Jagoe reviewed the motion options available to the Planning Commission for Planning Case 23-017 for a Conditional Use Permit to allow a Class II Accessory Home Occupation at 4504 Hamline Avenue N.:

1. Recommend Approval with Conditions
 1. No exterior evidence of the home occupation shall be permitted.
 2. No exterior signage shall be permitted.
 3. The Applicant shall be limited to one employee that does not reside in the residence.
 4. The Applicant shall comply with all sections of the City Code, including no more than four vehicles parked in a driveway at any one time.
 5. The Applicant shall be required to submit and maintain a Home Occupation Accessory Class II License with the City while the home occupation is active.
2. Recommend Approval as Submitted
3. Recommend Denial
4. Table

Chair Vijums opened the floor to Commissioner comments.

Commissioner Bjorklund asked what type of signage would be allowed in a residential zoning district for a home occupation.

Community Development Director Jagoe discussed the language included within the sign ordinance that addresses residential properties and home occupations. She recalled that there was to be no exterior evidence of the home occupation and this includes signage.

Commissioner Wicklund asked if parking was allowed on the east side of Hamline Avenue.

Community Development Director Jagoe stated she did not believe this was allowed. She explained that city codes states that on street parking shall not be used to satisfy the home occupation needs.

Chair Vijums opened the public hearing at 6:46 p.m.

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

Brian Densmore, 4504 Hamline Avenue, explained he was not worried about any business signage. He reported he has no intention of parking on Hamline Avenue, noting his driveway was long enough to handle parking.

Commissioner Blilie asked how many visitors he would have each week during the tax season.

Mr. Densmore commented this number would vary from week to week noting he had many clients that visit with him virtually and some visit with him in person.

There being no additional comment Chair Vijums closed the public hearing at 6:48 p.m.

Commissioner Wicklund moved and Commissioner Weber seconded a motion to recommend approval of Planning Case 23-017 for a Conditional Use Permit to allow a Class II Accessory Home Occupation at 4504 Hamline Avenue North based on the findings of fact and the submitted plans, as amended by the five conditions in the October 4, 2023, report to the Planning Commission. The motion carried unanimously (6-0).

B. Planning Case 23-018; Zoning Code Amendment to Chapter 13 to Allow Solar Energy Systems in Residential Districts – *Public Hearing*

Senior Planner Fransen stated Donald Wahlberg, “Applicant,” is proposing an amendment to the language of Chapter 13 – Zoning Code of the Arden Hills City Code to allow for the accessory use of ground-mounted solar energy systems within the R-1, R-2, and R-3 residential districts in City Code Sections 1320.05 – Land Use Chart and 1325.02 – Accessory Uses.

Senior Planner Fransen reported in February 2023, Alatus LLC proposed an amendment to allow for the conditional use of solar energy systems within the Conservation District. Alatus’s proposal established a definition for Solar Energy Systems and added Solar Energy Systems as a Land Use Category in the Land Use Chart for the Conservation District as well as outlined special provisions for Solar Energy Systems in the Conservation District. The request from Alatus was to establish a pathway for solar energy systems to be allowed as a principal use through the Conditional Use Permit Process. The Zoning Code Amendment was reviewed by the Planning Commission on

March 8, 2023 and approved by the City Council on April 10, 2023. While the Solar Energy Systems definitions are applicable to the City as a whole, the special provisions and CUP process for Solar Energy Systems were specifically established for the Conservation District.

Senior Planner Fransen reviewed the Plan Evaluation and provided the Findings of Fact for review:

General Findings:

1. Donald Wahlberg, The Applicant, is proposing amendments to the language of Chapter 13 – Zoning Code of the City Code.
2. Under the City’s Zoning Code Section 1320.05, a Solar Energy System is considered a prohibited land use in the Residential Districts.
3. The Applicant is proposing an amendment to alter the Land Use Chart in Sections 1320.05 and 1325.02 of the Zoning Code to allow a Solar Energy System as an Accessory Use in the R-1, R-2, and R-3 Residential Districts.
4. The City is proposing to add special provisions for Solar Energy Systems to Section 1325.02 – Accessory Uses.
5. Of 17 local communities surveyed, a majority allow for ground-mounted solar energy systems as a use in residential districts which can be approved administratively.
6. In Chapter 10 of the 2040 Comprehensive Plan – Protected Resources, “City encourages development of distributed solar energy systems that are in keeping with the community’s character and use community solar resources” is listed as an implementation strategy.
7. In Chapter 12 of the 2040 Comprehensive Plan – Resilience and Sustainability, “Encourage the use of renewable energy and work to protect access to direct sunlight for solar energy systems” is listed as an implementation strategy.
8. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council.
9. If the zoning amendments were approved, an Applicant would be required to apply for administrative review and approval for a Solar Energy System within the R-1, R-2, and R-3 Residential Districts.

