

**Chair:**  
Roberta Thompson

**Commissioners:**  
Brent Bartel  
Angela Hames  
Phillip Neururer  
Clayton  
Zimmerman  
Steven Jones  
James Lambeth  
Nick Gehrig  
(Alternate)

**Council Liaison:**  
Mayor David Grant



**Planning Commission**  
**August 3, 2016**  
**6:30 p.m.**  
**City Hall**

**Address:**  
1245 W Highway 96  
Arden Hills MN 55112

**Phone:**  
651-792-7800

**Website:**  
[www.cityofardenhills.org](http://www.cityofardenhills.org)

## City Vision

Arden Hills is a strong community that values its unique environmental setting, strong residential neighborhoods, vital business community, well-maintained infrastructure, fiscal soundness, and our long-standing tradition as a desirable City in which to live, work, and play.

## Agenda

### CALL TO ORDER

1. APPROVAL OF THE AGENDA

2. APPROVAL OF MINUTES

2.A. July 6, 2016, Planning Commission Regular Meeting

Documents:

[07-06-16PC.PDF](#)

3. PLANNING CASES

3.A. Planning Case 16-017 - Variance - 1536 Edgewater Avenue (No Public Hearing)

Prepared By Matthew Bachler, Senior Planner

Documents:

[MEMO.PDF](#)  
[ATTACHMENT A.PDF](#)  
[ATTACHMENT B.PDF](#)  
[ATTACHMENT C.PDF](#)  
[ATTACHMENT D.PDF](#)

3.B. Planning Case 16-019 - Planned Unit Development Amendment And Conditional

Use Permit Amendment - 1920 West Highway 96 - Public Hearing

Prepared By Matthew Bachler, Senior Planner

Documents:

[MEMO.PDF](#)  
[ATTACHMENT A.PDF](#)  
[ATTACHMENT B.PDF](#)  
[ATTACHMENT C.PDF](#)

3.C. Planning Case 16-020 - Zoning Code Amendment - Temporary Family Health Care Accessory Dwellings (Public Hearing)

Prepared By Matthew Bachler, Senior Planner

Documents:

[MEMO.PDF](#)  
[ATTACHMENT A.PDF](#)  
[ATTACHMENT B.PDF](#)  
[ATTACHMENT C.PDF](#)  
[ATTACHMENT D.PDF](#)  
[ATTACHMENT E.PDF](#)

4. UNFINISHED AND NEW BUSINESS

5. COMMENTS AND REPORTS

5.A. Report From The City Council

Documents:

[08-03-16 - REPORT FROM THE CITY COUNCIL.PDF](#)

5.B. Rice Creek Commons (TCAAP) Update

Documents:

[PC 08 03 16.PDF](#)

5.C. Planning Commission Comments

5.D. Staff Comments

**ADJOURN**

**A quorum of the City Council may be**

present at this meeting.



**DRAFT**

Approved: August 3, 2016

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**CITY OF ARDEN HILLS, MINNESOTA  
PLANNING COMMISSION  
WEDNESDAY, JULY 6, 2016  
6:30 P.M. - ARDEN HILLS CITY HALL**

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**CALL TO ORDER/ROLL CALL**

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

**ROLL CALL**

Present were: Chair Roberta Thompson, Commissioners Brent Bartel, Nick Gehrig, Steven Jones, James Lambeth, and Clayton Zimmerman.

Absent: Commissioner Angela Hames (excused) and Phillip Neururer (excused).

Also present were: City Planner Ryan Streff and Senior Planner Matthew Bachler.

**APPROVAL OF AGENDA – JULY 6, 2016**

**Chair Thompson** stated the agenda will stand as published.

**APPROVAL OF MINUTES**

*June 8, 2016 – Planning Commission Regular Meeting*

**Commissioner Jones moved, seconded by Commissioner Zimmerman, to approve the June 8, 2016, Planning Commission Regular Meeting minutes as presented. The motion carried unanimously (6-0).**

**PLANNING CASES**

- A. Planning Case 16-018; Site Plan Review – Sign Standard Adjustment – Land O’Lakes – *No Public Hearing Required***

**Senior Planner Bachler** stated that Land O’Lakes has requested a Sign Standard Adjustment through the Site Plan Review process to permit a temporary freestanding sign that would be placed on top of the company’s existing corporate campus sign located along Interstate 694. A deviation from the Sign Code is needed for the permit duration, sign copy area, and height of the proposed sign. The purpose of the installation is to help raise public awareness for the

“PolliNation Project” started by Land O’Lakes, which supports pollinator habitats across the country.

**Senior Planner Bachler** reported the temporary sign would feature lettering that spells out “#PolliNation” and a graphic of wildflowers in the background. The dimensions of the sign would be 20 feet in width and 6 feet in height for an area of 120 square feet. The temporary sign would be placed directly on top of an existing 7-foot tall monument sign for an overall installation height of 13 feet. If approved, Land O’Lakes would like to have the sign in place from late July until the end of October 2016.

#### Site Data

Land Use Plan:	I/O - Light Industrial and Office
Existing Land Use:	OFC – Office
Zoning:	I-1 – Limited Industrial District
Current Lot Sizes:	47.37 Acres (2,063,577.7 square feet)
Topography:	Fairly Flat

**Senior Planner Bachler** reviewed the surrounding area, the Plan Evaluation and the Sign Standard Adjustments.

**Senior Planner Bachler** provided the Findings of Fact for review:

1. The property at 4001 Lexington Avenue North is located in the I-1 Zoning District and Sign District 6.
2. In Sign District 6, one temporary freestanding sign is permitted up to 22.5 square feet in area and 12 feet in height. The sign may be in place for up to 30 days per calendar year.
3. The proposed sign would measure 20 feet in width and 6 feet in height for an area of 120 square feet. The temporary sign would be installed on top of an existing 7-foot tall monument sign for an overall sign height of 13 feet.
4. The proposed sign would be displayed from late July until then end of October 2016, or approximately 90 days.
5. Section 1260 of the Sign Code permits deviation from the Sign Code through the Site Plan Review process.
6. Due to the location of the sign installation, adjustments are needed for the proposed sign to be reasonably visible from Interstate 694.
7. The Sign Code regulations on the permit length of temporary signage would limit the applicant’s ability to effectively promote their campaign to raise public awareness about the importance of pollinators to the economy, food security, and environmental health.
8. The sign adjustment will not result in a sign that is inconsistent with the purpose of the I-1 Zoning District.
9. The sign would not be visible from any residential properties.
10. The sign would not have a negative impact on adjacent properties or the City as a whole because it is consistent with the architecture and design of the Land O’Lakes corporate campus.

**Senior Planner Bachler** stated that based on the submitted plans and findings of fact, staff recommends approval of Planning Case 16-018 for a Sign Standard Adjustment under the Site

Plan Review process for the proposed temporary freestanding sign at 4001 Lexington Avenue North. Staff recommends the following five conditions be included with the approval:

1. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to these plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
2. The temporary freestanding sign shall not exceed 120 square feet in area and the overall height of the sign installation shall not exceed 13 feet.
3. The applicant shall apply for a Sign Permit prior to the installation of the temporary freestanding sign.
4. The temporary freestanding sign shall be removed by November 1, 2016.
5. The applicant shall maintain the sign in like new condition and repair the sign if it deteriorates during the approved timeline.

**Senior Planner Bachler** 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 Thompson** opened the floor to Commissioner comments.

**Commissioner Bartel** asked what building materials would be used for the proposed sign.

**Marcia Droege**, Land O'Lakes representative, reported the sign would be constructed of a sturdy vinyl that would be wrapped around plywood with 3D vinyl flowers.

**Chair Thompson** questioned what information was available online regarding #PolliNation.

**Ms. Droege** explained Land O'Lakes was one of the founding partners of the Honeybee Health Coalition. She indicated Land O'Lakes has great concern for honeybees, butterflies and other pollinators as their numbers are declining. She stated Land O'Lakes has partnered with multiple agencies to create awareness on the value of pollination. She encouraged the Commission members to visit the Land O'Lakes website for further information regarding #PolliNation.

**Commissioner Zimmerman** asked if there would be any media publicity regarding #PolliNation.

**Ms. Droege** stated there would not be any formal media coverage. She reported that several press releases have been completed by Land O'Lakes regarding #PolliNation. She noted Land O'Lakes would continue to work jointly with the University of Minnesota on honeybee hives and also had a pollinator garden.

**Commissioner Zimmerman** encouraged Land O'Lakes to have #PolliNation articles posted in the local papers.

**Commissioner Jones** asked if the existing sign was lit or if additional lighting would be needed.

**Ms. Droege** explained the current sign was lit and no additional lighting would be needed.

**Commissioner Zimmerman moved and Commissioner Bartel seconded a motion to recommend approval of Planning Case 16-018 for a Site Plan Review for a Sign Standard Adjustment at 4001 Lexington Avenue North, based on the findings of fact and the submitted plans, as amended by the five (5) conditions in the July 6, 2016, Report to the Planning Commission.**

**Chair Thompson** stated that while the sign was quite large, she believed it fit the site. She encouraged Land O'Lakes to keep the sign in prime condition.

**Commissioner Lambeth** believed the sign would bring attention to the cause and for this reason supported the sign standard adjustment.

**The motion carried unanimously (6-0).**

**B. Planning Case 16-016; Final PUD Phase 2 – Land O'Lakes – 4100 Lexington Avenue North – *No Public Hearing Required***

**City Planner Streff** stated that the Land O'Lakes corporate headquarters has operated in Arden Hills since 1981, and operates as a Planned Unit Development (PUD) originally approved in Planning Case 79-004. The original Master PUD was recently amended to include two additional phases of development. The Planning Commission reviewed the Master PUD Amendment and the Final PUD for Phase 1 of the project during their regular meeting on June 8, 2016, and unanimously recommended approval. Following the Planning Commission review, the City Council approved the Master PUD and Final PUD for Phase 1 of the development on June 27, 2016.

**City Planner Streff** commented that the Land O'Lakes campus is comprised of approximately 49 acres and is generally located north of Interstate 694, east of Hamline Avenue North, south of County Road F, and west of Lexington Avenue North. Currently, the site contains two principal buildings situated towards the center of the property: the corporate headquarter building and a research and development building. Between these two facilities, the campus includes 263,800 gross square feet of building space. Additional improvements on the site include a surface parking lot with approximately 931 parking stalls and regional stormwater facilities. The remainder of the property is covered by wooded and open lawn areas.

**City Planner Streff** reported that the applicant is requesting approval of a major addition to their campus that would allow the company to consolidate their Arden Hills and Shoreview locations into one headquarters facility at their existing Arden Hills property. The proposal includes the construction of a four-story, approximately 155,000 gross square foot office building just to the north of the existing principal buildings. Land O'Lakes is incorporating sustainable best practices into the design of the building and will seek a minimum of LEED Gold certification for the project. Other site improvements would include the expansion of the surface parking lots to

provide approximately 1,677 parking stalls and the provision of extensive native landscaping areas to enhance the overall character of the site.

**City Planner Streff** explained that Land O’Lakes currently leases office facilities in Shoreview at the southeast corner of Lexington Avenue North and County Road F. Approximately 900 employees now work at this location and would be relocated to the Arden Hills campus with the completion of the new building. The company estimates that 2,100 employees will work on the site after consolidation in late 2018.

**City Planner Streff** indicated that Land O’Lakes will be completing the new office building and site improvements over two phases. Phase I was approved by the City Council on June 27, 2016, and includes the expansion and reconfiguration of the visitor parking lot on the south side of the existing buildings. Phase 2 of the project would consist of the remaining components of the expansion project, including the new office building and the expansion of the employee surface parking lot on the north side of the buildings. Phase 2 is expected to be complete by December 31, 2018. At this time, Land O’Lakes is requesting City approvals for the Final PUD for Phase 2 of the project.

**City Planner Streff** stated that the PUD process is a tool that provides additional flexibility for development that an underlying zoning district would not otherwise allow. For example, a PUD may make exceptions to setbacks, lot coverage, parking requirements, signage, building materials, or landscaping requirements. It is intended to overcome the limitations of zoning regulations and improve the overall design of a project. While the PUD process allows the City to negotiate certain aspects of the development, any conditions imposed on the PUD must have a rational basis related to the expected impact of the development. A PUD cannot be used to permit uses that would not otherwise be permitted in the underlying zoning district.

**City Planner Streff** explained that the first step in the PUD process is the Master PUD, which is a detailed concept plan for the entire development proposal, often outlining individual phases for development over a specified period of time. The second step is the Final PUD for each phase, which is a more detailed review as each development phase moves forward. During the Master PUD stage, the City works with the applicant to set an overall design framework or standard for a proposed development. These standards are then written into a development agreement which generally includes the design standards, a list of conditions, the size of the development, and what, if any, deviations from the underlying zoning district will be permitted. Once the Master PUD is approved, the applicant then creates a development that conforms to the development agreement for each subsequent Final PUD phase. The level of detail is guided by the type and scale of the development as well as the guidance or flexibility within the Zoning Code.

#### Site Data

Land Use Plan:	I/O – Light Industrial and Office
Existing Land Use:	OFC – Office
Zoning:	I-1 – Limited Industrial District
Current Lot Sizes:	47.37 Acres (2,063,577.7 square feet)
Topography:	Fairly Flat

**City Planner Streff** reviewed the surrounding area, the Plan Evaluation along with the Sign Code Review.

**City Planner Streff** provided the Findings of Fact for review:

*General Findings:*

1. The applicant is requesting approval of a Final Planned Unit Development (PUD) for Phase 2 of the Land O'Lakes Corporate Headquarters consolidation plan located at 4001 Lexington Avenue North.
2. The approved Master PUD Amendment for the Land O'Lakes Corporate Headquarters consolidation and expansion project includes two (2) phases of development.
3. As approved by the City Council, Phase 1 of the Master PUD includes the expansion of the south parking lot on the campus.
4. The proposed Phase 2 includes the construction of a new four-story office building along with the reconfiguration and expansion of the parking area on the north side of the campus.
5. The PUD process allows for flexibility within the City's regulations through a negotiated process with a developer.
6. The Land O'Lakes property is comprised of 47.37 acres.
7. The Land O'Lakes property is located in the I-1 – Limited Industrial District.
8. The proposed use is a permitted use in the I-1 – Limited Industrial District.
9. Phase 2 of the approved Master PUD Amendment is substantial conformance with the requirements set forth in the City's Zoning Code and design standards.
10. Where the plan is not in conformance with the City's Zoning Code, flexibility has been requested by the applicant.
11. A traffic study has been completed for the expansion of the Campus.
12. The proposed plan is in conformance with the City's 2030 Comprehensive Plan. The property at 4001 Lexington Avenue North is guided for Light Industrial and Office (I/O). The IO area is designated for a broad range of light industrial uses such as warehousing with manufacturing and office.

**City Planner Streff** stated that based on the submitted plans and findings of fact, staff recommends approval of Planning Case 16-016 for a Final Planned Unit Development (PUD) for Phase 2 at 4001 Lexington Avenue North. If the Planning Commission recommends approval of this request, staff recommends that the following twenty-two (22) conditions be included with the approval:

1. That 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. That the applicant shall obtain a building permit within one year of the Final Phase 2 PUD approval or the approval shall expire unless extended by the City Council prior to the approval's expiration date. Extension requests must be submitted in writing to the City at least 45 days prior to the expiration date.
3. That the Final PUD - Phase 2 Development Contract shall be prepared by the City Attorney and subject to City Council approval. The Final PUD - Phase 2 Development Contract shall be executed prior to the issuance of any development permits.
4. The applicant shall provide a construction phasing plan that includes plans for fire and police access throughout construction, subject to the approval of the Fire Marshall, Public

- Works Director, and Ramsey County Sheriff prior to the issuance of any development permits.
5. The Developer shall submit a financial surety in the amount of \$200,000 for site improvements, including grading, utilities, and paving, prior to the issuance of any development permits. Upon completion of required Developer improvements, and acceptance by the City, the City may reduce the amount of security for the improvements still to be completed. The financial surety shall be in the form of a letter of credit issued by a FDIC-insured Minnesota bank, and be in a form acceptable to the City. The purpose of the letter of credit is to ensure that private site improvements stabilized in the event that the Developer defaults on the Final PUD - Phase 2 Development Contract.
  6. The Developer shall submit a cash escrow for site improvements, including grading, utilities, and paving, in the amount of \$20,000 prior to the issuance of any development permits. The escrow will be used for City costs related to review, approval, and inspection of site improvements or any costs incurred by the City in the event of a developer default. If at any time during the course of construction on the project the amount in the account is reduced to below \$5,000, the Developer shall replenish the account to not less than \$20,000. In the event there is a failure to replenish the account in accordance with the terms of the Agreement, the City has the right to withhold the issuance of a Certificate of Occupancy until the deficiency is paid. Upon completion of the project, payment of all outstanding bills and satisfaction of this Agreement, the City shall refund the remainder of the account to the Developer.
  7. The Developer shall submit a financial surety in the amount of 125 percent of the estimated costs of landscaping prior to the issuance of any development permits. The financial surety shall be in the form of a letter of credit issued by a FDIC-insured Minnesota bank. The letter of credit shall automatically renew for successive one-year terms unless at least sixty (60) days prior to the next annual renewal date, the issuing bank delivers notice to the City that it intends to modify the terms of, or cancel, the letter of credit. A partial reduction in the letter of credit may be granted by the City in the event that landscaping improvements are installed over successive growing seasons. The purpose of the letter of credit is to ensure that landscaping is completed in the event that the developer defaults on the Final PUD - Phase 2 Development Contract.
  8. The Developer shall submit a cash escrow for landscaping improvements in the amount of \$15,000 prior to the issuance of any development permits. The escrow will be held by the City for two years after installation of landscaping and used for City costs related to review, approval, and inspection of landscaping, or developer default.
  9. That the proposed project may require permits, including, but not limited to, MPCA-NPDES, Rice Creek Watershed District, Minnesota Department of Health, Ramsey County and City Right of Way, and City Grading and Erosion Control permits. Copies of all issued permits shall be provided to the City prior to the issuance of any development permits.
  10. That the final plans for Phase 2 shall be subject to approval by the City Engineer, Building Official, and Fire Marshal prior to the issuance of a grading and erosion control permit.
  11. Final grading, drainage, utility, and site plans shall be subject to approval by the Public Works Director, City Engineer, and City Planner prior to the issuance of a grading and erosion control permit or other development permits.
  12. That upon completion of grading and utility work on the site, a grading as-built and utility as-built shall be provided to the City for review.

13. That the final Lighting and Photometric Plan for Phase 2 shall be reviewed and approved by the City prior to the issuance of a grading and erosion control permit for Phase 2.
14. That the existing employee entrance sign shall be moved from the east entrance along County Road F to the new main entrance across from Innovation Way. The sign shall meet all applicable setback requirements.
15. That the main entrance to the site at County Road F West and Innovation Way shall be constructed as a signalized intersection in order to meet the peak hour traffic volumes. Final plans for this improvement shall be approved by Ramsey County and the City Engineer. Required intersection improvements shall be substantially completed prior to the issuance of a Final Certificate of Occupancy for the Phase 2 office building.
16. That the developer shall construct or pay for the construction of the intersection improvements at County Road F West and Innovation Way or a reduced percentage of the cost if the City is successful in recovering assessments or other financial payments from other benefitting properties.
17. That the western access along County Road F West to the site shall be constructed as a 3/4 access in order to prohibit left-turn maneuvers from the site. Final plans for this improvement shall be approved by Ramsey County and the City Engineer. The Developer shall construct or pay for the construction of a right turn lane on County Road F West into the western access, if required by Ramsey County. If such improvement is required, it shall be completed prior to the issuance of a Final Certificate of Occupancy for the Phase 2 office building. The western access may maintain “full access” status until the Final Certificate of Occupancy is issued.
18. That the eastern access along County Road F West to the site shall be constructed as a 3/4 access in order to prohibit left-turn maneuvers from the site. Final plans for this improvement shall be approved by Ramsey County and the City Engineer.
19. That the eastern access along County Road F West shall be for deliveries purposes only. Access to the main parking lot through the east access point shall be provided for emergency vehicles only. This access shall not be used as an employee entrance. Final plans for this improvement shall be approved by Ramsey County and the City Engineer.
20. That roof-mounted mechanical equipment shall be screened from public view.
21. That the final plan for both Phase 1 and Phase 2 of the project shall be revised to meet the standards as outlined by the City Engineer in the memo dated June 27, 2016.
22. That the applicant shall conform to all other City regulations.

**City Planner Streff** 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 Thompson** opened the floor to Commissioner comments.