Senior Planner Fransen reviewed the options available to the Planning Commission for Planning Case 23-018 for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to allow Solar Energy Systems as an Accessory Use in the R-1, R-2, and R-3 Residential Zoning Districts:

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

Chair Vijums opened the floor to Commissioner comments.

Commissioner Weber asked if the ground mounted solar counted as an accessory structure for a property.

Senior Planner Fransen reported this would be the case in the drafted Ordinance language.

Commissioner Collins questioned what type of approvals would be needed for a ground mounted solar array.

Senior Planner Fransen explained the applicant would need administrative approval, along with a building permit and electrical permit. She reported some communities require conditional use permit approval. She indicated the drafted ordinance language would establish that residential solar energy systems could be approved at an administrative level.

Commissioner Bjorklund thanked staff for their thorough work on this Ordinance.

Commissioner Wicklund stated he understood the Conservation District allowed ground mounted solar. He inquired if the NR-1 and NR-2 districts within the TRC (TCAAP Redevelopment Code) would allow for ground mounted solar.

Senior Planner Fransen explained the ordinance as currently drafted was specific the R-1, R-2, and R-3 zoning districts.

Commissioner Bjorklund commented it appears Don Wahlberg would be setting a precedent that would benefit residents in R-1, R-2 and R-3 districts. He wondered if the City should be charging him \$1,900 to go through the approval process, given the fact many residents would be benefiting from this code change.

Community Development Director Jagoe reported there was an application fee for resident initiated zoning code amendments. She stated if a refund were to be considered for this matter, it would have to be reviewed and approved by the City Council.

Commissioner Weber and Commissioner Bjorklund indicated support for the City Council to consider refunding the land use application fees in this circumstance.

Chair Vijums stated he was uncertain how to determine what amount should be refunded to Mr. Wahlberg.

Commissioner Wicklund indicated he did not think it was necessary for the City to refund this applicant.

Commissioner Weber questioned if there was another way to go about initiating an ordinance amendment, through an alternate path brought forward from the City Council.

Community Development Director Jagoe explained Mr. Wahlberg came to a City Council meeting in advance of making the application. She stated direction was not given by the City Council regarding this matter. She noted the Planning Commission could provide the City Council with recommendation regarding the fees that were charged.

Chair Vijums stated he did a thorough review of the Ordinance and had a number of questions. He indicated he had several items that he believed should be included or considered for the Ordinance. He questioned if solar energy systems should be allowed on carports. He recommended screening language be considered for solar panels. He supported the Ordinance being tabled until additional language was added to address this concern.

Commissioner Weber asked if building permit requirements addressed any of these concerns.

Senior Planner Fransen commented the electrical and structural concerns would be addressed through the building permit consideration and zoning requirements would address setbacks.

Commissioner Weber questioned if the proposed Ordinance spoke to screening requirements.

Senior Planner Fransen indicated the drafted Ordinance did not require screening. She reported staff took this approach because other accessory structures do not require screening. She indicated the Planning Commission could make recommendations regarding screening, if this was a concern.

Commissioner Wicklund inquired when the applicant paid the permit fee for a building permit.

Senior Planner Fransen stated the applicant would pay the fee when the application review is completed and the permit was ready to be issued.

Commissioner Wicklund asked if this item were tabled could the language within the Ordinance change, noting he would like to see the TRC NR-1 and NR-2 zoning districts be included in the proposed Ordinance.

Community Development Director Jagoe reported if the Commission were to table this item staff could be directed to make amendments to the language and a second notice could be sent out for this zoning code amendment.

Commissioner Collins stated he fully supported the proposed Ordinance. He noted this was the way of the future and he was pleased the City was considering this zoning code amendment. He was of the opinion that screening would be counterproductive. He supported the City offering an alternative for how residents receive their power.

Commissioner Weber commented he strongly supported the proposed zoning code amendment.

Commissioner Blilie inquired why someone would have a ground mounted system versus mounting it on the roof.

Chair Vijums indicated this may be a personal choice or may have to do with the structural integrity of the roof.

Commissioner Bjorklund stated this may also depend on the slope and direction that a roof is facing.

Senior Planner Fransen added that the structure could also have tree coverage that provide cooling benefits during the summer and that trees could need to be removed to provide adequate sunlight for a roof-mounted solar array to be effective. She offered that this could be contradictory to the intent of a solar energy system.