**Marcia Droege**, Land O’Lakes representative, appreciated the assistance City staff has provided and thanked the Commission for their consideration. She explained that Lake O’Lakes was in a growth industry and described how her company would be expanding its corporate headquarters in Arden Hills. She was pleased by the private and public partnerships in this community and looked forward to continuing to work in the State of Minnesota. The proposed construction

schedule was outlined. She then introduced the architects that have been assisting Land O'Lakes with this project.

**John Slack**, Perkins & Will Architects, discussed the corporate headquarter expansion in further detail with Commission. He described the native plantings that would be located on the headquarter campus along with the pedestrian scale experience for the site. He stated 600+ trees and 1,000 shrubs would be planted on the Land O'Lakes property. He reported the design for the site was focused on the natural environment. He then described the plans for the outdoor playground. It was noted rainwater from the roof would be captured for irrigation purposes. He reviewed the traffic and pedestrian site circulation for the corporate headquarters noting all fire, police and emergency vehicles would have full access to the site. The Lexington Avenue entrance was discussed further.

**Russell Philstrom**, Perkins & Will Architects, described the building program plans for the corporate expansion noting the site provided an open collaborative office environment with onsite childcare and an outdoor play yard. The site would also have a fitness and wellness center, divisible multipurpose room, conference center, credit union and exterior terrace. He then discussed the connectivity between the existing and new buildings. The exterior building materials and material palette were reviewed, along with the building elevations. It was noted Land O'Lakes was pursuing LEED Gold certification for the headquarters expansion.

**Commissioner Zimmerman** requested further information on the HVAC system.

**Mr. Philstrom** discussed the HVAC system specifications in detail with the Commission. He noted fresh air would be brought into the building with the new system in a larger quantity than the existing system. He stated he would see if a custom unit could be designed to reduce the size, otherwise the unit would be painted to match the building.

**Mr. Slack** explained that the site lines had been considered on each side of the building and he believed the HVAC unit would be well screened.

**Commissioner Lambeth** asked how the HVAC unit would be secured to the building.

**Mr. Philstrom** described how the steel structure would be braced to the roof.

**Commissioner Lambeth** inquired what building materials would be used on the corporate expansion building.

**Mr. Philstrom** reported the building would be covered in brick, clear glass, and a dark gray metal paneling.

**Commissioner Jones** questioned if the vestibule would have a green roof.

**Mr. Philstrom** stated this area would have a green roof and explained the remainder of the building would have a white membrane that would reflect the sun's rays.

**Commissioner Jones** requested further information on the LEED qualities within the building.

**Mr. Philstrom** reviewed the numerous LEED amenities within the building, noting the building would have LED lighting and would have a structurally sound envelope.

**Commissioner Gehrig** asked if the four story design was necessary.

**Mr. Slack** discussed the topography of the property. He believed the four story design best met the needs for the site and offered connectivity at grade and below grade between the two corporate buildings.

**Commissioner Zimmerman moved and Commissioner Jones seconded a motion to recommend approval of Planning Case 16-016 for a Final Planned Unit Development (PUD) for Phase 2 at 4001 Lexington Avenue North, based on the findings of fact, submitted plans, and the twenty-two (22) conditions in the July 6, 2016, Report to the Planning Commission.**

**Commissioner Zimmerman** thanked the representatives from Land O'Lakes for their thorough presentation.

**Chair Thompson** supported the height flexibility as it was consistent with the other building on the corporate campus. She believed the proposed screening would blend in nicely with the building. She appreciated all of the plantings on site. She recommended that police and fire access be maintained throughout the construction time period.

**The motion carried unanimously (6-0).**

## **REPORTS**

### **A. Report from the City Council**

**Senior Planner Bachler** updated the Planning Commission on City Council activities from the June 27, 2016, City Council Regular Meeting, stating that the City Council reviewed Planning Case 16-013 for a Conditional Use Permit Amendment and Variance for Mounds View High School. The City Council voted to approve this request, which will allow the school to install a new scoreboard, press box, and storage building at their athletic field complex. This case was reviewed by the Planning Commission on June 8, 2016, and received a unanimous recommendation of approval.

**Senior Planner Bachler** indicated that the City Council reviewed Planning Case 16-014 for a Master PUD Amendment and Phase 1 Final PUD for the Land O'Lakes corporate headquarters consolidation plan. The City Council voted to approve the Master PUD and Phase 1 of the master development plan. Phase 1 includes the expansion and reconfiguration of the visitor parking lot on the south side of the existing buildings on the campus. Planning Case 16-014 was reviewed by the Planning Commission on June 8, 2016, and received a unanimous recommendation of approval.

**Senior Planner Bachler** reported that the City Council reviewed Planning Case 16-015 for a rear yard setback Variance at 1494 Keithson Drive. The applicants in this case had proposed to construct a three-season porch addition that would encroach 3 feet – 6 inches into the required

30-foot rear yard setback. After consideration of this item the City Council voted to table this request in order for the applicant to research options for screening the porch addition and to find a practical way to lessen the degree of the encroachment. This case was reviewed by the Planning Commission on June 8, 2016, and received a recommendation of approval (4-1, Thompson).

## **B. TCAAP Update**

**City Planner Streff** reported that the master development team held their internal design charrette on June 23, 2016 to begin the process of determining their vision for development of the site. The master development team has hired Kimley-Horn as their Civil Engineer for the site. They will be assisting them in pre-planning work including but not limited to road and utility infrastructure, mass grading, developable lot configuration, TGRS related issues, etc.

**City Planner Streff** reported that City and County staff, Ehlers, and the master developer held their weekly project meetings on June 15<sup>th</sup> and 22<sup>nd</sup>. On June 16, 2016, the Pioneer Press ran an article on the master developer team for TCAAP. A copy of the article was provided to the Planning Commission members in their packets.

## **C. Planning Commission Comments and Requests**

**Commissioner Lambeth** asked if the Planning Commission would have an opportunity to become involved in the TCAAP planning process.

**City Planner Streff** stated that the JDA would be highly involved in the planning of TCAAP. However, if any development requests did not follow the Master Plan this would require review from both the Planning Commission and the City Council.

**Chair Thompson** encouraged those interested to attend the JDA meetings on the first Monday of each month at City Hall.

**Chair Thompson** hoped to see each of the Planning Commissioners at the Commission and Committee Appreciation Picnic on July 19<sup>th</sup> at 6:00 p.m.

**Chair Thompson** thanked the Public Works Department for all of their assistance during the storm on Tuesday night.

## **D. Staff Comments**

None.

## **ADJOURN**

**Commissioner Zimmerman moved, seconded by Commissioner Lambeth, to adjourn the July 6, 2016, Planning Commission Meeting at 7:46 p.m. The motion carried unanimously (6-0).**



ARDEN HILLS  
MEMORANDUM

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**DATE:** August 3, 2016

PC Agenda Item **3.A**

**TO:** Planning Commission

**FROM:** Matthew Bachler, Senior Planner

**SUBJECT: Planning Case #16-017 – No Public Hearing Required**

**Applicant:** Christopher and Deniz Kindler

**Property Location:** 1536 Edgewater Avenue

**Request:** Variance

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**Requested Action**

The applicants have requested a variance in order to construct a second garage stall and living space above. The proposed addition would encroach 1 foot – 7 inches into the required 10-foot east side yard setback and result in a total setback of 20 feet – 7 inches between the two side yards. A minimum combined side yard setback of 25 feet is required.

**Background**

**1. Overview of Request**

The applicants are the owners of the property at 1536 Edgewater Avenue, which is located in the R-1 District on the south side of Lake Johanna. The lot is considered to be nonconforming because its size and width do not meet the minimum requirements for the R-1 District. At the time the dwelling was constructed in 1953, the lot was in conformance with the City Code. The applicants are proposing to construct a second garage stall on the east side of the existing dwelling with finished living space above. The footprint of the addition would measure 10 feet – 5 inches by 27 feet – 5 feet inches for an overall area of approximately 286 square feet. The additional living space above the garage would have similar dimensions and an area of approximately 282 square feet.

A variance is needed in this case to allow for the addition to encroach 1 foot – 7 inches into the minimum side yard setback of 10 feet. The R-1 Zoning District requires a total combined setback of 25 feet between both side yards, and a variance is also needed to allow for the reduced combined side yard setback. The existing dwelling is setback 12 feet – 2 inches from the west

side property line and the proposed addition would be setback 8 feet – 5 inches from the east side property line, resulting in a combined side yard setback of 20 feet – 7 inches.

The applicants have submitted a letter addressing the variance criteria (Attachment A). The property survey, proposed site plan, and preliminary building plans are included in Attachments C and D.

## 2. Site Data

<b>Future Land Use Plan:</b>	Low Density Residential
<b>Existing Land Use:</b>	Single Family Detached Residential
<b>Zoning:</b>	R-1: Single Family Residential
<b>Lot Size:</b>	0.31 Acres (13,690 square feet)
<b>Topography:</b>	Slopes down from south to north

## 3. Surrounding Area

Direction	Future Land Use Plan	Zoning	Existing Land Use
North	Low Density Residential	R-1: Single Family Residential	Single Family Detached Residential
South	Low Density Residential	R-1: Single Family Residential	Single Family Detached Residential
East	Low Density Residential	R-1: Single Family Residential	Single Family Attached Residential
West	Low Density Residential	R-1: Single Family Residential	Single Family Detached Residential

## Plan Evaluation

### 1. R-1 Regulations, Existing Conditions, and Proposed Addition

#### A. Lot Size & Dimensions – Nonconforming

The survey indicates the lot is 13,690 square feet in size. The width of the lot is approximately 80 feet along Edgewater Avenue. The average depth of the lot between the north and south property lines is 173.75 feet. The lot does not meet the minimum size or width requirements for the R-1 District.

#### B. Structure Setback – Variance Required

The existing dwelling is in conformance with the R-1 District setback requirements. A variance is needed in this case to allow for the addition to encroach 1 foot – 7 inches into the minimum east side yard setback of 10

Applicable R-1 Lot Requirements	
<b>1. Minimum Lot Area (sf.)</b>	14,000
<b>2. Minimum Lot Size (ft., width/depth)</b>	95/130
<b>3. Height (ft.)</b>	35
<b>4. Floor Area Ratio (FAR)</b>	0.3
<b>5. Lot Covered by Structure</b>	25%
<b>6. Minimum Landscape Lot Area</b>	65%
<b>7. Minimum Building Setbacks (ft)</b>	
Front Yard	40
Rear Yard (Principle)	30
Rear Yard (Accessory)	10
Side Yard Interior - Principal (Minimum/total both yards on lot)	10/25
Side Yard Interior - Accessory	10
Side Yard Corner	40

feet, creating a setback of 8 feet – 5 inches. An additional variance is needed to allow for a total combined side yard setback of 20 feet – 7 inches where a minimum combined setback of 25 feet is required. The existing dwelling is setback 12 feet – 2 inches from the west side property line and the proposed addition would be setback 8 feet – 5 inches from the east side property line.

*C. Structure Height – Conforming*

The maximum structure height permitted in the R-1 District is 35 feet. With the proposed addition, the dwelling would have a maximum height of 17 feet.

*D. Lot Coverage – Conforming*

The property is currently in conformance with the structure and landscape coverage requirements for the R-1 District. The proposed addition would increase structure coverage by a total of 286 square feet to 14.0 percent of the lot area. Landscape coverage would be reduced to 76.3 percent. Properties in the R-1 District are permitted up to 25 percent structure coverage and must maintain a minimum landscape lot area of 65 percent.

Lot Coverage	Existing		Proposed		R-1 Regulations
	Square Feet	Percent	Square Feet	Percent	
<b>Dwelling</b>	1,342	9.8%	1,342	9.8%	
<b>Garage</b>	285	2.1%	571	4.2%	
<b>Total Structure</b>	<i>1,627</i>	<i>11.9%</i>	<i>1,913</i>	<i>14.0%</i>	<b>Maximum 25%</b>
<b>Driveway</b>	1,235	9.0%	1,235	9.0%	
<b>Walkways</b>	96	0.7%	96	0.7%	
<b>Total Impervious Coverage</b>	<i>2,958</i>	<i>21.6%</i>	<i>3,244</i>	<i>23.7%</i>	<b>Maximum 35%</b>
<b>Landscape Area</b>	<i>10,732</i>	<i>78.4%</i>	<i>10,446</i>	<i>76.3%</i>	<b>Minimum 65%</b>
<b>Lot Size</b>	13,690		13,690		<b>14,000 s.f.</b>

*E. Floor Area Ratio – Conforming*

The floor area ratio (FAR) is calculated by dividing the gross square footage of the dwelling by the lot area. In the R-1 District, the maximum FAR permitted is 0.3. The proposed addition would increase total floor area to 2,108 square feet for an FAR of 0.15.

*F. Tree Preservation*

The proposed project is not expected to impact any significant trees on the property. If any significant trees are removed as a result of the project, mitigation may be required.

**2. Flood Plain, Wetlands, and Easements**

The proposed addition is outside of any flood plains, wetlands, or easements.

### **3. Additional Review**

#### *Building Official*

The Building Official has reviewed the plans and has no additional comments at this time. A building permit will be required prior to any construction taking place.

#### *City Engineer*

The City Engineer has reviewed the plans and has noted that a Grading and Erosion Control permit will be required for the addition.

### **Variance Evaluation Criteria**

On May 5, 2011, the Governor signed into law new variance legislation that changed the review criteria cities must use when evaluating variance requests. The new law renames the municipal variance standard from “undue hardship” to “practical difficulties,” but otherwise retains the familiar three-factor test of (1) reasonableness, (2) uniqueness, and (3) essential character. Also included is a sentence new to city variance authority that was already in the county statutes: “Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan.”

Therefore, in evaluating variance requests under the new law, in order to find a practical difficulty, cities should adopt findings addressing the following questions:

- Is the variance in *harmony with* the purposes and intent of the *ordinance*?
- Is the variance *consistent with* the *comprehensive plan*?
- Does the proposal put property to use in a *reasonable manner*?
- Are there *unique circumstances* to the property not created by the landowner?
- Will the variance, if granted, alter the *essential character* of the locality?

As was the case before the new legislation took effect, economic considerations alone cannot constitute a practical difficulty. Furthermore, the new law clarifies that conditions may be imposed on granting of variances if those conditions are directly related to and bear a rough proportionality to the impact created by the variance.

### **Discussion**

Staff is supportive of the variance request for several reasons. Due to the narrow width of the lot, the property owners are uniquely constrained by the minimum and combined side yard setback requirements. If the lot was in conformance with the minimum width requirement of 95 feet, a

variance would likely not be needed for the addition. The property was in conformance with the applicable regulations at the time it was developed in 1953, and the lot became nonconforming due to changes made to the Zoning Code.

Similar to other properties on Edgewater Avenue, the existing dwelling is situated at an angle on the lot. As a result, the 1-foot – 7-inch encroachment into the east side yard setback only occurs at the southeast corner of the structure at its closest point from the property. At the northeast corner of the structure the setback would be 11 feet – 11 inches, conforming to the 10-foot minimum requirement. This is also the case along the western property line – the existing dwelling is 12 feet – 2 inches from the side property line at the northwest corner and 19 feet – 5 inches at the southwest corner.

Staff researched other variances that have been approved for properties on Edgewater Avenue. In Planning Case 83-028 (1516 Edgewater Avenue) and Planning Case 96-015 (1550 Edgewater Avenue), the City approved similar side yard setback variances to allow the property owners to construct a second garage stall. The factors for why the City granted a variance in both cases were similar to why staff is supportive of this request, including the width of the lot, setbacks of adjacent houses, lack of available alternatives, and the inadequacy of a one-stall garage.

### **Findings of Fact**

Staff offers the following findings of fact for review:

#### *General Findings:*

1. The property at 1536 Edgewater Avenue is located in the R-1 Single Family Residential Zoning District.
2. The lot is nonconforming due to lot size and width.
3. The existing conditions on the property are in conformance with the setback and structure and lot coverage requirements for properties in the R-1 District.
4. The proposed addition would encroach 1 foot – 7 inches into the east side yard setback, creating a setback of 8 feet – 5 inches from the property line. The minimum side yard setback in the R-1 District is 10 feet.
5. The proposed addition would result in a combined side yard setback of 20 feet – 7 inches. The existing dwelling is setback 12 feet – 2 inches from the west side property line and the proposed addition would be setback 8 feet – 5 inches from the east side property line. The minimum combined side yard setback in the R-1 District is 25 feet.
6. A variance is required in this case to allow for an encroachment in the minimum side yard setback and for a combined side yard setback of less than 25 feet.
7. All other aspects of the proposed addition are in conformance with the Zoning Code requirements for the R-1 District.
8. The proposed addition would not encroach on any flood plains, wetlands, or easements.
9. The proposed addition is not expected to impact any significant trees on the property.

*Variance Findings:*

10. The variance would be in harmony with the purpose and intent of the City's Code because the addition would maintain side yard setbacks consistent with other dwellings in the neighborhood.
11. The variance would be consistent with the City's Comprehensive Plan because it meets the City's housing goal of encouraging property investment that complements and enhances the character of the City's established neighborhoods.
12. The proposed addition to allow for a second garage stall is a reasonable use of the property that would not be allowed under the rules of the Zoning Code without the requested variance.
13. The property is unique and presents development challenges because of its narrow width of approximately 80 feet and its topography. The unique characteristics of the property were not created by the property owners.
14. The proposed addition would not alter the essential character of the neighborhood because it would result in a structure that is consistent and compatible with other construction in the area.
15. The requested variance does not appear to be based on economic considerations alone. The applicant has proposed construction plans that are more costly than an alternative considered that would have resulted in a greater encroachment in the side yard setback.

**Recommendation**

The findings of fact for this variance request support a recommendation for approval. If the Planning Commission chooses to make a recommendation for denial, the Findings of Fact would need to be amended to reflect the reasons for the denial. If the Planning Commission recommends approval of this variance, staff recommends the following five conditions:

1. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to these plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
2. A Grading and Erosion Control permit shall be required prior to the issuance of a Building Permit.
3. If required, a Rice Creek Watershed District permit shall be obtained prior to the issuance of any City permits.
4. A Building Permit shall be required prior to commencement of construction.
5. The addition shall match the color and architectural style of the rest of the principal structure.
6. The structure shall conform to all other regulations in the City Code.

**Proposed Motion Language**

1. Recommend Approval with Conditions: Motion to recommend *approval* of Planning Case 16-017 for a side yard setback variance at 1536 Edgewater Avenue, based on the findings of fact and submitted plans, as amended by the six conditions in the August 3, 2016, Report to the Planning Commission.
2. Recommend Approval as Submitted: Motion to recommend *approval* of Planning Case 16-017 for a side yard setback variance at 1536 Edgewater Avenue, based on the findings of fact and submitted plans in the August 3, 2016, Report to the Planning Commission.
3. Recommend Denial: Motion to recommend *denial* of Planning Case 16-017 for a side yard setback variance at 1536 Edgewater Avenue based on the following findings of fact: *findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
4. Table: Motion to *table* Planning Case 16-017 for a side yard setback variance at 1536 Edgewater Avenue: *a specific reason and/or information request should be included with a motion to table.*

### **Notice**

Although a variance does not require a public hearing, a public meeting notice was prepared by the City and mailed to properties within 350 feet of the subject property.

### **Public Comments**

The City has not received any public comments regarding this planning case.

### **Deadline for Agency Actions**

The City of Arden Hills received the completed application for this request on July 18, 2016. Pursuant to Minnesota State Statute, the City must act on this request by September 16, 2016 (60 days), unless the City provides the petitioner with written reasons for an additional 60-day review period. The City may extend the review period beyond the 120 days, with the applicant's permission.

### **Attachments**

- A. Land Use Application, Variance Request Letter
- B. Location and Aerial Maps
- C. Property Survey
- D. Proposed Site Plan and Building Plans



Brief Description of Request (please also include a typed, detailed letter explaining the project):

To add an additional 1 car garage stall to our home with finished living space above. Addition would
require a variance as proposed structure would be approximately 8 feet from property line.

**\*IMPORTANT\***

- Certain applications are subject to review and approval by the Rice Creek Watershed District. Contact RCWD directly at 763-398-3070 for additional information.
- The land use application fees do not cover building, sign, or other permit fees that may be required upon approval of a land use application.
- All applications will be subject to additional fees for reimbursement of consultant costs associated with filing, reviewing, and processing of application in the form of an escrow to the City.

**Filing & Information Requirements**

The City requests that you make a pre-application meeting with the City Planner to discuss the application process, requirements, and deadlines. Unless waived by the City Planner or Planning Commission, a certified survey of the property is required for all applications. A checklist with additional application requirements can be found at [www.cityofardenhills.org/landuseapplications](http://www.cityofardenhills.org/landuseapplications).

**Complete/Incomplete Applications**

An incomplete application will delay the processing of land use requests. The application approval time commences and an application is considered officially filed when the City Planner has received and examined the application and determined that the application is complete. A decision on whether the application is complete or incomplete shall be made within fifteen (15) working days following the submittal of the application. When the application is deemed to be "complete" it shall be placed on the agenda of the first possible Planning Commission meeting provided that all required public notices have been sent and published.

**Payment of Fees and Escrows**

The undersigned acknowledges that she/he understands that before a land use application can be deemed complete, all required fees and escrows must be paid to the City. Each separate land use request shall be charged a separate administrative fee and escrow even if submitted on the same application. Costs expended in reviewing and processing an application will be charged against the cash escrow and credited to the City. Charges to the escrow may include planning and engineering staff time, City Attorney and consulting fees, and mailing costs. If, at any time, a required cash escrow is depleted to less than 20 percent of its original amount, the applicant shall deposit additional funds in the cash escrow account as determined by the City. The City may withhold final action on a land use application, withhold building permits, and/or rescind prior action until all fees have been paid. Unused portions of an escrow are returned to the applicant upon successful implementation of an approved plan. The escrow may be reduced or increased by the City Planner on a project by project basis.

**Notice of Meeting Attendance**

In order for the Planning Commission and the City Council to consider any application, the applicant or a designated representative must be present at the scheduled meeting. If not, the matter may be tabled until the next available agenda.

**Agenda Deadline and Meeting Schedule**

The deadline for submittal of land use applications is required according to the schedule outlined below. There are **no exceptions**. Failure to submit all application materials by the deadline date may delay the review process. Planning Commission meetings are typically held on the first Wednesday after the first Monday of each month at 6:30 PM, though please contact City Hall to verify the meeting date and time. City Council meetings are held typically the last Monday of the same month at 7:00 PM. Meetings are held in the Council Chambers at the City of Arden Hills, 1245 West Highway 96, Arden Hills, Minnesota 55112, unless otherwise stated. Applicants are advised that additional meetings and/or workshops are scheduled when necessary upon approval of the Planning Commission.

**2016 SCHEDULE (\*subject to change)**

<b>APPLICATION DEADLINE DATE*</b>	<b>TENTATIVE PLANNING COMMISSION MEETING DATE*</b> (Generally held on the first Wednesday after the first Monday at 6:30 p.m.)	<b>TENTATIVE CITY COUNCIL MEETING DATE*</b> (Generally held on the last Monday at 7:00 p.m.)
<b>December 7 (2015)</b>	January 6	January 25
<b>January 4</b>	February 3	February 29
<b>February 1</b>	March 9	March 28
<b>March 7</b>	April 6	April 25
<b>April 4</b>	May 4	May 31
<b>May 2</b>	June 8	June 27
<b>June 6</b>	July 6	July 25
<b>July 5</b>	August 3	August 29
<b>August 1</b>	September 7	September 26
<b>September 6</b>	October 5	October 31
<b>October 3</b>	November 9	November 28
<b>November 7</b>	December 7	December 27
<b>December 5</b>	January 4 (2017)	January 30 (2017)

**Acknowledgement and Signature**

I acknowledge that I have read all of the information listed in the City of Arden Hills Land Use Application and fully understand that I am responsible for all costs incurred by the City related to the processing of this application:

  
 \_\_\_\_\_  
 Property Owner Signature (Required)

6/7/16  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Applicant Signature (If different than the property owner)

\_\_\_\_\_  
 Date

Please contact the City Planner at 651-792-7800 if you have any questions regarding this application.

Additional copies of this application form are available on the City's website: [www.cityofardenhills.org/landuseapplications](http://www.cityofardenhills.org/landuseapplications)

To The Arden Hills Planning Commission,

We write today requesting a variance to add a second garage stall and finished living square footage (including a master bathroom) to our home at 1536 Edgewater Avenue.

Our current one car garage barely accommodates a small car and does not accommodate our family's larger SUV. With storage of bikes, lawnmower, snowblower, trash, recycling and yard waste bins, there is no space left for either vehicle. For the appearance of our property and the neighborhood, in general, we'd prefer to store all of the above inside of an expanded garage. We believe the proposed addition is fully in keeping with the character of our neighborhood where most other homes have 2, 3, or 3+ garages, and where many other properties are closer than 10 feet to property lines.

Our property cannot be put to reasonable use under current circumstances. Were we to replace our compact car with a larger vehicle, we would likely be unable to park either car in a garage. Minnesota winters without use of a garage are quite challenging for our family of 5.

Our current situation is due to circumstances not of our own making. The home is on one of the smallest lots in the neighborhood. Granting this variance would allow us to put the property in line with others without changing the feeling of the neighborhood or 'sticking out' in any way - keeping with the spirit and intent of the city for the neighborhood.

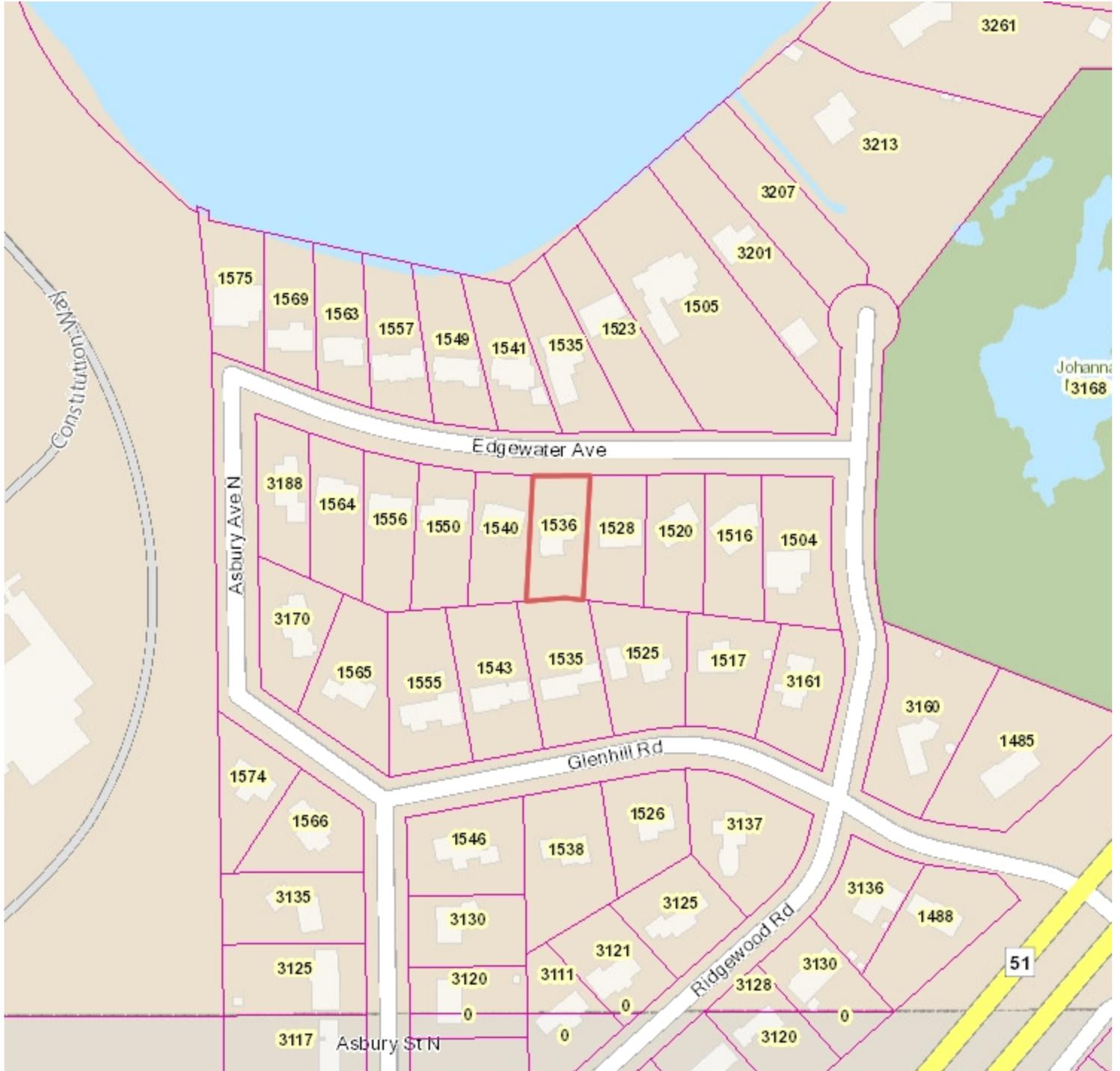
Granting a variance would not create a land use not permitted in the zone, nor is it for economic reasons. On the contrary, we're trying to create a home that works for our family and improve upon a neighborhood we love.

We have had two plans drawn up. An initial plan kept the current exterior wall of the garage and added a second stall next to that. While that plan was less expensive, it would have come 2-3 feet closer to the property line. The plan we're submitting, while more expensive for us to realize, is as far from the property line as possible in order to achieve a full 2-car garage.

Thank you for considering this request.

Best,

*-Chris and Deniz Kindler*



400.0 0 200.00 400.0 Feet

1: 2,400

NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet

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### Notes

Enter Map Description

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION





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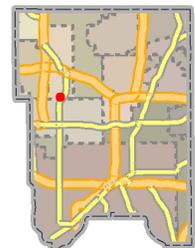
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Notes

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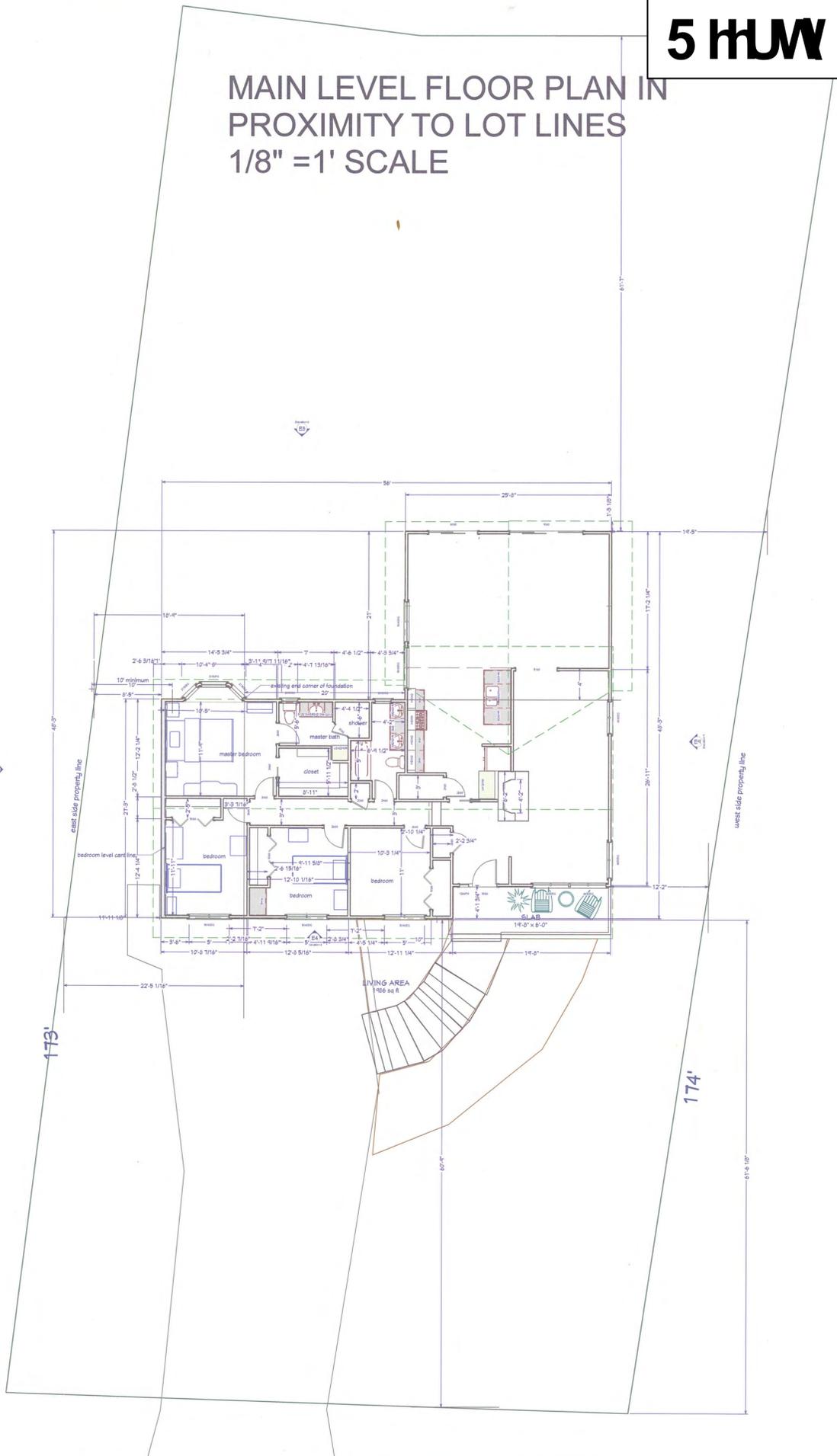
**Chad Miller Const. Inc.**  
 1104 157TH. ST. E.  
 BURNSVILLE, MN 55306  
 (952) 435-4049 LIC.#BC626572

PROJECT:  
 Proposed garage expansion and room addition floor plan and elevation renderings

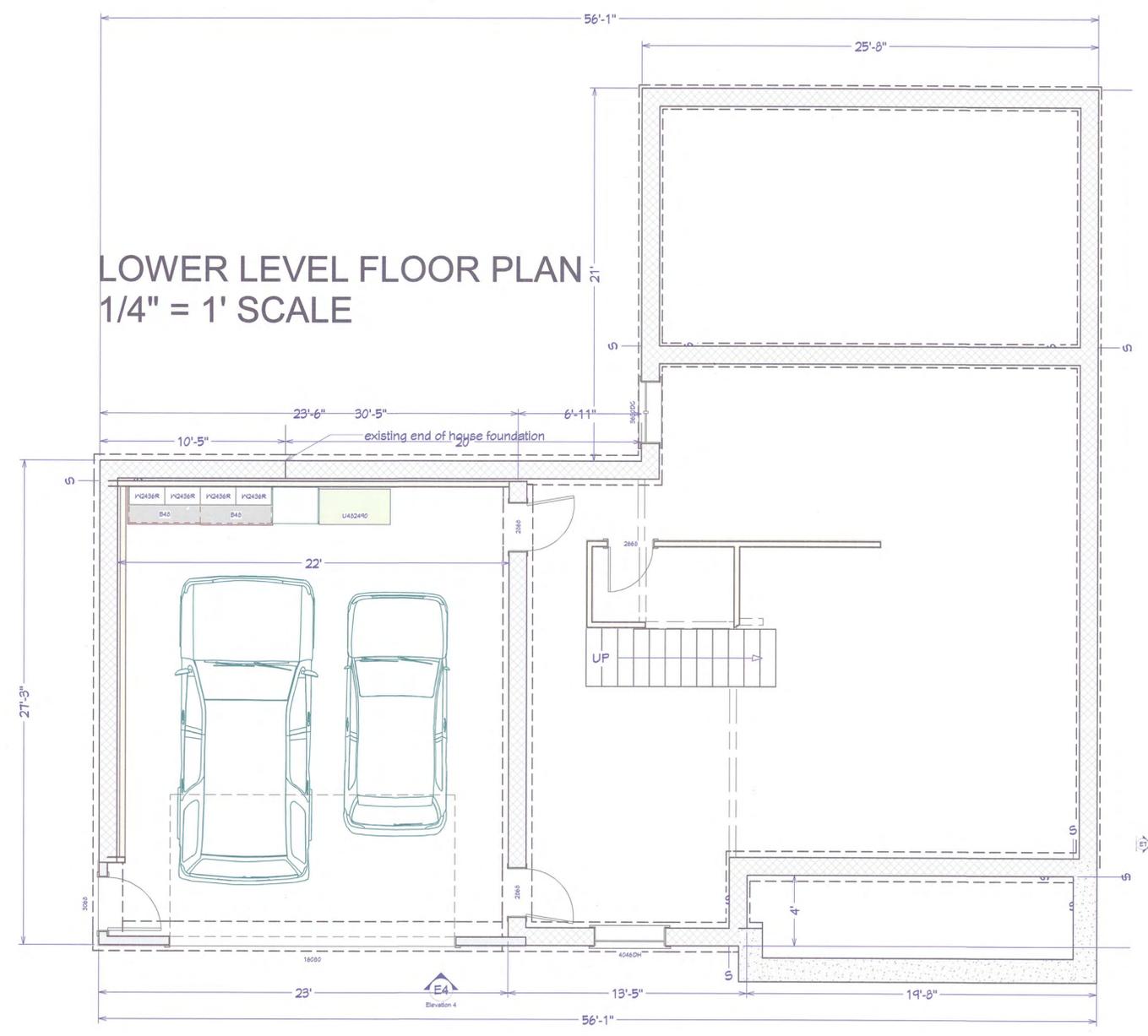
OWNERS:  
**Chris & Senay Kindler**  
 JOB ADDRESS:  
 1536 Edgewater Ave.  
 Arden Hills, MN  
 (651) 485-7415

PLAN DATE	7/01/2016
PAGE	1 OF 3

**MAIN LEVEL FLOOR PLAN IN PROXIMITY TO LOT LINES**  
 1/8" = 1' SCALE

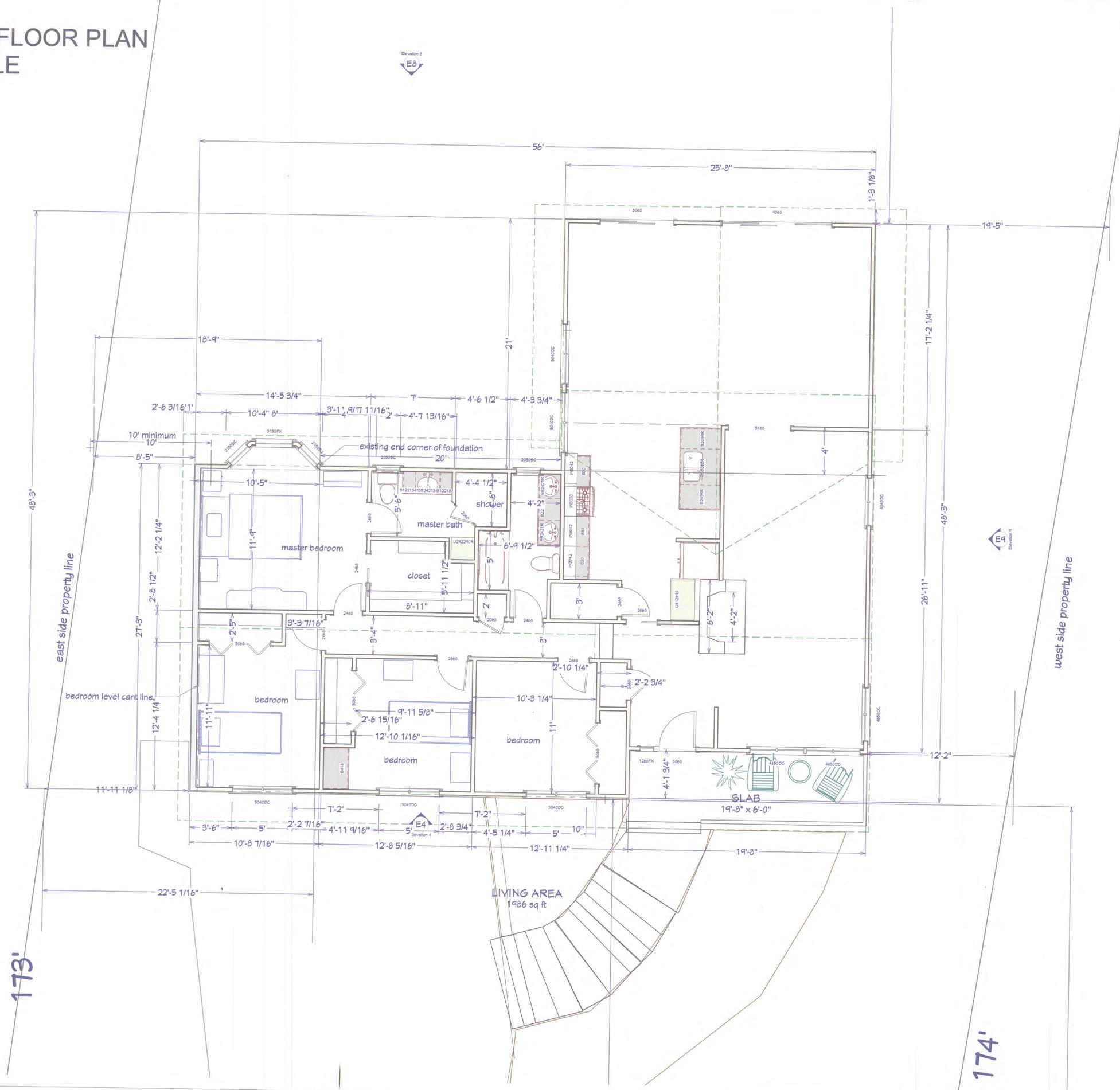


**LOWER LEVEL FLOOR PLAN**  
 1/4" = 1' SCALE



LIVING AREA  
 1900 sq ft

MAIN LEVEL FLOOR PLAN  
1/4" = 1' SCALE



173'