Chair Vijums indicated he supported solar arrays, but stated they were not aesthetically pleasing, especially if they were in backyards. He believed the Commission was not ready to vote on this zoning code amendment because it needed more language regarding aesthetics and screening.

Commissioner Collins explained solar panels had a utilitarian look because they provided utility. He supported the City moving towards progress versus worrying about aesthetics. He indicated the City could address materiality.

Commissioner Bjorklund believed the City needed to get practical and understand what times the community was facing. He stated solar would be critical going forward in order to reduce green house gas emissions. He was of the opinion the zoning code amendment should move forward because it was very important.

Chair Vijums recommended the following language change in Item A2(b): ground or pole mounted solar energy systems are only permitted in rear yards and may not extend into the required rear yard accessory setback.

Senior Planner Fransen indicated staff can modify this language to include the word not.

Chair Vijums requested clarification on Item 4(c).

Senior Planner Fransen explained in the R-1, R-2, and R-3 residential districts, residential properties are permitted a maximum impervious surface coverage of 35% . She stated the proposed language would allow a property that had 35% coverage and was looking to install solar, to have an increase of up to 10% to accommodate the solar system if the provisions in Item 4(c) were satisfied.

Chair Vijums asked that staff review this language in order for it to read more clearly. He suggested language be added from the Minnesota Solar Ordinance to the City's Ordinance (Page 11) when it comes to soil conditions for a panel system.

Senior Planner Fransen indicated staff could add language if this was the recommendation of the Planning Commission.

Further discussion ensued regarding the engineering behind installing a solar array system.

Chair Vijums supported the Ordinance addressing the need for qualified engineered drawings for solar arrays.

Commissioner Wicklund agreed stating it may be beneficial to have engineers looking at the structural integrity of the mounting system.

Commissioner Collins stated this would be yet another financial burden for residents looking to install a solar energy system.

Chair Vijums believed it was critical to have an engineer reviewing these plans to ensure the structural load could withstand the wind and weather.

Senior Planner Fransen stated representatives from All Energy Solar were in attendance and could address the Planning Commission on the drafted ordinance language.

Chair Vijums opened the public hearing at 7:49 p.m.

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

Danielle DeMarre, All Energy Solar, introduced herself to the Commission. She explained All Energy Solar was a local energy solar installer that installed over 8,000 systems. She requested the language within the zoning code amendment be reconsidered under Item 3 – Visibility. She

recommended the language be reconsidered to include the language from the Minnesota Solar Model Ordinance. She commented on how south facing rooflines were with most efficient way to capture solar energy. She requested clarification in Item 3(b) regarding the height of panels above a roof. She discussed how some roof systems are raised up when installed. She suggested five feet be allowed. She asked that there be a change to Section 4 – Coverage, under Section A. She questioned why the City was setting a limit of 80% coverage for south facing or flat roofs. She urged staff to update this outdated language noting Minnesota State building code addresses the percentage of roof coverage. She commented further on how Minnesota State building code addresses structural concerns when it comes to solar energy systems.

Commissioner Wicklund asked if all installers of ground mounted systems were governed by Minnesota rule codes or statutes, and this addressed wind loads for structures.

Ms. DeMarre reported this was the case. She explained each new code that comes out on a yearly basis addresses wind load for ground mounted structures.

Commissioner Weber indicated this code specifically addresses ground mounted solar systems. He inquired if the Minnesota State Building Code addresses ground mounted systems.

Ms. DeMarre discussed how ground mounted systems were addressed within the State building code.

There being no additional comment Chair Vijums closed the public hearing at 7:59 p.m.

Chair Vijums commented his concerns regarding power lines would be satisfied by Minnesota Statutes and Minnesota building code. The Commission was in agreement.

Chair Vijums indicated his other concern was with visibility and screening. He stated he was under the impression staff should investigate this portion of code further.

Chair Wicklund recommended staff also consider if it would be appropriate to add NR-1, NR-2 and NR-3 within the TRC to this zoning code amendment. He stated he supported the expansion of solar in Arden Hills. However, because there was no urgency, he supported the matter being tabled to allow staff and the Commission to work through some of the concerns that have been brought up.

Chair Vijums supported this recommendation and thanked staff for all of their efforts on the drafted code amendment language.

Commissioner Weber reported staff referenced the Minnesota Solar Model Ordinance within the zoning code amendment. He explained his understanding of this language was that homeowners had the right to pursue the ownership of solar energy. He was of the opinion neighbors could not limit a resident's right to pursue solar energy. He asked for staff's opinion on this matter.