174'

**Chad Miller Const. Inc.**  
1104 157TH. ST. E.  
BURNSVILLE, MN 55306  
(952) 435-4049 LIC.#BC626572

PROJECT:  
Proposed garage expansion and room addition floor plan and elevation renderings

OWNERS:  
**Chris & Senay Kindler**  
JOB ADDRESS:  
1536 Edgewater Ave.  
Arden Hills, MN  
(651) 485-7915

PLAN DATE	PAGE
7/01/2016	3 OF 3

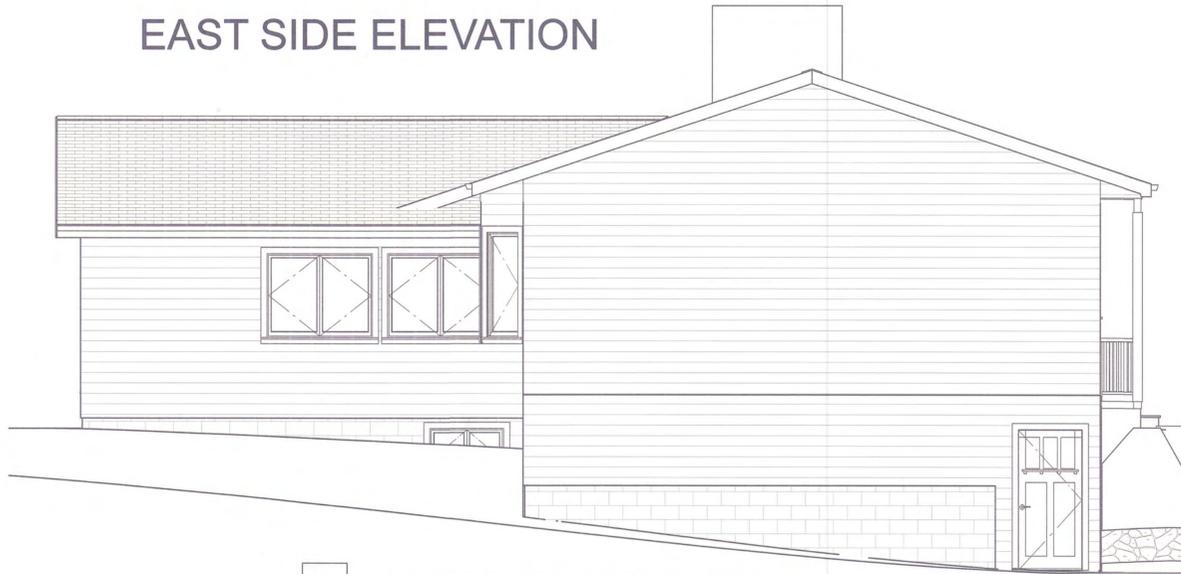
FRONT ELEVATION



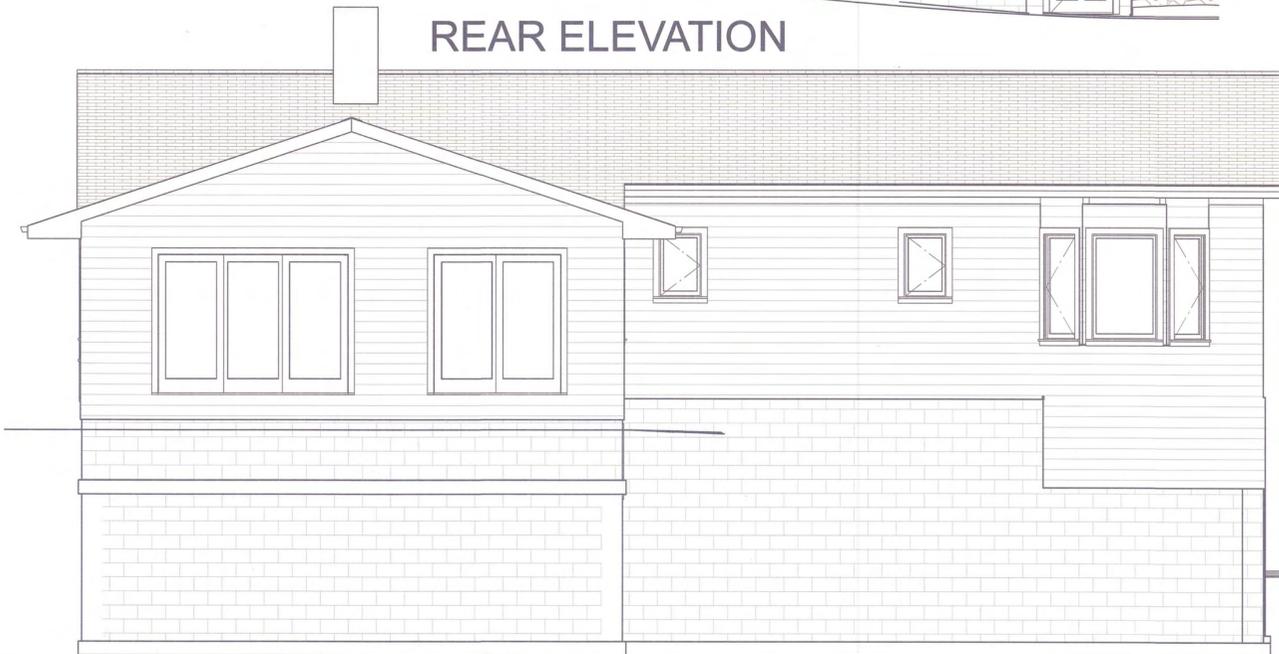
PERSPECTIVE RENDERINGS



EAST SIDE ELEVATION



REAR ELEVATION



WEST SIDE ELEVATION



1/4" = 1' SCALE

**Chad Miller Const. Inc.**  
 1104 157TH. ST. E.  
 BURNSVILLE, MN 55306  
 (952) 435-4049 LIC.#BC626572

PROJECT:  
 Proposed garage expansion and room addition floor plan and elevation renderings

OWNERS:  
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 JOB ADDRESS:  
 1536 Edgewater Ave.  
 Arden Hills, MN  
 (651) 485-7915

PLAN DATE	7/01/2016
PAGE	2 OF 3



**MEMORANDUM**

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**DATE:** August 3, 2016

PC Agenda Item **3.B**

**TO:** Planning Commission

**FROM:** Matthew Bachler, Senior Planner

**SUBJECT: Planning Case #16-019 - Public Hearing Required**

**Applicant:** Holiday Stationstore, Inc.

**Property Location:** 1920 West Highway 96

**Request:** Planned Unit Development Amendment and Conditional Use Permit Amendment

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**Requested Action**

Holiday Stationstores, Inc. has requested a Planned Unit Development (PUD) Amendment and Conditional Use Permit (CUP) Amendment to construct an approximately 296 square foot multi-use restroom addition on the north end of the existing convenience store located at 1920 West Highway 96.

**Background**

In 2005, the City approved a PUD and CUP in Planning Case 05-013 for the development of a Holiday service station and convenience store at 1920 West Highway 96. A CUP was required for the proposed use of the property as a service station with convenience retail and car wash in the G-B - Gateway Business District. The site was developed through the PUD process and allowed the developer flexibility on parking lot setback requirements and use of certain building materials in exchange for additional landscaping on the property and an overall superior building design.

**1. Overview of Request**

Holiday Stationstores, Inc. is in the process of including multi-use restroom facilities at their convenience stores whenever possible in order to provide better customer service. The company is proposing a multi-use restroom addition on the north end of their Arden Hills store. The addition would measure 15 feet – 4 inches by 19 feet – 4 inches with an area of 296 square feet.

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City of Arden Hills

Planning Commission Meeting for August 3, 2016

*P:\Planning\Planning Cases\2016\PC 16-019 - Holiday Station 1920 Hwy 96 - PUD and CUP Amendment\Memos\_Reports\_16-019*

The proposed addition would have minimal impact on the existing site operations and would not modify traffic patterns or parking areas. The addition has been designed to have a consistent appearance with the existing principal structure on the property.

The applicant has provided a project narrative (Attachment A) and a complete plan set, including a site plan, building plans, and lighting plan (Attachment C).

## 2. Planned Unit Development (PUD) Process:

The Planned Unit Development process is a tool that provides additional flexibility for development that an underlying zoning district would not otherwise allow. For example, a PUD may make exceptions to setbacks, lot coverage, parking requirements, signage, building materials, or landscaping requirements. It is intended to overcome the limitations of zoning regulations and improve the overall design of a project. While the PUD process allows the City to negotiate certain aspects of the development, any conditions imposed on the PUD must have a rational basis related to the expected impact of the development. A PUD cannot be used to permit uses that would not otherwise be permitted in the underlying zoning district.

## 3. Surrounding Area

Direction	Future Land Use Plan	Zoning	Existing Land Use
North	Medium Density Residential	R-3: Townhouse & Low Density Multiple Dwelling District	Manufactured Home Park
South	Light Industrial and Office	G-B: Gateway Business District	Light Industrial
East	Water (Round Lake)	Water (Round Lake)	Water (Round Lake)
West	Right-of-Way (Interstate 35W)	Right-of-Way (Interstate 35W)	Right-of-Way (Interstate 35W)

## 4. Site Data

<b>Future Land Use Plan:</b>	Light Industrial and Office
<b>Existing Land Use:</b>	Commercial
<b>Zoning:</b>	G-B: Gateway Business District
<b>Size:</b>	162,170 square feet
<b>Proposed Density:</b>	N/A
<b>Topography:</b>	Relatively level

## Plan Review

### 1. Chapter 13, Zoning Code Review

#### *Section 1320 – District Provisions*

##### A. Lot Coverage - *Meets Requirements*

Properties in the Gateway Business District are required to maintain landscape coverage of 35 percent. Currently, 108,506 square feet, or 66.91 percent, of the lot is comprised of pervious areas. The project would result in a decrease in pervious area by 260 square feet for proposed landscape coverage of 66.75 percent. The Gateway Business District does not include requirements for maximum structure coverage on a property.

Lot Coverage	Existing		Proposed		G-B District Regulations
	Square Feet	Percent	Square Feet	Percent	
<b>Building Area</b>	5,410	3.34%	5,706	3.52%	
<b>Paved Area</b>	48,254	29.76%	48,218	29.73%	
<b>Landscape Area</b>	108,506	66.91%	108,246	66.75%	<b>Minimum of 35%</b>
<b>Lot Size</b>	162,170		162,170		

##### B. Height - *Meets Requirements*

The maximum height for buildings in the Gateway Business District is 35 feet. The proposed addition would measure 15 feet – 7 inches in height.

##### C. Setbacks - *Meets Requirements*

The minimum setbacks for principal structures in the Gateway Business District are 50 feet in the front yard and 20 feet in the rear and side yards. The existing principal structure is in conformance with the setback requirements. Since the property is situated at the corner of Highway 96 and Round Lake Road, the 50-foot front yard setback is required to be maintained along both of these street frontages. As proposed, the addition would be located 50 feet from the Highway 96 property line. The addition would not extend the principal structure any closer to the other property line.

##### D. Floor Area Ratio - *Meets Requirements*

The floor area ratio (FAR) is calculated by dividing the gross square footage of the dwelling by the lot area. The maximum FAR permitted for one-story buildings in the Gateway Business District is 0.3. The proposed addition would result in an FAR of 0.035 for the property.

E. Special Requirements for the Gateway Business District – Section 1320.13

*Building Exteriors - Meets Requirements of approved PUD*

Exterior building treatment is required to be of brick, stone, glass, or any combination thereof. The proposed addition would be constructed primarily of brick and cast stone, with EIFS fascia along the top portion of the building addition. These exterior materials would match the materials used on the existing building. Through the original approval process, Holiday was permitted to use EIFS on the building and the proposal for limited EIFS on the addition is consistent with the approved PUD.

*Lighting - Meets Requirements*

Exterior lighting is required to be hooded, concealed, or controlled so as not to be visible from adjoining lots, streets, highways, or residential areas east and south of Round Lake. No new exterior light is proposed as part of the project. Existing decorative light fixtures on the north building wall would be relocated to the north side of the new addition. These existing fixtures meet the lighting requirements included in this section of the Zoning Code.

***Section 1325 – General Regulations***

A. Landscaping – Section 1325.05, Subd. 1 - *Meets Requirements*

The property has an existing approved landscape plan on file with the City and an update is not required for the proposed project. Two Autumn Brilliance Serviceberry trees are located immediately north of the proposed addition. These trees will be preserved during construction of the addition.

B. Exterior Lighting – Section 1325.05, Subd. 3 - *Meets Requirements*

Any light or combination of light cannot cast light that exceeds a reading of 1.0 foot candle on the travel lanes of adjoining public streets. A foot candle is a measurement used to determine how much light is falling onto a surface a certain distance away from the light source. The photometric plan provided by Holiday indicates that readings along Highway 96 would not exceed 1.0 foot candle.

**2. Administration and Procedures – Conditional Use Permits – Section 1355.04 Subd 3**

The Special Requirements for the Gateway Business District in Section 1320.13 of the Zoning Code states that proposals for modifications to a building's exterior shall be reviewed according to the criteria for evaluating Conditional Use Permits as listed in Section 1355.04, Subd 3. This section of the Zoning Code states that the Planning Commission and City Council shall consider the effect of the proposal upon the health, safety, convenience and general welfare of the owners

and occupants of the surrounding land, in particular, and the community as a whole, in general, including but not limited to the following factors:

1. Existing and anticipated traffic and parking conditions;
2. Noise, glare, odors, vibration, smoke, dust, air pollution, heat, liquid or solid waste, and other nuisance characteristics;
3. Drainage;
4. Population density;
5. Visual and land use compatibility with uses and structures on surrounding land;
6. Adjoining land values;
7. Park dedications where applicable; and the
8. Orderly development of the neighborhood and the City within the general purpose and intent of this ordinance and the Comprehensive Development Plan for the City.

### **Additional Review**

#### *City Engineer*

The City Engineer has reviewed the submitted plans and did not have any comments at this time. A Grading and Erosion Control Permit is not required for this project.

#### *Building Official*

The City Building Official has reviewed the submitted plans and did not have any comments at this time.

#### *Rice Creek Watershed District*

The Rice Creek Watershed District has reviewed the plans and has determined that a permit is not required for the project.

### **Findings of Fact**

The Planning Commission must make a finding as to whether or not the proposed application would adversely affect the surrounding neighborhood or the community as a whole based on the aforementioned factors. Staff offers the following findings of fact for consideration:

1. The applicant has requested approval of a PUD Amendment and CUP Amendment for the property at 1920 West Highway 96.
2. A Master PUD was approved for 1920 West Highway 96 in Planning Case #05-013.
3. The applicant has proposed constructing a multi-use restroom addition on the north end of the existing convenience store that would measure 15 feet – 4 inches by 19 feet – 4 inches with an area of 296 square feet.

4. The proposed addition is in substantial conformance with the Zoning Code. Where the proposed addition is not in conformance with the Zoning Code, the proposal is in conformance with the Master PUD approved for the property in Planning Case #05-013.
5. The proposed addition is not expected to impact existing and anticipated traffic and parking conditions.
6. The proposed addition will not affect noise, odors, glare, vibration, smoke, dust, air pollution, heat, liquid and solid waste on the property.
7. The proposed addition is not expected to significantly impact drainage on the property.
8. The proposed addition will not affect the population density on the property.
9. The proposed addition is unlikely to significantly affect land values on the subject property or on neighboring properties.
10. The park dedication requirement does not apply in this case.

### **Staff Recommendation**

Based on the submitted plans and findings of fact, staff recommends approval of Planning Case 16-019 for a PUD Amendment and CUP Amendment for Holiday Stationstores, Inc. at 1920 West Highway 96. Staff is recommending the following six (6) conditions of approval:

1. The applicant shall continue to abide by the conditions of all previous Master PUD and CUP Agreements, permits, and reviews, except as hereinafter amended.
2. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to these plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
3. A PUD and CUP Amendment Agreement shall be prepared by the City Attorney and subject to City Council approval. The Agreement shall be executed prior to the issuance of any development permits.
4. Final construction plans shall be subject to approval by the City Building Official, City Engineer, and Fire Marshall prior to the issuance of a building permit.
5. The applicant shall protect the two (2) Autumn Brilliance Serviceberry trees located immediately north of the proposed addition. If these trees are damaged, removed, or die during the construction of the addition, the applicant shall be required to replace the trees with trees of equivalent size.
6. Exterior lighting shall be hooded, concealed, or controlled so as not to be visible from adjoining lots, streets, highways, or residential areas east and south of Round Lake.

### **Options**

1. Recommend Approval with Conditions: Motion to recommend *approval* of Planning Case 16-019 for a PUD Amendment and CUP Amendment at 1920 West Highway 96, based on

the findings of fact and submitted plans, as amended by the six (6) conditions in the August 3, 2016, Report to the Planning Commission.

2. Recommend Approval as Submitted: Motion to recommend *approval* of Planning Case 16-019 for a PUD Amendment and CUP Amendment at 1920 West Highway 96, based on the findings of fact and the submitted plans and the following findings of fact in the August 3, 2016, Report to the Planning Commission.
3. Recommend Denial: Motion to recommend *denial* of Planning Case 16-019 for a PUD Amendment and CUP Amendment at 1920 West Highway 96 based on the following findings of fact: *findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
4. Table: Motion to *table* Planning Case 16-019 for a PUD Amendment and CUP Amendment at 1920 West Highway 96 in order to gather the following information: *a specific reason and/or information request should be included with a motion to table.*

### **Notice**

Notice was published in the *Arden Hills/Shoreview Bulletin* and notice was prepared by the City and mailed to property owners within 1,000 feet of the subject property.

### **Resident Comments**

Staff has not received any letters, e-mails, or telephone calls from property owners or residents in regards to this planning case.

### **Deadline for Agency Actions**

The City of Arden Hills received the completed application for this request on July 5, 2016. Pursuant to Minnesota State Statute, the City must act on this request by September 3, 2016 (60 days), unless the City provides the petitioner with written reasons for an additional 60 day review period. The City may, with the consent of the applicant, extend the review period beyond the initial 120 days.

### **Attachments**

- A. Land Use Application and Project Narrative
- B. Site and Aerial Map
- C. Plan Set

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City of Arden Hills

Planning Commission Meeting for August 3, 2016

P:\Planning\Planning Cases\2016\PC 16-019 - Holiday Station 1920 Hwy 96 - PUD and CUP Amendment\Memos\_Reports\_16-019



1245 West Highway 96  
 Arden Hills, Minnesota 55112  
 Telephone (651) 792-7800  
 Fax (651) 634-5137  
 www.cityofardenhills.org

For Office Use Only	
Planning Case No.	16-019
Submittal Date	7/5/16
Application Completed Date	
Accepted by	mwb
Receipt Number	#864077
Council Decision	
Council Decision Date	

## 2016 LAND USE APPLICATION

### Applicant Information

Applicant: Holiday Stationstores - C/O Casey A. Beaton - Mgr. Store Planning and Assets  
 Address: 4567 American Boulevard West, Bloomington, MN 55437  
 Telephone No.: 952.832.8694 Other:  
 Fax No.: 952.830.1678  
 Email Address: casey.beaton@holidaycompanies.com

### Property Information

Property Owner: Holiday Stationstores, Inc.  
 Owner Address: 4567 American Boulevard West, Bloomington, MN 55437  
 Owner Telephone No. Other:  
 Address of Property Involved: 1920 Hwy 96, Arden Hills, MN 55112  
 Legal Description: Lot 1 Blk 1, Holiday Lake Addition  
 Property ID No.: 21.30.23.21.0005  
 Type of Use: 432 - C - Convenience Store  
 Zone: Gateway Business PUD Property Acreage: 2.78

### Type of Request

- Comprehensive Plan Amendment (Fee: \$500 + Escrow: \$1,000)
- Conditional Use or Interim Use Permit/CUP or IUP Amendment (Fee: \$350 + Escrow: \$1,000)
- Preliminary Plat (Fee: \$500 + Escrow: \$1,000)
- Final Plat (Fee: \$500 + Escrow: \$1,000)
- Concept Plan Review (Fee: \$150 + Escrow: \$1,000)
- Master Planned Unit Development or Master Special Development Plan (Fee: \$350 + Escrow: \$1,000)
- Final Planned Unit Development or Final Special Development Plan (Fee: \$350 + Escrow: \$1,000)
- Planned Unit Development Amendment or Special Development Plan Amendment (Fee: \$350 + Escrow: \$1,000)
- Site Plan Review (Fee: \$350 + Escrow: \$1,000)
- Rezoning or TCAAP Regulating Plan Amendment (Fee: \$350 + Escrow: \$1,000)
- Zoning Code or TCAAP Redevelopment Code Amendment (Fee: \$350 + Escrow: \$1,000)
- City Code Amendment (Fee: \$350 + Escrow: \$1,000)
- Lot Split/Minor Subdivision (R-1 and R-2 Districts Only) (Fee: \$350 + Escrow: \$1,000)
- Variance or Permitted Adjustment (Fee: \$350 + Escrow: \$1,000)
- Vacation of Easement or Right-of-Way (Fee: \$150 + Escrow: \$1,000)
- Appeal of Administrative Decision (Fee: \$150 + Escrow: \$1,000)
- Land Use Requests – Not Already Specified (Fee: \$150 + Escrow: \$1,000)

Brief Description of Request (please also include a typed, detailed letter explaining the project):

Proposed 277 sf building addition to add new Multi-use restroom to existing building.
The proposed addition is designed to match the existing architecture of the building.

**\*IMPORTANT\***

- Certain applications are subject to review and approval by the Rice Creek Watershed District. Contact RCWD directly at 763-398-3070 for additional information.
- The land use application fees do not cover building, sign, or other permit fees that may be required upon approval of a land use application.
- All applications will be subject to additional fees for reimbursement of consultant costs associated with filing, reviewing, and processing of application in the form of an escrow to the City.

**Filing & Information Requirements**

The City requests that you make a pre-application meeting with the City Planner to discuss the application process, requirements, and deadlines. Unless waived by the City Planner or Planning Commission, a certified survey of the property is required for all applications. A checklist with additional application requirements can be found at [www.cityofardenhills.org/landuseapplications](http://www.cityofardenhills.org/landuseapplications).

**Complete/Incomplete Applications**

An incomplete application will delay the processing of land use requests. The application approval time commences and an application is considered officially filed when the City Planner has received and examined the application and determined that the application is complete. A decision on whether the application is complete or incomplete shall be made within fifteen (15) working days following the submittal of the application. When the application is deemed to be "complete" it shall be placed on the agenda of the first possible Planning Commission meeting provided that all required public notices have been sent and published.

**Payment of Fees and Escrows**

The undersigned acknowledges that she/he understands that before a land use application can be deemed complete, all required fees and escrows must be paid to the City. Each separate land use request shall be charged a separate administrative fee and escrow even if submitted on the same application. Costs expended in reviewing and processing an application will be charged against the cash escrow and credited to the City. Charges to the escrow may include planning and engineering staff time, City Attorney and consulting fees, and mailing costs. If, at any time, a required cash escrow is depleted to less than 20 percent of its original amount, the applicant shall deposit additional funds in the cash escrow account as determined by the City. The City may withhold final action on a land use application, withhold building permits, and/or rescind prior action until all fees have been paid. Unused portions of an escrow are returned to the applicant upon successful implementation of an approved plan. The escrow may be reduced or increased by the City Planner on a project by project basis.

**Notice of Meeting Attendance**

In order for the Planning Commission and the City Council to consider any application, the applicant or a designated representative must be present at the scheduled meeting. If not, the matter may be tabled until the next available agenda.

**Agenda Deadline and Meeting Schedule**

The deadline for submittal of land use applications is required according to the schedule outlined below. There are **no exceptions**. Failure to submit all application materials by the deadline date may delay the review process. Planning Commission meetings are typically held on the first Wednesday after the first Monday of each month at 6:30 PM, though please contact City Hall to verify the meeting date and time. City Council meetings are held typically the last Monday of the same month at 7:00 PM. Meetings are held in the Council Chambers at the City of Arden Hills, 1245 West Highway 96, Arden Hills, Minnesota 55112, unless otherwise stated. Applicants are advised that additional meetings and/or workshops are scheduled when necessary upon approval of the Planning Commission.

**2016 SCHEDULE (\*subject to change)**

APPLICATION DEADLINE DATE*	TENTATIVE PLANNING COMMISSION MEETING DATE* (Generally held on the first Wednesday after the first Monday at 6:30 p.m.)	TENTATIVE CITY COUNCIL MEETING DATE* (Generally held on the last Monday at 7:00 p.m.)
December 7 (2015)	January 6	January 25
January 4	February 3	February 29
February 1	March 9	March 28
March 7	April 6	April 25
April 4	May 4	May 31
May 2	June 8	June 27
June 6	July 6	July 25
July 5	August 3	August 29
August 1	September 7	September 26
September 6	October 5	October 31
October 3	November 9	November 28
November 7	December 7	December 27
December 5	January 4 (2017)	January 30 (2017)

**Acknowledgement and Signature**

I acknowledge that I have read all of the information listed in the City of Arden Hills Land Use Application and fully understand that I am responsible for all costs incurred by the City related to the processing of this application.

Property Owner Signature (Required)

Date

Applicant Signature (If different than the property owner)

Date

Please contact the City Planner at 651-792-7800 if you have any questions regarding this application.

Additional copies of this application form are available on the City's website: [www.cityofardenhills.org/landuseapplications](http://www.cityofardenhills.org/landuseapplications)



## Holiday Companies

4567 American Boulevard West, Bloomington, MN 55437 (952) 830-8700

---

To:  
Matthew Bachler  
Planning and Zoning  
1245 West Hwy 96  
Arden Hills, MN 55112  
651.792.7822

RE: Narrative– Proposed 2016 Restroom Building Addition

Dear Mr. Bachler:

Holiday Stationstores, Inc., is seeking approval of a proposed Site Plan submittal, Planned Unit Development Amendment, and Conditional Use Permit Amendment to allow for a 15'-4" by 19'-4" multi-use restroom building addition on the North end of our existing convenience store building located at 1920 Hwy 96, Arden Hills, MN 55112.

The property, situated in the Southwest quadrant of the intersection of Highway 96 and Round Lake Road is zoned Gateway Business PUD for Lot 1 Blk 1 of the Holiday Lake Addition. The parcel is surrounded by the Highway 35 off-ramp to the West, Nott Company building on the South, Round Lake to the East, and Highway 96 to the North.

Background:

Holiday built and has operated the existing convenience store with fuel in 2005. The standard practice at that time was to build single occupancy restrooms to meet the minimum code. We have since changed our practice to try and include multi-use restrooms whenever possible to provide better customer service and a better experience. As a result we identify sites like the one in question for building additions to allow us to enhance customer experience at existing sites by reducing lines and providing redundancy in case of service issues.

The Project:

Holiday proposes to add a 15'-4" by 19'-4", 296sf building addition off the North side of the existing building but within the existing curb lines. We have adjusted the proposed building addition design and as it is drawn it now approaches but does not cross the Side Yard Corner 50ft setback, the North setback off Hwy 96.

The position of this restroom addition has been designed to have a minimal impact on the existing site layout and traffic patterns while providing an effortless transition for customers to utilize the new feature.

Holiday is tentatively targeting 9-week construction to begin in early October or sooner depending on process and permits.

Casey A. Beaton  
Manager – Store Planning and Assets  
Holiday Companies, Inc  
4567 American Boulevard West  
Bloomington, MN 55437  
952.832.8694  
casey.beaton@holidaycompanies.com

# Attachment B

## 1920 West Highway 96



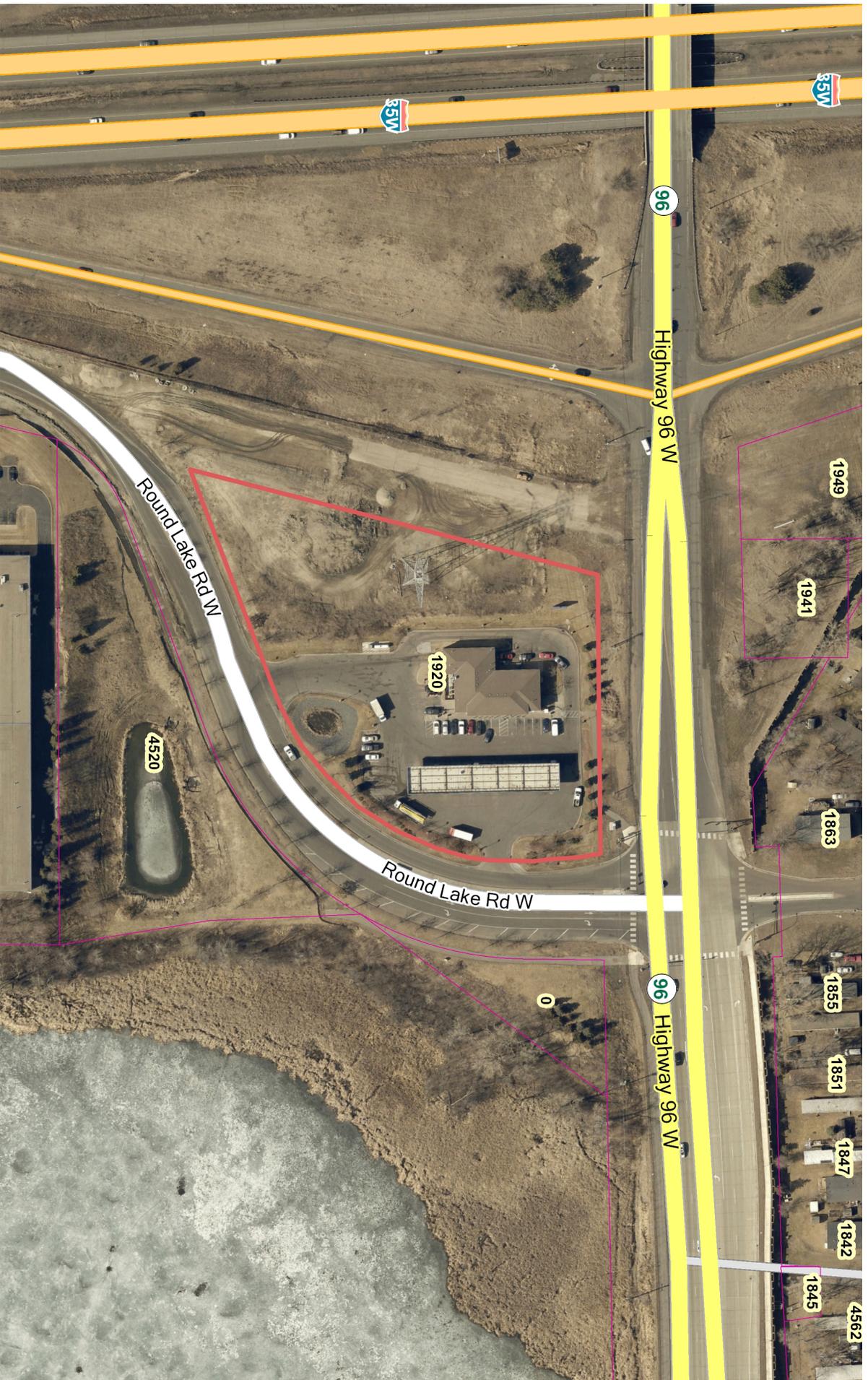
NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
© Ramsey County Enterprise GIS

This map is a user-generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1 : 3,600





300.0 0 150.0 300.0 Feet

NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
© Ramsey County Enterprise GIS

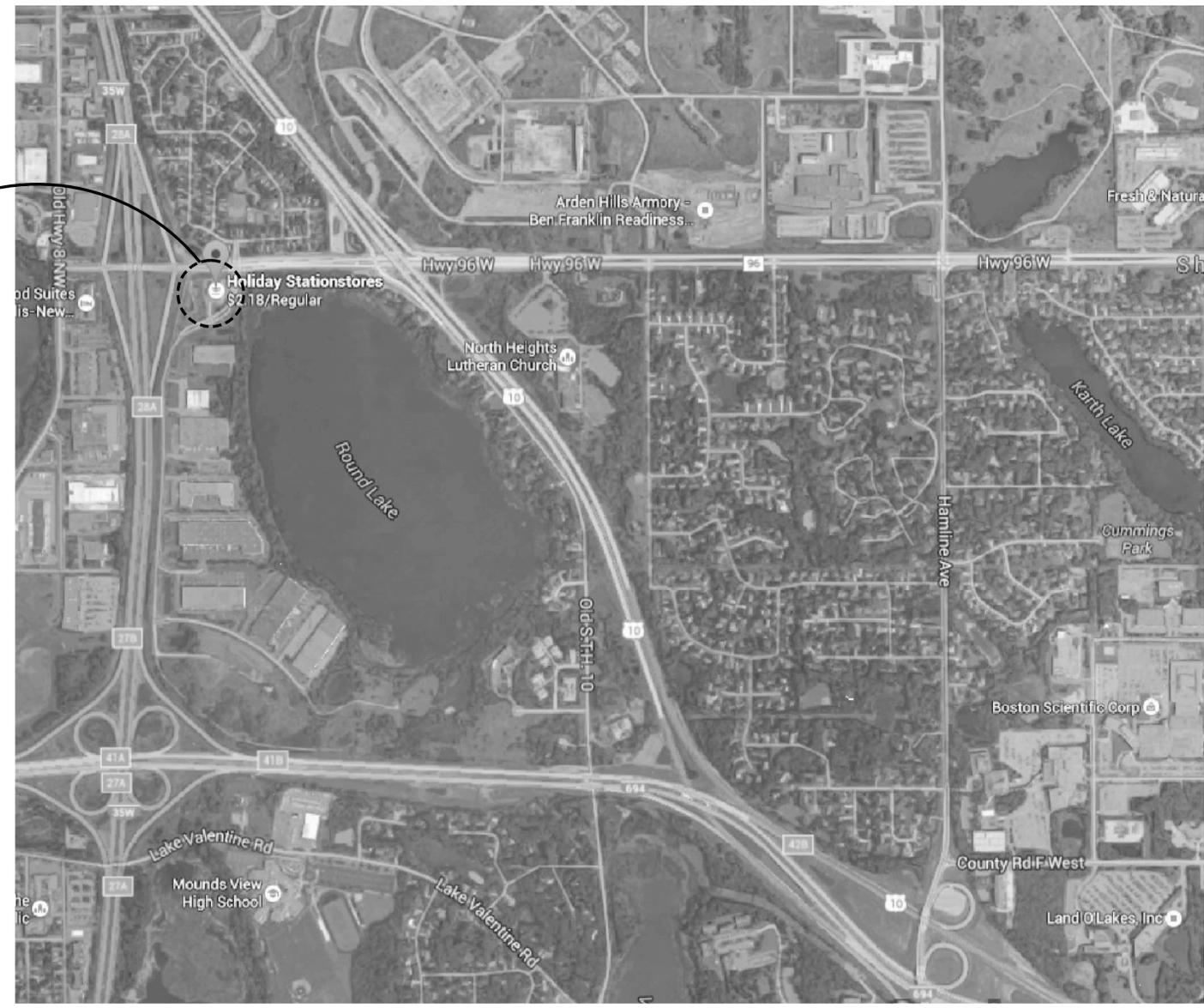
This map is a user-generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

1 : 1,800



**LOCATION MAP**

SITE



# HOLIDAY STATIONSTORE ADDITION

**ARDEN HILLS, MN**

**ARCHITECTURAL CONSORTIUM L.L.C.**  
901 North Third Street, Suite 220 Minneapolis, MN 55401 612-436-4030 Fax 612-692-9960

**SHEET INDEX**

- T1 TITLE SHEET
- 1 ALTA SURVEY
- SP EXISTING SITE PLAN
- SP1 PROPOSED SITE PLAN
- L1 EXISTING LANDSCAPE PLAN
- L2 EXISTING PERVIOUS / IMPERVIOUS PLAN
- L2.1 PROPOSED PERVIOUS / IMPERVIOUS PLAN
- A1 EXISTING FIXTURE PLAN
- A2 PROPOSED FIXTURE PLAN
- A3 EXTERIOR ELEVATIONS
- SE1 SITE PHOTOMETRIC

**PROJECT DIRECTORY**

ALL QUESTIONS RELATED TO BIDDING AND CONSTRUCTION OF THIS PROJECT SHALL BE DIRECTED TO HOLIDAY COMPANIES PROJECT MANAGER:

**OWNER**  
HOLIDAY STATIONSTORES, INC.  
4567 AMERICAN BLVD. WEST  
MINNEAPOLIS, MN 55437-1123  
CONTACT: NICK GLEASON  
(952) 832-8620 (PHONE)  
(952) 830-1678 (FAX)  
nick.gleason@holidaycompanies.com

**ARCHITECT**  
ARCHITECTURAL CONSORTIUM L.L.C.  
901 NORTH 3RD STREET, SUITE 220  
MINNEAPOLIS, MN 55401  
CONTACT: BRETT LOFTESNES  
(612) 436-0735  
(612) 692-9960 (FAX)  
bloftesnes@archconsort.com

**CIVIL ENGINEER & LANDSCAPE ARCHITECT**  
CIVIL: SUNDE ENGINEERING  
10830 NESBITT AVENUE SOUTH  
BLOOMINGTON, MN 55437  
(952) 881-3344

LANDSCAPE ARCHITECT: INSITES  
3030 HARBOR LANE, SUITE 131  
PLYMOUTH, MN 55447  
CONTACT: BOB MUELLER  
(763) 383-8400  
(763) 383-8440 (FAX)  
bob@insitesinc.net

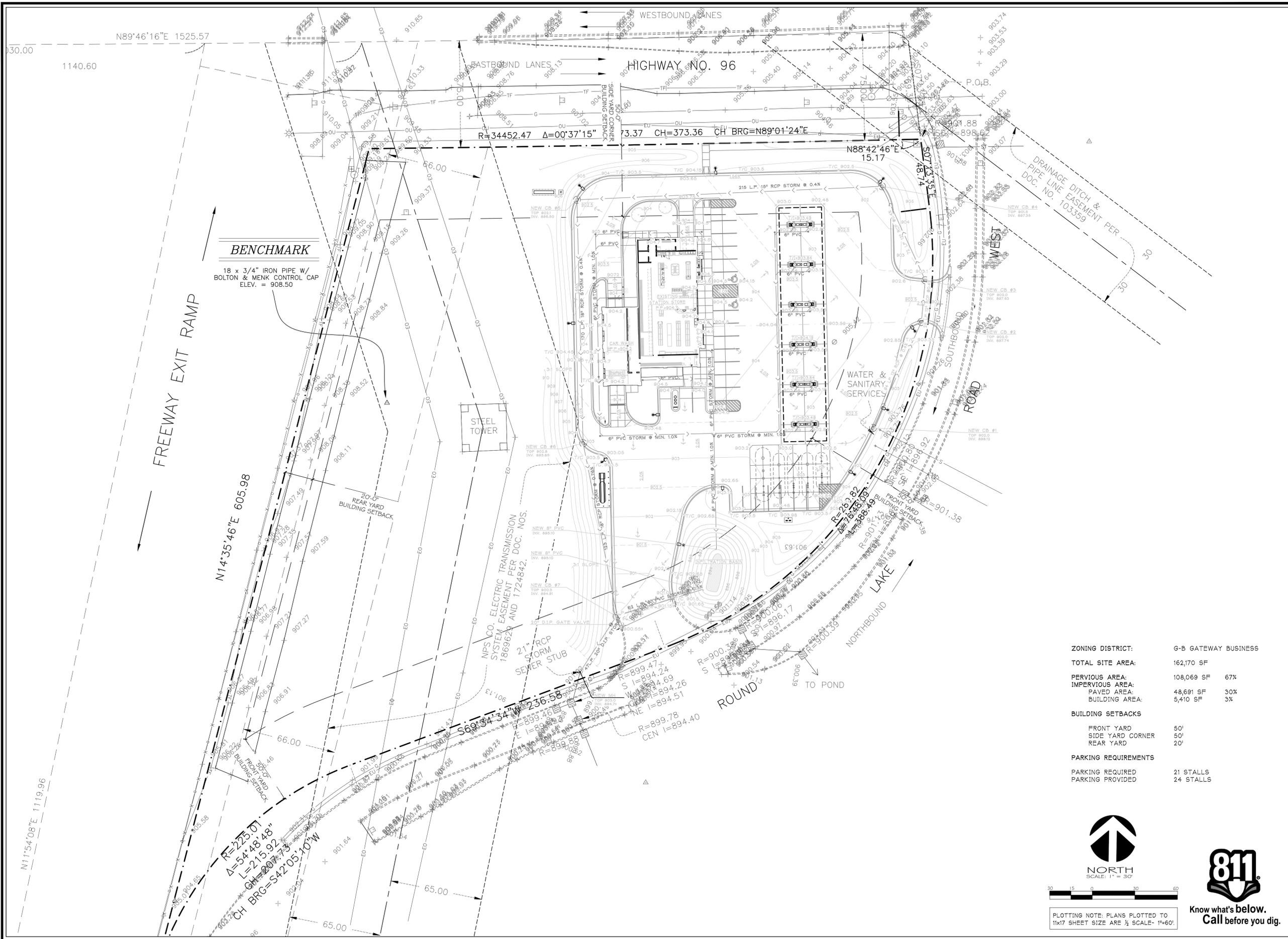
**Holiday**  
**STATIONSTORE**  
**#0368**  
1920 COUNTY HWY 96  
ARDEN HILLS, MN

PROJECT NUMBER:	16-1052-01	
DRAWN BY:	BL	
CHECKED BY:	KA	
MARK:	REVISION / ISSUE:	DATE:
	CITY SUBMITTAL	06-24-16
	SUBMITTAL SET REVISION	07-15-16

ALL QUESTIONS RELATED TO BIDDING AND CONSTRUCTION OF THIS PROJECT SHALL BE DIRECTED TO HOLIDAY COMPANIES PROJECT MANAGER:  
**NICK GLEASON**  
4567 AMERICAN BLVD. WEST  
MINNEAPOLIS, MN 55437-1123  
(952) 832-8620 (PHONE)  
(952) 830-1678 (FAX)  
nick.gleason@holidaycompanies.com

**TITLE SHEET**

**T1**



**ARCHITECTURAL CONSORTIUM L.L.C.**

901 North Third Street, Suite 220 Minneapolis, MN 55401 612-436-4030 Fax 612-692-9960

**INSITES**

SITE PLANNING LANDSCAPE ARCHITECTURE  
3030 Harbor Lane North, Suite 131  
Plymouth, Minnesota 55447  
763.383.8400  
154.763.353.8440

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly licensed Landscape Architect under the laws of the State of Minnesota.