Senior Planner Fransen indicated this was staff's interpretation when drafting the language for the proposed process of administrative approval for solar energy systems.

Chair Vijums read the language the Applicant provided for the proposed zoning code amendment again for the record stating "ground mounted solar panels are not allowed unless their view is blocked to all parties concerned."

Commissioner Weber believed this language was a good reason to table action on the zoning code amendment. However, he indicated concern with adding requirements to the drafted ordinance that would increase the cost of solar energy systems. He feared that adding requirements to the drafted ordinance language would limit access to solar. He supported the City fleshing this out before approving the zoning code amendment. He commented his concern was that delaying this matter would increase costs for those trying to install a solar energy system yet this fall. It was his opinion that adding additional screening requirements would put up barriers.

Commissioner Collins indicated he had an issue with the City trying to dictate what the systems could look like for the neighbors. He stated he had an issue with the Commission establishing aesthetics requirements for solar energy systems. He noted solar arrays are always going to have a utilitarian look because they are a metal structure with black panels. He questioned how a delay would benefit the City.

Chair Vijums offered that the Arden Hills zoning code currently references requirements for screening when applicable.

Commissioner Bjorklund feared that screening requirements would create huge barriers for residents seeking solar energy systems. He supported the Commission moving forward with the zoning code amendment.

Commissioner Weber recommended the Commission address the TRC zoning districts that should be added to the code language prior to voting on this matter.

Commissioner Wicklund suggested the four residential zoning districts within the TRC be included in this zoning code amendment. He stated another option for the Commission to consider is neighbor consent for solar energy systems, as was included in the zoning code amendment for the keeping of chickens.

Commissioner Weber stated he could support moving this item forward.

Chair Vijums moved and Commissioner Wicklund seconded a motion to table action on Planning Case 23-018 a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to allow Solar Energy System as an Accessory Use in the R-1, R-2, and R-3 Residential Districts to a future Planning Commission meeting requesting staff address visibility, aesthetics, screening and the TRC zoning districts, as well as addressing the comments from All Energy Solar. The motion failed 3-3 (Commissioners Bjorklund, Collins and Weber opposed).

Commissioner Collins moved and Commissioner Bjorklund seconded a motion to recommend approval of Planning Case 23-018 for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to allow Solar Energy System as an Accessory Use in the R-1, R-2, and R-3 Residential Districts, based on the findings of fact and the submitted materials with amendments to add the word “not” to Section A 4(b).

Commissioner Weber supported the Commission adding language to the motion for approval directing staff to add the residential zoning districts within the TRC.

Community Development Director Jagoe reported if this was the direction of the Planning Commission, she indicated that the case should be tabled as there are other aspects of the TRC that staff should review and to provide appropriate notice for the ordinance language that affects another chapter of the zoning code.

The motion failed 3-3 (Commissioner Blilie, Commissioner Wicklund and Chair Vijums opposed).

Chair Vijums moved and Commissioner Wicklund seconded a motion to table action on Planning Case 23-018 a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to allow Solar Energy System as an Accessory Use in the R-1, R-2, and R-3 Residential Districts to a future Planning Commission meeting requesting staff address visibility, aesthetics, screening and the TRC zoning districts, as well as addressing the comments from All Energy Solar. The motion passed 4-2 (Commissioners Bjorklund and Collins opposed).

UNFINISHED AND NEW BUSINESS

None.

REPORTS

A. Report from the City Council

Councilmember Rousseau provided the Commission with an update from the City Council. She explained the 23 homes have submitted requests with Just Deeds to help discharge the racial covenants on their deeds. She encouraged the Commissioners to attend an open house on Wednesday, November 1 for Rice Creek Commons from 6:00 p.m. to 8:00 p.m. at the Ramsey County Public Works Building in the Marsden Room. She stated the Council would be meeting with Representative Frethem, Representative Moller and Senator Marty regarding Lake Johanna Boulevard on Monday, November 20 at a special worksession meeting. She explained the Primer Tracer property was still being bid on. She reported the Council approved a preliminary levy of 12.55% for 2024. She indicated the Council would be holding a vision setting retreat in the first quarter of 2024 and invited the Commission to consider projects the City Council should be incorporating in the vision for 2024 and 2025.

B. Planning Commission Comments and Requests

None.

ADJOURN

Chair Vijums moved, seconded by Commissioner Wicklund, to adjourn the October 4, 2023, Planning Commission Meeting at 8:29 p.m. The motion carried unanimously (6-0).