Signed: Robert J. Mueller  
Date: 1-23-15 Reg. No. 19306



**Holiday**  
**STATIONSTORE**  
**#0368**  
ARDEN HILLS, MN

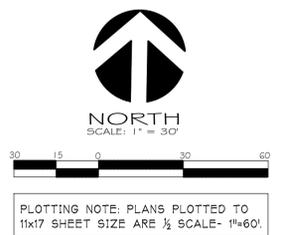
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CHECKED BY:	x

MARK:	REVISION / ISSUE:	DATE:
	PLAN REVIEW	7-5-2016
	SUBMITTAL SET REVISION	7-15-2016

ALL QUESTIONS RELATED TO BIDDING AND CONSTRUCTION OF THIS PROJECT SHALL BE DIRECTED TO HOLIDAY COMPANIES PROJECT MANAGER:

**NICK GLEASON**  
4567 AMERICAN BLVD. WEST  
MINNEAPOLIS, MN 55437-1123  
(952) 832-8620 (PHONE)  
(952) 830-1678 (FAX)  
nick.gleason@holidaycompanies.com

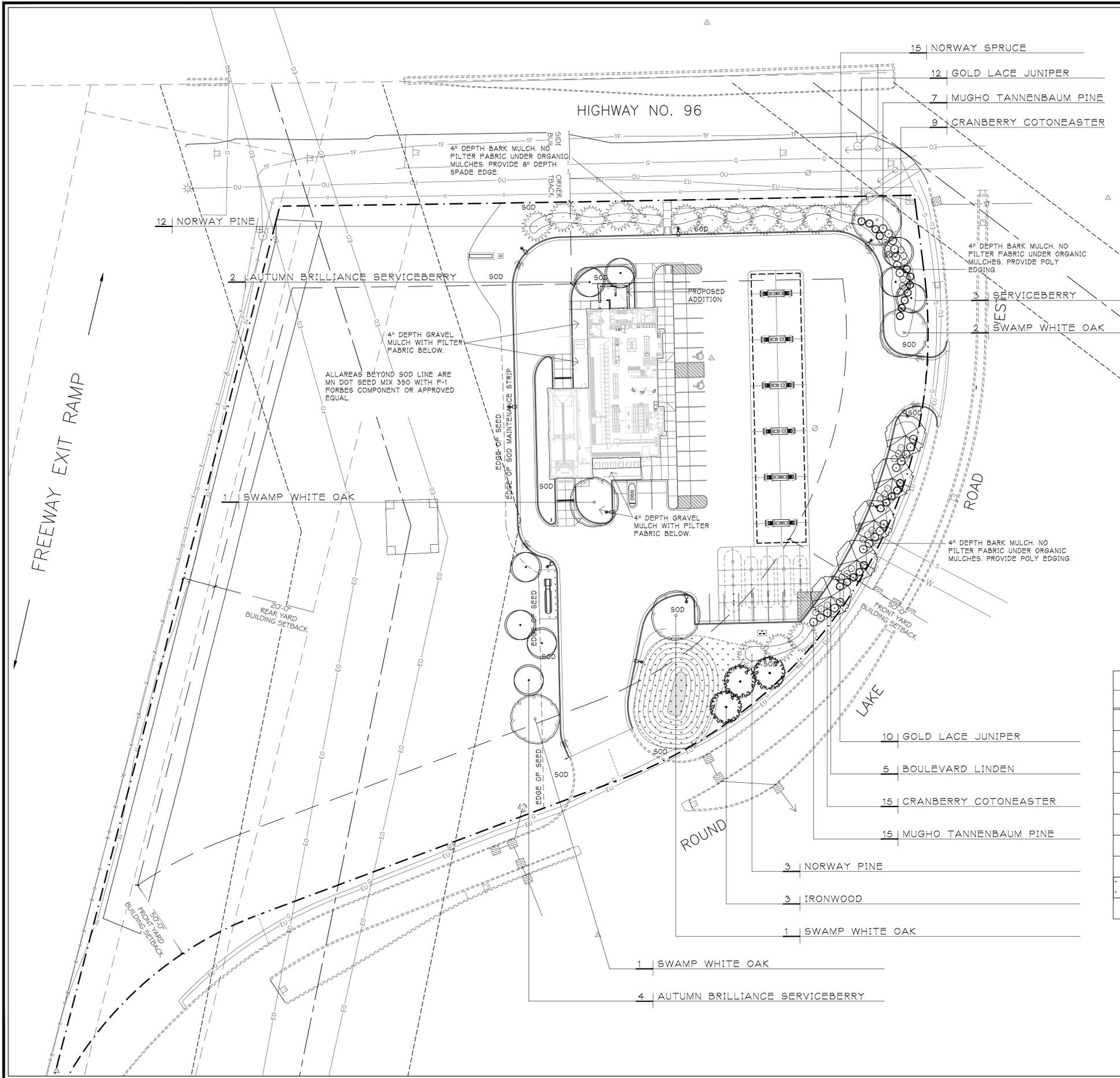
ZONING DISTRICT:	G-B GATEWAY BUSINESS
TOTAL SITE AREA:	162,170 SF
PERVIOUS AREA:	108,069 SF 67%
IMPERVIOUS AREA:	54,101 SF 33%
PAVED AREA:	48,691 SF 30%
BUILDING AREA:	5,410 SF 3%
BUILDING SETBACKS	
FRONT YARD	50'
SIDE YARD CORNER	50'
REAR YARD	20'
PARKING REQUIREMENTS	
PARKING REQUIRED	21 STALLS
PARKING PROVIDED	24 STALLS



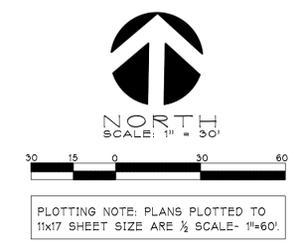
**EXISTING SITE PLAN**

**SP**





PLANT MATERIAL			
QNTY.	COMMON NAME	BOTANICAL NAME	
15	NORWAY PINE	<i>Pinus resinosa</i>	
5	SWAMP WHITE OAK	<i>Quercus bicolor</i>	
5	BOULEVARD LINDEN	<i>Tilia americana 'Boulevard'</i>	
3	IRONWOOD	<i>Ostrya virginiana</i>	
9	AUTUMN BRILLIANCE SERVICEBERRY	<i>Amelanchier x grandiflora 'Autumn Brilliance'</i>	
22	GOLD LACE JUNIPER	<i>Juniperus chinensis 'Gold Lace'</i>	
22	MUGO TANNENBAUM PINE	<i>Pinus mugo 'Tannenbaum'</i>	
24	CRANBERRY COTONEASTER	<i>Cotoneaster apiculatus</i>	
365 SY	SEED MIX: TALL/ WET NATIVE GRASS/ FORBE HABITAT IN INFILTRATION BASIN. (MNDOT SEED MIX 310 OR APPROVED EQUAL W/ WET FORBS MIXTURE)		



**ARCHITECTURAL CONSORTIUM L.L.C.**  
 901 North Third Street, Suite 220 Minneapolis, MN 55401 612-436-4030 Fax 612-692-9960

**INSITES**  
 SITE PLANNING LANDSCAPE ARCHITECTURE  
 3030 Harbor Lane North, Suite 131 Plymouth, Minnesota 55447 763.383.8400 Fax 763.383.8440

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly licensed Landscape Architect under the laws of the State of Minnesota.

Signed: Robert J. Mueller  
 Date: 1-23-15 Reg. No. 19306

  
**Holiday**  
**STATIONSTORE**  
**#0368**  
 ARDEN HILLS, MN

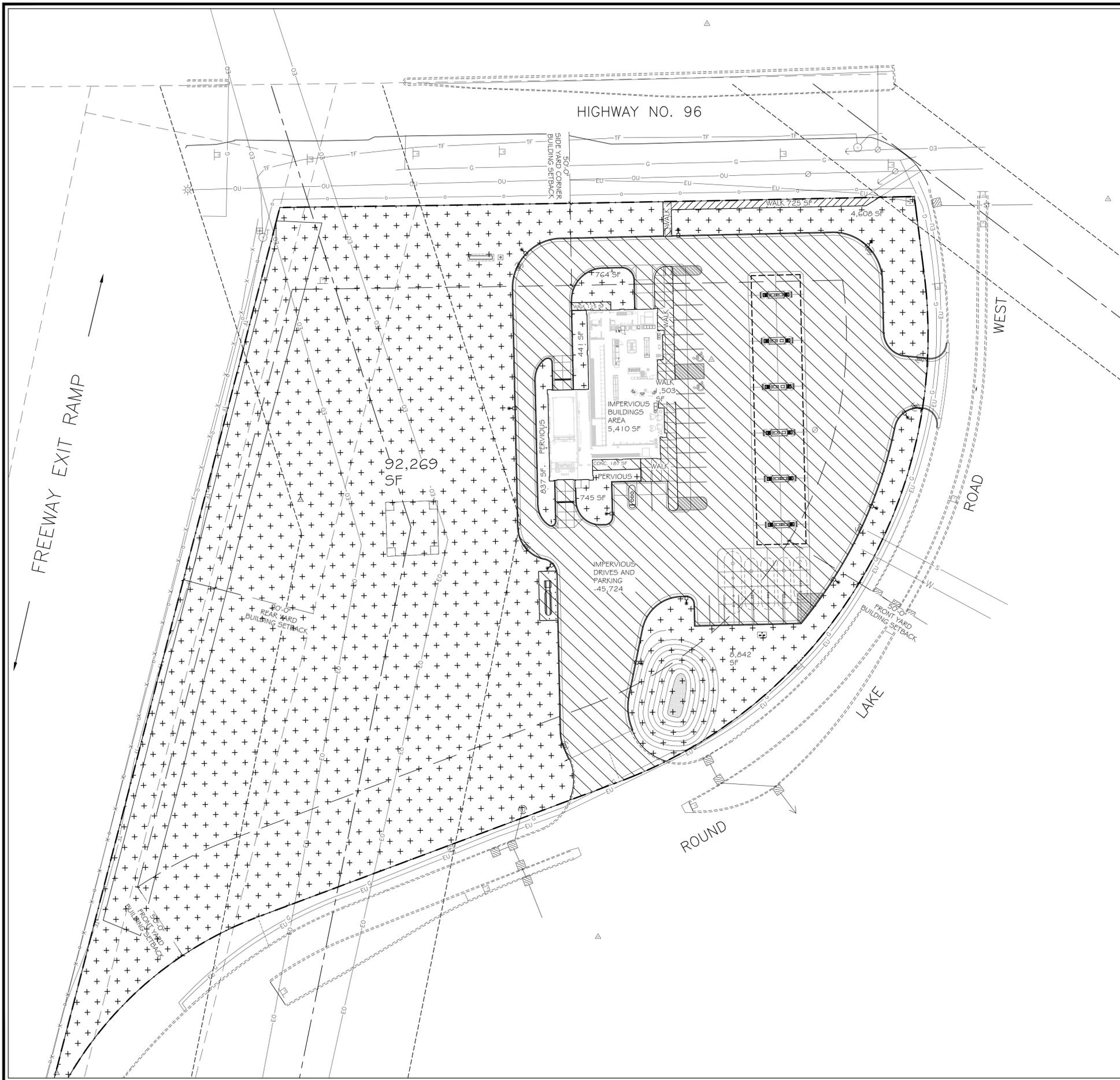
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 DRAWN BY: x  
 CHECKED BY: x

MARK: REVISION / ISSUE: DATE:  
 PLAN REVIEW 7-5-2016  
 SUBMITTAL SET REVISION 7-15-2016

ALL QUESTIONS RELATED TO BIDDING AND CONSTRUCTION OF THIS PROJECT SHALL BE DIRECTED TO HOLIDAY COMPANIES PROJECT MANAGER:  
**NICK GLEASON**  
 4567 AMERICAN BLVD. WEST  
 MINNEAPOLIS, MN 55437-1123  
 (952) 832-8620 (PHONE)  
 (952) 830-1878 (FAX)  
 nick.gleason@holidaycompanies.com

**EXISTING LANDSCAPE PLAN**

**L1**



ZONING DISTRICT: G-B GATEWAY BUSINESS

TOTAL SITE AREA: 162,170 SF

PERVIOUS AREA: 108,506 SF 67%

IMPERVIOUS AREA: 48,254 SF 30%

PAVED AREA: 5,410 SF 3%

BUILDING AREA: 5,410 SF 3%

**BUILDING SETBACKS**

FRONT YARD 50'

SIDE YARD CORNER 50'

REAR YARD 20'

**PARKING REQUIREMENTS**

PARKING REQUIRED 21 STALLS

PARKING PROVIDED 24 STALLS

**ARCHITECTURAL CONSORTIUM L.L.C.**

901 North Third Street, Suite 220 612-436-4030  
 Minneapolis, MN 55401 Fax 612-692-9960

**INSITES**

SITE PLANNING LANDSCAPE ARCHITECTURE  
 3030 Harbor Lane North, Suite 131  
 Plymouth, Minnesota 55447  
 763.383.8400  
 Fax 763.383.8440

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly licensed Landscape Architect under the laws of the State of Minnesota.

Signed \_\_\_\_\_ Robert J. Mueller  
 Date 1-23-15 Reg. No. 19306



**Holiday**  
**STATIONSTORE**  
**#0368**  
 ARDEN HILLS, MN

PROJECT NUMBER: -----

DRAWN BY: x

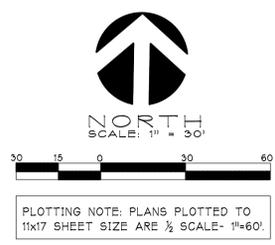
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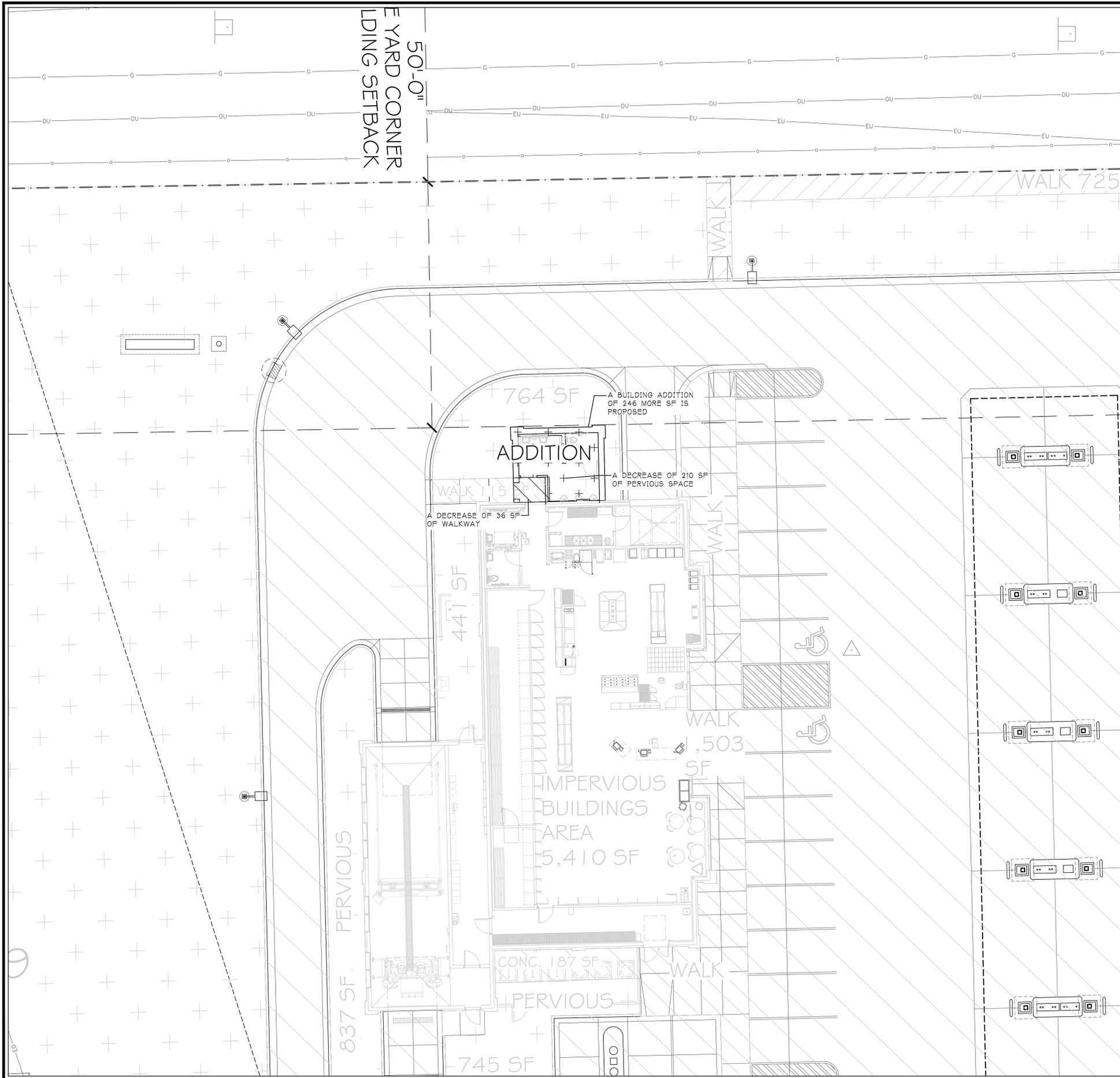
MARK:	REVISION / ISSUE:	DATE:
	PLAN REVIEW	7-5-2016
	SUBMITTAL SET REVISION	7-15-2016

ALL QUESTIONS RELATED TO BIDDING AND CONSTRUCTION OF THIS PROJECT SHALL BE DIRECTED TO HOLIDAY COMPANIES PROJECT MANAGER:  
**NICK GLEASON**  
 4567 AMERICAN BLVD. WEST  
 MINNEAPOLIS, MN 55437-1123  
 (952) 832-8620 (PHONE)  
 (952) 830-1678 (FAX)  
 nick.gleason@holidaycompanies.com

**EXISTING PERVIOUS / IMPERVIOUS PLAN**

**L2**





ZONING DISTRICT: G-B GATEWAY BUSINESS

TOTAL SITE AREA: 162,170 SF

PERVIOUS AREA: 108,143 SF 67%

IMPERVIOUS AREA: 48,218 SF 29.7%

BUILDING AREA: 5,809 SF 3.3%

BUILDING SETBACKS

FRONT YARD 50'

SIDE YARD CORNER 50'

REAR YARD 20'

PARKING REQUIREMENTS

PARKING REQUIRED 21 STALLS

PARKING PROVIDED 24 STALLS

**ARCHITECTURAL CONSORTIUM L.L.C.**

901 North Third Street, Suite 220 Minneapolis, MN 55401 612-436-4030 Fax 612-692-9960

**INSITES**

SITE PLANNING LANDSCAPE ARCHITECTURE  
3030 Harbor Lane North, Suite 131  
Plymouth, Minnesota 55447  
763.383.8400  
Fax 763.383.8440

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly licensed Landscape Architect under the laws of the State of Minnesota.

Signed Robert J. Mueller  
Date 1-23-15 Reg. No. 19306



**Holiday**  
**STATIONSTORE**  
**#0368**  
ARDEN HILLS, MN

PROJECT NUMBER: -----

DRAWN BY: x

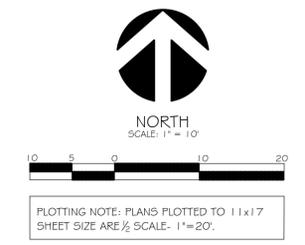
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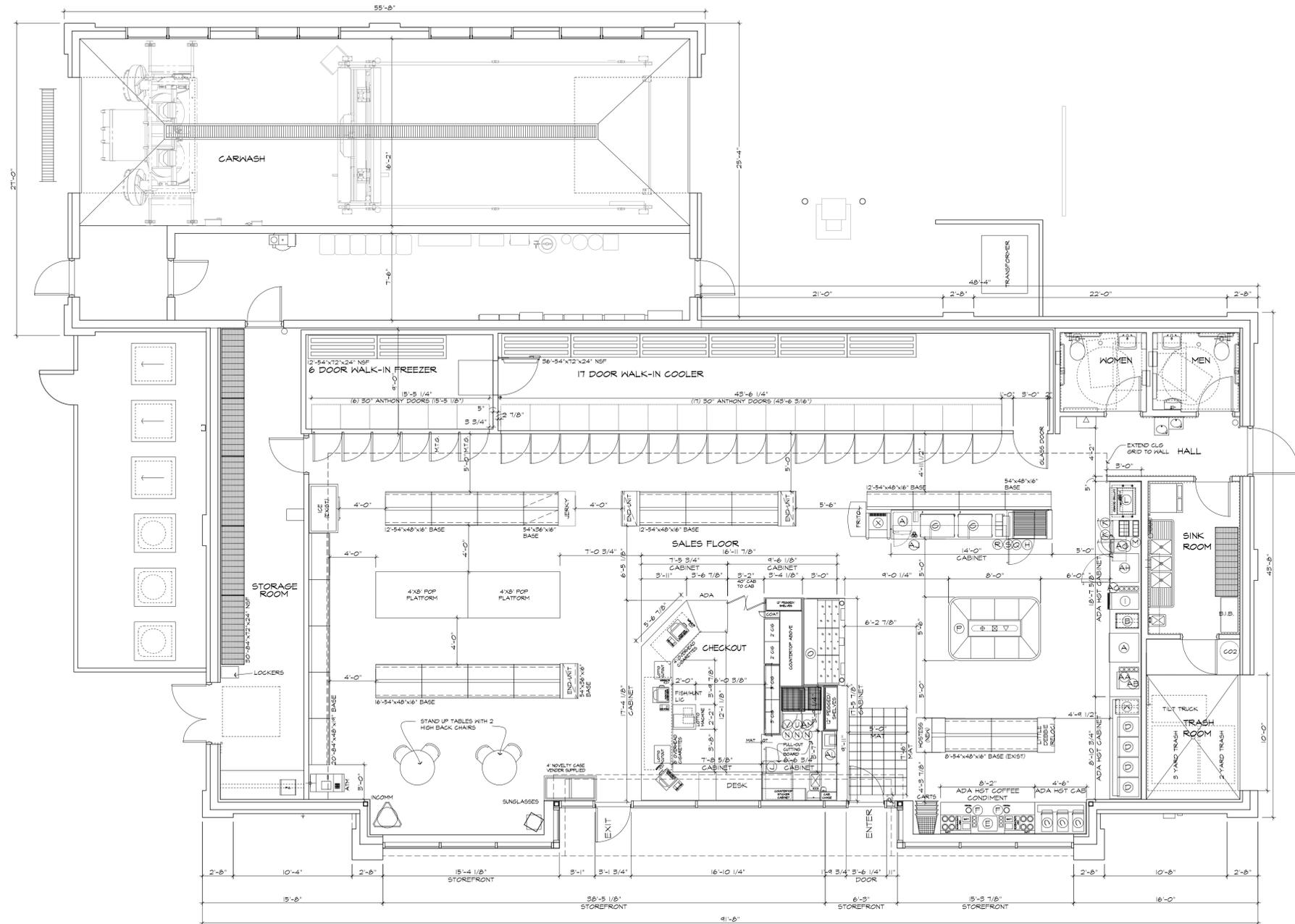
MARK:	REVISION / ISSUE:	DATE:
	PLAN REVIEW	7-5-2016
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**PROPOSED PERVIOUS / IMPERVIOUS PLAN**

**L2.1**





**EQUIPMENT**

- |  |                                      |   |  |
|--|--------------------------------------|---|--|
| (A) SERVED FLAV'R PIC POP W/ICE          | (L) GN-1 REFRIGERATED CONDIMENTS     | (X) HOT CUP TOWER                           | (AN) FREAL BLENDING BAR FREEZER (COUNTERTOP)   |
| (B) GOLD CUP TOWER                       | (M) DRY CONDIMENTS DISPLAY           | (Y) RED BILL PROFIT ZONE COOLER             | (A) HATCO FLAY-R-FRESH PIZZA WARMER - (FUTURE) |
| (C) CAPPUCCINO - 3                       | (N) AMANA OVEN - 3                   | (Z) TEA PACKETS WIRE RACK                   | (AA) PIZZA ACCESSORIES - (FUTURE)              |
| (D) DUAL THERMAL BREWER - 4              | (O) 21 TIER EURO STYLE BAKERY CASE   | (AA) SINGLE SERVE K-CUPS WIRE RACK          | (AR) -   |
| (E) 4 VALVE CREAMER                      | (P) SOUTHERN RIM SANDWICH CASE       | (AA) INTL DELIGHT ICED COFFEE MACHINE       | (AL) COOKIE COOLING RACK                       |
| (F) FLAVORED SYRUP DISPENSERS            | (Q) TSGT ROLLER GRILL - 1            | (AB) ICED COFFEE CUPS RACK                  | (AM) 24"x14"x34" LPI WIRE RACK                 |
| (G) 3' 2 TIER HATCO SLANT GRDS-36D - 2   | (R) DIPPING SAUCE WIRE RACK          | (AC) VIPER (ICE JAM) CUPS RACK              |  |
| (H) UNDER COUNTER FREEZER - 1            | (S) HOT DOG BOATS RACK               | (AD) -                                      |  |
| (I) CORNELIUS VIPER (ICE JAM) 2-HEAD FCB | (T) -                                | (AE) TURBOCHEF 3 OVEN                       |  |
| (J) UNDER COUNTER REFR. - 1              | (U) 24"x30"x34" LPI WIRE RACK        | (AF) MOFFAT TURBOFAN E23MC OVEN             |  |
| (K) MICROWAVE - 2 (UNDER COUNTER)        | (V) 24"x24" LPI WIRE RACK ON CASTERS | (AG) FREAL MILKSHAKE MACHINE - MODEL: FRLB4 |  |



**Holiday  
STATIONSTORE  
#0368**

1920 COUNTY HWY 96  
ARDEN HILLS, MN

PROJECT NUMBER: 16-1052-01  
DRAWN BY: BL  
CHECKED BY: KA

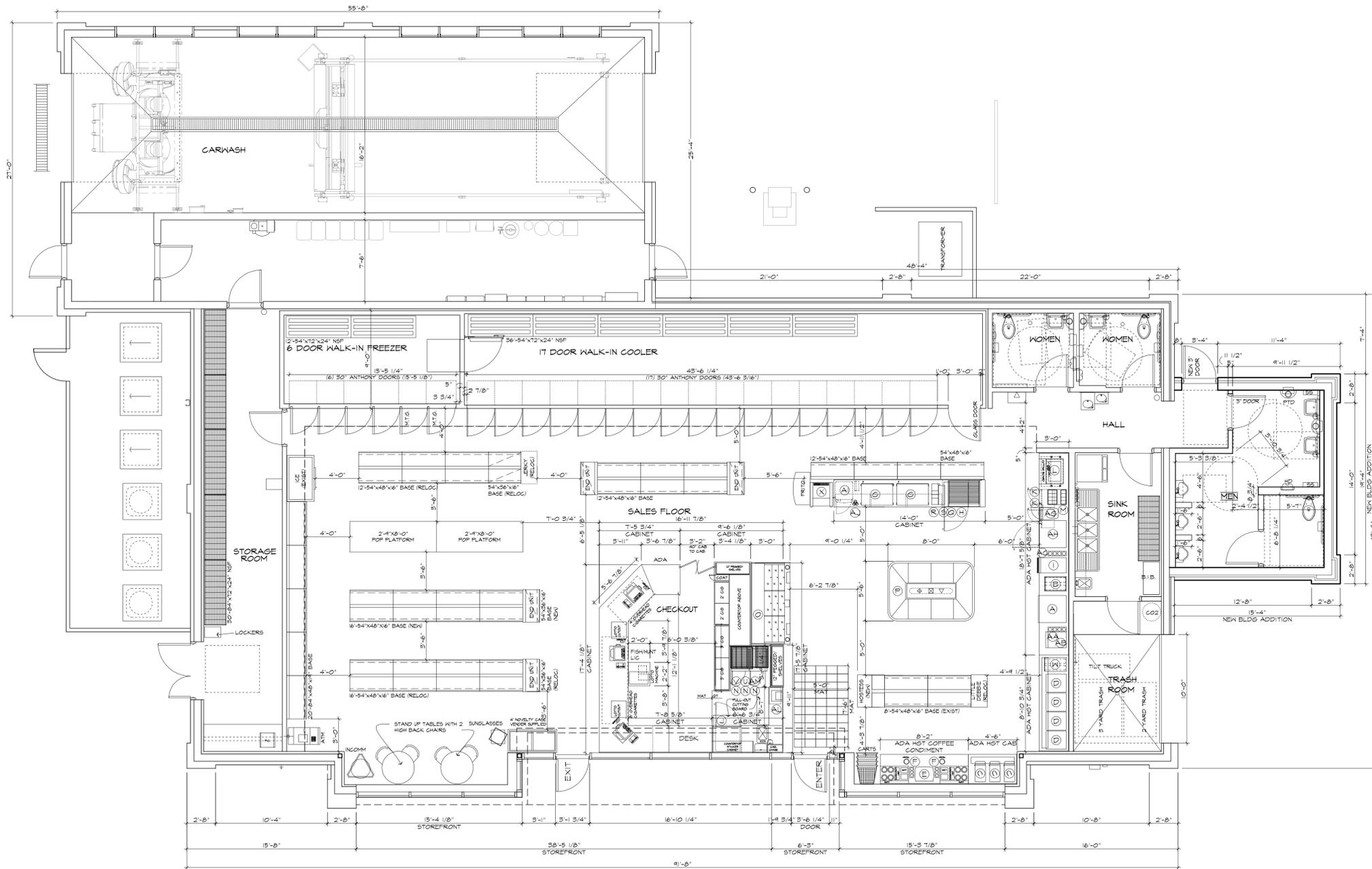
MARK: REVISION / ISSUE: DATE:  
CITY SUBMITTAL 06-24-16  
SUBMITTAL SET REVISION 07-15-16

ALL QUESTIONS RELATED TO BIDDING AND CONSTRUCTION OF THIS PROJECT SHALL BE DIRECTED TO HOLIDAY COMPANIES PROJECT MANAGER:

**NICK GLEASON**

4567 AMERICAN BLVD. WEST  
MINNEAPOLIS, MN 55437-1123  
(952) 832-8620 (PHONE)  
(952) 830-1678 (FAX)  
nick.gleason@holidaycompanies.com

**EXISTING  
FIXTURE PLAN**



**EQUIPMENT**

- |  |                                      |   |  |
|--|--------------------------------------|---|--|
| (A) SERVIDO FLAV'R PIG POP W/ICE         | (L) C&H REFRIGERATED CONDIMENTS      | (X) HOT CUP TOWER                           | (F) FREAL BLENDING BAR FREEZER (COUNTERTOP)    |
| (B) COLD CUP TOWER                       | (M) DRY CONDIMENTS DISPLAY           | (Y) RED BULL PROFIT ZONE COOLER             | (G) HATCO FLAV-R-FRESH PIZZA WARMER - (FUTURE) |
| (C) CAPPUCCINO - 3                       | (N) AMANA OVEN - 3                   | (Z) TEA PACKETS WIRE RACK                   | (H) PIZZA ACCESSORIES - (FUTURE)               |
| (D) DUAL THERMAL BREWER - 4              | (O) 21 TRAY EURO STYLE BAKERY CASE   | (AA) SINGLE SERVE K-CUPS WIRE RACK          | (I) -  |
| (E) 4 VALVE GREAMER                      | (P) SOUTHERN RIM SANDWICH CASE       | (AB) INTL DELIGHT ICED COFFEE MACHINE       | (J) COOKIE COOLING RACK                        |
| (F) FLAVORED SYRUP DISPENSERS            | (Q) 15CT ROLLER GRILL - 1            | (AC) ICED COFFEE CUPS RACK                  | (K) 24"x14"x34" LPI WIRE RACK                  |
| (G) 3' 2 TIER HATCO SLANT GRDSOS-36D - 2 | (R) DIPPING SAUCE WIRE RACK          | (AD) VIFER (ICE JAM) CUPS RACK              |  |
| (H) UNDER COUNTER FREEZER - 1            | (S) HOT DOG BOATS RACK               | (AE) -                                      |  |
| (I) CORNELIUS VIFER (ICE JAM) 2-HEAD FCB | (T) -                                | (AF) TURBOCHEF 13 OVEN                      |  |
| (J) UNDER COUNTER REFR. - 1              | (U) 24"x30"x54" LPI WIRE RACK        | (AG) MOFFAT TURBOFAN E23MG OVEN             |  |
| (K) MICROWAVE - 2 (UNDER COUNTER)        | (V) 24"x24" LPI WIRE RACK ON CASTERS | (AH) FREAL MILKSHAKE MACHINE - MODEL: FRLB4 |  |



**Holiday  
STATIONSTORE  
#0368**

1920 COUNTY HWY 96  
ARDEN HILLS, MN

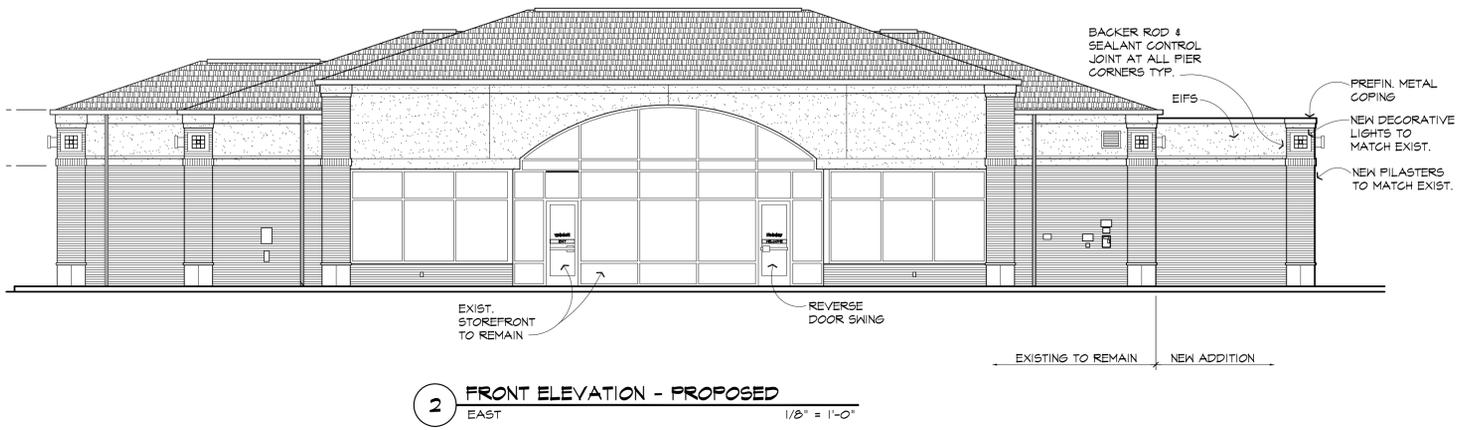
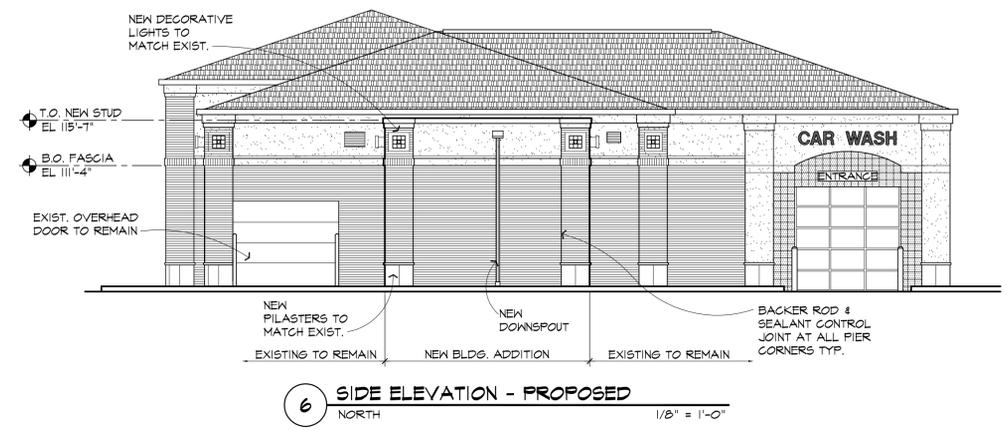
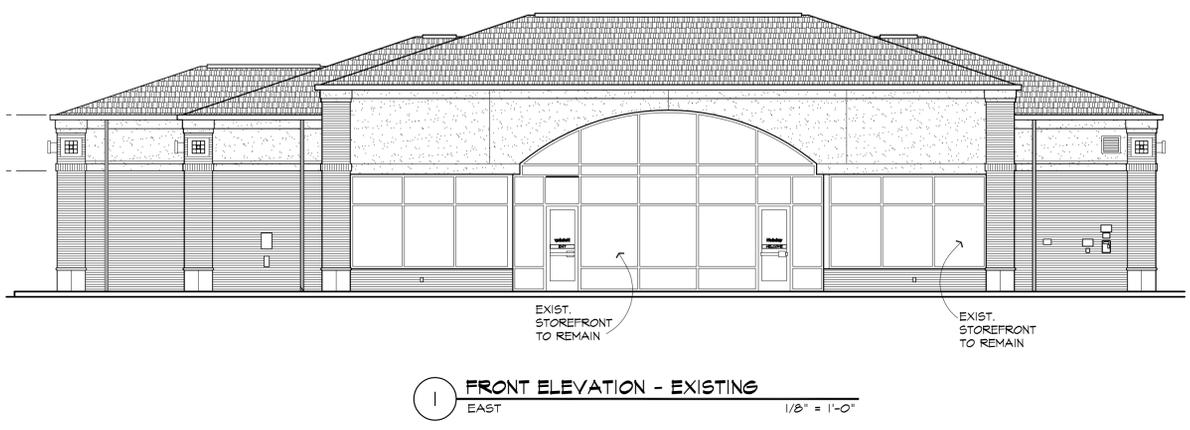
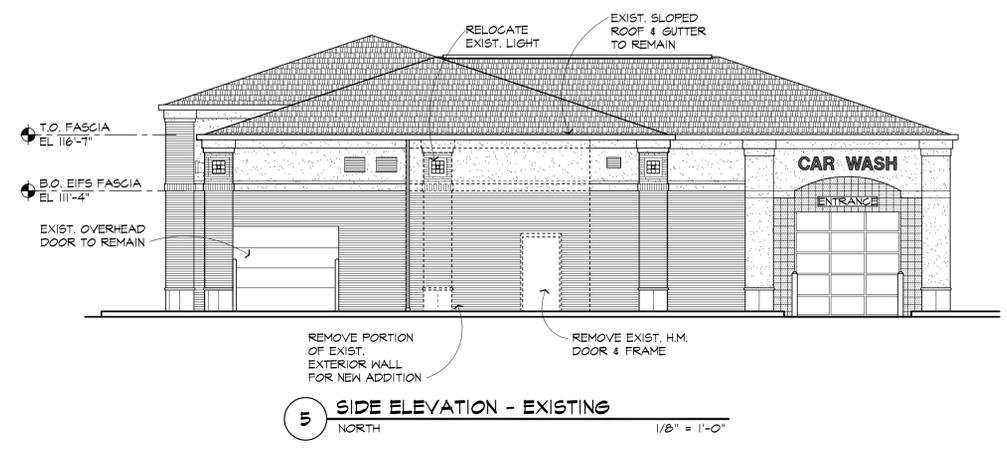
PROJECT NUMBER: 16-1052-01  
DRAWN BY: BL  
CHECKED BY: KA

MARK: REVISION / ISSUE: DATE:  
CITY SUBMITTAL 06-24-16  
SUBMITTAL SET REVISION 07-15-16

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MINNEAPOLIS, MN 55437-1123  
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(952) 830-1678 (FAX)  
nick.gleason@holidaycompanies.com

**PROPOSED  
FIXTURE PLAN**

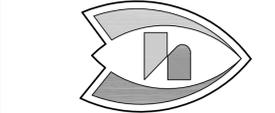


**MASONRY**  
BRICK #1: BELDEN MODULAR TUDOR BLEND A  
MORTAR COLOR: NATURAL  
CAST STONE: "ROCKCAST" BUFFSTONE COLOR  
AS MFR BY READING ROCK  
GLAZED BRICK #2 (BLUE): ELGIN-BUTLER GLAZED BRICK, 4N  
SERIES, COLOR: #4466

**FASCIA**  
EIFS (EXTERIOR INSULATION FINISH SYSTEM)  
COLOR: DRYVIT #108 MANOR WHITE;  
FINISH: SANDPEBBLE

**ROOF SHINGLES**  
CERTAINTED ASPHALT SHINGLES INDEPENDENCE SHANGLE -  
COLOR: HEATHER BLEND

**STOREFRONT**  
DARK BRONZE ANODIZED ALUMINUM



**Holiday  
STATIONSTORE  
#0368**

1920 COUNTY HWY 96  
ARDEN HILLS, MN

PROJECT NUMBER:	16-1052-01	
DRAWN BY:	BL	
CHECKED BY:	KA	
MARK:	REVISION / ISSUE:	DATE:
	CITY SUBMITTAL	06-24-16
	SUBMITTAL SET REVISION	07-15-16

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CONSTRUCTION OF THIS PROJECT SHALL BE DIRECTED  
TO HOLIDAY COMPANIES PROJECT MANAGER:  
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(952) 832-8620 (PHONE)  
(952) 830-1678 (FAX)  
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**EXTERIOR  
ELEVATIONS**

**ARCHITECTURAL  
CONSORTIUM L.L.C.**

901 North Third Street, Suite 220 612-436-4030  
Minneapolis, MN 55401 Fax 612-692-9960



9100 49th Ave. North  
Minneapolis, MN 55428  
tel: (763)367-7600 fax: (763)367-7601

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Printed Name: JEFFREY A. PIEHL

Signature: \_\_\_\_\_  
Date: 07-05-16 License #: 43926

**Key Plan**

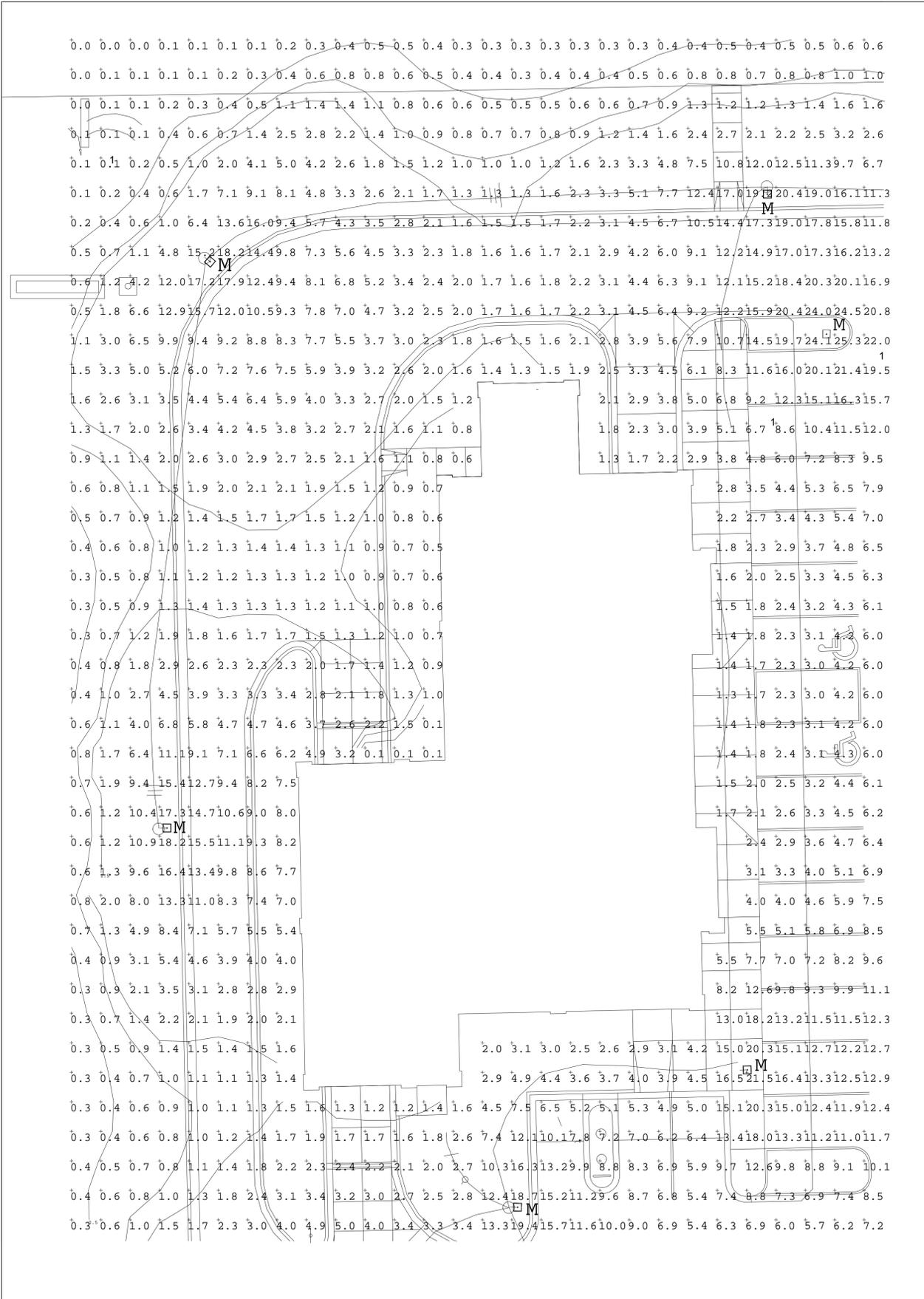
**Holiday**  
**STATIONSTORE**  
**#0368**  
1920 CO HWY 96  
ARDEN HILLS, MN

PROJECT NUMBER:	16-168	
DRAWN BY:	AFL	
CHECKED BY:	JAP	
MARK:	REVISION / ISSUE:	DATE:
	CITY SUBMITTAL	07-05-16

ALL QUESTIONS RELATED TO BIDDING AND CONSTRUCTION OF THIS PROJECT SHALL BE DIRECTED TO HOLIDAY COMPANIES PROJECT MANAGER:  
**JAKE BAUER**  
4567 AMERICAN BLVD. WEST  
MINNEAPOLIS, MN 55437-1123  
(952) 830-8839 (PHONE)  
(952) 830-1678 (FAX)  
jake.bauer@holidaycompanies.com

**SITE  
PHOTOMETRIC  
PLAN**

**SE1**



1 SITE PHOTOMETRIC PLAN  
1" = 3/32"

J:\2016\16168\08-CAD\Photometric Plan - Revised.dwg Thursday, July 21, 2016 1:21:02 PM



ARDEN HILLS  
MEMORANDUM

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**DATE:** August 3, 2016

PC Agenda Item **3.C**

**TO:** Planning Commission

**FROM:** Matthew Bachler, Senior Planner

**SUBJECT: Planning Case #16-020 – Public Hearing Required**

**Applicant:** City of Arden Hills

**Subject:** Zoning Code Amendment – Temporary Family Health Care Accessory Dwellings

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**Requested Action**

Motion to recommend approval of Ordinance Number 2016-07 to opt-out of the requirements of Minnesota Statutes, Section 462.3593 regarding temporary family health care accessory dwellings.

**Background**

The State legislature passed a bill this session establishing a new permitting process for temporary family health care accessory dwellings. The law specifically applies to dwellings used for short-term care purposes for family members in need of assistance. Under the new regulations, these dwellings would require permitting from the City, but would be exempt from certain provisions within the City's land use and building regulations. The Community Development Department provided comments on the draft legislation to the League of Minnesota Cities noting its concerns about the impacts of the law on public health and safety. Although the law was adopted, there is a provision that allows cities to opt-out of the law if an ordinance is approved before it goes into effect on September 1, 2016.

The League of Minnesota Cities has recommended that cities consider passing an opt-out ordinance if they want to maintain their existing land use controls or develop customized regulations that might allow this type of dwelling unit in some cases using a different review and approval process.

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City of Arden Hills

Planning Commission Meeting for August 3, 2016

*P:\Planning\Planning Cases\2016\PC 16-020 - Opt-Out Ordinance - Mobile Residential Homes\Memos\_Reports\_16-020*

## **Discussion**

Staff has reviewed the new law and has identified the following areas of concern:

- The City currently prohibits the use of temporary accessory structures as dwellings, except a special permit may be granted by the City Council for the use of a temporary structure as a dwelling for no more than 90 days in emergency situations. The law would require the City to allow temporary family health care accessory dwellings to be in place for six months. The permit may also be renewed once for an additional six month period.
- The law would supersede existing land use regulations in the City Code related to accessory structures. Though the statute would require that the accessory dwelling units comply with the City's setback requirements that apply to the principal structure on the property, it does not address lot coverage, drainage, and shoreland requirements.
- The law requires applicants to provide proof of adequate septic service management. City staff has concerns about the feasibility of providing safe, temporary septic services to these types of structure and what the process would be for enforcement and mitigation if there were a failure in these services.
- The law stipulates that applications must include proof of the provider network providing the primary care for the resident in the dwelling unit, and written certification of the need for assistance from a medical professional. This requirement places a burden on City staff to review and properly manage this type of private medical documentation.

The City Council discussed this item at their Work Session on July 18, 2016, and directed staff and the City Attorney to draft an opt-out Ordinance. A draft of Ordinance Number 2016-07 has been included in Attachment B. The Ordinance would amend Section 1325.01 (Accessory Structures) of the Zoning Code to add Subdivision 8, which would specifically exempt the City from following the provisions in Minnesota Statutes, Section 462.3593 regarding temporary family health care accessory dwellings.

## **Findings of Fact**

Municipalities have broad discretion when reviewing and adopting zoning regulations. Staff offers the following findings of fact for the Planning Commission's consideration:

1. The Minnesota State legislature passed a bill in the 2016 session establishing a new permitting process for temporary family health care accessory dwellings, codified at Minnesota Statutes, Section 462.3593.
2. The law allows cities to opt-out of the law if an Ordinance is approved before it goes into effect on September 1, 2016.

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City of Arden Hills

Planning Commission Meeting for August 3, 2016

*P:\Planning\Planning Cases\2016\PC 16-020 - Opt-Out Ordinance - Mobile Residential Homes\Memos\_Reports\_16-020*

3. The City has elected to opt-out of the law due to concerns regarding the impact of the law on public health and safety and its desire to maintain its existing land use controls.
4. The proposed Ordinance is consistent with the City's Comprehensive Plan.

### **Recommendation**

Staff recommends approval of Ordinance Number 2016-07 in Planning Case 16-020 to opt-out of the requirements of Minnesota Statutes, Section 462.3593 regarding temporary family health care accessory dwellings, as presented in the August 3, 2016, report to the Planning Commission.

### **Proposed Motion Language**

1. Recommend Approval as Submitted: Motion to recommend *approval* of Ordinance Number 2016-07 in Planning Case 16-020, as presented in the August 3, 2016, report to the Planning Commission.
2. Recommend Approval with Changes: Motion to recommend *approval* of Ordinance Number 2016-07 in Planning Case 16-020, as presented in the August 3, 2016, report to the Planning Commission, with the following changes...
3. Recommend Denial: Motion to recommend *denial* of Ordinance Number 2016-07 in Planning Case 16-020, as presented in the August 3, 2016, report to the Planning Commission, based on the following findings of fact: *findings to deny should specifically reference the reasons for denial.*
4. Table: Motion to *table* Ordinance Number 2016-07 in Planning Case 16-020, as presented in the August 3, 2016, report to the Planning Commission: *a specific reason and/or information request should be included with a motion to table.*

### **Notice**

Notice on this planning case was published in the *Arden Hills/Shoreview Bulletin* on July 20, 2016.

### **Public Comments**

The City has not received any public comments regarding this planning case.

## **Attachments**

- A. Proposed Amendment to Section 1325.01 – Black-lined Version
- B. Ordinance Number 2016-07
- C. 2016 Minnesota Session Laws – Chapter 111 – Temporary Family Health Care Dwellings
- D. “Temporary Dwelling Legislation Becomes Law,” League of Minnesota Cities, May 16, 2016
- E. Community Development Department Letter to League of Minnesota Cities, March 10, 2016

**Chapter 13 – Zoning Code**

**Section 1325 - General Regulations**

**1325.01 Accessory Structures. (revised 1/31/11)**

Subd. 1 Time of Construction. No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.

Subd. 2 Height.

A. R-1, R-2, and R-3 Districts. Accessory structures in the R-1, R-2, and R-3 Districts shall not exceed fifteen feet in height or the height of the principal structure to which it is accessory, whichever is lower.

B. All Other Districts. Accessory structures in all other Zoning Districts shall not exceed the height of the principal structure to which it is accessory.

Subd. 3 Location. (revised 7/7/11)

A. Accessory structures in the R-1, R-2, or R-3 Districts shall not be located nearer the front lot line than the front yard setback line for the principal structure to which it is accessory. Accessory structures as permitted and regulated in this Code may be located within the rear yard of the principal structure in the R-1 and R-2 Districts.

B. Detached accessory garages may be located in the front yard (between dwelling and street) of a lakeshore property provided all of the following are met:

- 1. Detached garages shall not be located within the minimum front yard setback.
- 2. Color and roof material of detached garages shall match or complement the existing primary residential structure, and shall conform to all other requirements for the zoning district.

Subd. 4 Size. (revised 2/9/11)

A. R-1, R-2, and R-3 Districts.

- 1. Accessory structures associated with residential uses shall not exceed seven hundred and twenty-eight (728) square feet in floor area. Accessory structures associated with non-residential uses shall not exceed two thousand one hundred eighty-four (2,184) square feet in floor area; and,

**City of Arden Hills Chapter 13 Zoning Code**

2. The total floor area of accessory structures located in the rear of a principal structure, the total floor area of all such accessory structures shall not exceed twenty-five (25) percent of the minimum required rear yard area for the principal structure; and,

3. No more than two (2) accessory structures shall be permitted on a lot primarily used for residential uses.

B. All Districts. Accessory structures in all zoning districts shall not cause the property to exceed any of the regulations of the underlying Zoning District in Section 1320.

**Subd. 5 Permanent Accessory Structures.**

A. Site Plan Review. Permanent accessory structures in any district, except residential uses in the R-1, R-2, and R-3 Zoning Districts, and on through lots in the R-1, R-2, and R-3 Zoning District, shall be subject to Site Plan Review and Council approval.

B. Exterior Finish. The exterior finish of accessory structures shall be compatible in appearance and material used with the principal structure served by the accessory structure except as provided for in Chapter 1325.01 Subd 5.C of this code.

C. Membrane Structures. Membrane Structures (as that term is defined in the International Building Code) may be permitted in the B-1, B-2, B-3, B-4, N-B, I-1, I-2, and I-Flex Districts subject to Site Plan Review and City Council approval.

**Subd. 6 Temporary Accessory Structures.** A temporary accessory structure, including membrane structures (as that term is defined in the International Building Code), may be permitted subject to the following provisions:

A. Temporary accessory structures may be in place for up to six (6) months in the B-1, B-2, B-3, B-4, NB, GB, CC, I-1, I-2, and I-Flex Districts with an approved permit from the Building Official. The Building Official may deny a permit for a temporary accessory structure or limit the size, time, place, or other feature(s) of the accessory structure if the Building Official finds that the accessory structure would create a negative impact on the property on which it is placed or other properties in the City.

B. Temporary accessory structures are allowed for up to two (2) days in a given thirty (30) day period without a permit in the R-1, R-2, R-3, R-4, B-1, B-2, B-3, B-4, NB, GB, CC, I-1, I-2, and I-Flex Districts subject to all of the following provisions:

1. The temporary structures shall not be permanently attached to the ground;

## City of Arden Hills Chapter 13 Zoning Code

2. The temporary structure shall not be attached to other permanent structures.
3. The temporary structure shall only be used for non-commercial purposes.

Subd. 7 Accessory Structures in Exceptional and Unusual Circumstances in all Zoning Districts (*revised 2/9/11*). Deviations from these requirements may be permitted after Planning Commission review and City Council approval of a site plan in accordance with Section 1355.04 Subd 5 and with documentation showing the unusual circumstances justifying the proposed deviation and plans for the proposed accessory structure. Under no circumstances shall the total floor area of an accessory structure associated with a residential use in the R-1, R-2, and R-3 districts exceed one thousand four hundred and fifty-eight (1,458) square feet without an approved variance that meets the requirements of Section 1355.04 Subd 4. Under no circumstances shall the total floor area of an accessory structure associated with a non-residential use in the R-1, R-2, and R-3 districts exceed two thousand one hundred eighty-four (2,184) square feet without an approved variance that meets the requirements of Section 1355.04 Subd. 4.

Subd. 8. Temporary Family Health Care Dwellings. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

**ORDINANCE NO. 2016-007**

**CITY OF ARDEN HILLS  
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 13,  
SECTION 1325.01, OF THE ARDEN HILLS CITY CODE OPTING OUT OF STATE  
LAW REGARDING TEMPORARY FAMILY HEALTH CARE DWELLINGS**

THE CITY COUNCIL OF THE CITY OF ARDEN HILLS, MINNESOTA, ORDAINS:

**SECTION 1.** Chapter 13, Zoning Code, Section 1325.01 – Accessory Structures, shall be amended by adding a new Subdivision 8 regarding Temporary Family Health Care Dwellings under Minnesota Statutes § 463.3593, to read as follows:

Subd. 8. Temporary Family Health Care Dwellings. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

**SECTION 2.** This Ordinance shall become effective immediately upon its passage and publication according to law.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016, by the City Council of the City of Arden Hills, Minnesota.

**CITY OF ARDEN HILLS**

By \_\_\_\_\_  
David Grant, Mayor

ATTEST:

\_\_\_\_\_  
Julie Hanson, City Clerk

Published in the \_\_\_\_\_ on \_\_\_\_\_, 2016.

## 2016 Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

---

### CHAPTER 111--S.F.No. 2555

*An act relating to local government; regulating zoning of temporary family health care dwellings; establishing temporary dwelling permits; amending Minnesota Statutes 2014, section 144D.01, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 394; 462.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 144D.01, subdivision 4, is amended to read:

**Subd. 4. Housing with services establishment or establishment.** (a) "Housing with services establishment" or "establishment" means:

(1) an establishment providing sleeping accommodations to one or more adult residents, at least 80 percent of which are 55 years of age or older, and offering or providing, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment; or

(2) an establishment that registers under section 144D.025.

(b) Housing with services establishment does not include:

(1) a nursing home licensed under chapter 144A;

(2) a hospital, certified boarding care home, or supervised living facility licensed under sections 144.50 to 144.56;

(3) a board and lodging establishment licensed under chapter 157 and Minnesota Rules, parts 9520.0500 to 9520.0670, 9525.0215 to 9525.0355, 9525.0500 to 9525.0660, or 9530.4100 to 9530.4450, or under chapter 245D;

(4) a board and lodging establishment which serves as a shelter for battered women or other similar purpose;

(5) a family adult foster care home licensed by the Department of Human Services;

(6) private homes in which the residents are related by kinship, law, or affinity with the providers of services;

(7) residential settings for persons with developmental disabilities in which the services are licensed under Minnesota Rules, parts 9525.2100 to 9525.2140, or applicable successor rules or laws;

(8) a home-sharing arrangement such as when an elderly or disabled person or single-parent family makes lodging in a private residence available to another person in exchange for services or rent, or both;

(9) a duly organized condominium, cooperative, common interest community, or owners' association of the foregoing where at least 80 percent of the units that comprise the condominium, cooperative, or common interest community are occupied by individuals who are the owners, members, or shareholders of the units; ~~or~~

(10) services for persons with developmental disabilities that are provided under a license according to Minnesota Rules, parts [9525.2000](#) to [9525.2140](#) in effect until January 1, 1998, or under chapter 245D; or

(11) a temporary family health care dwelling as defined in sections [394.307](#) and [462.3593](#).

Sec. 2. **[394.307] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

**Subdivision 1. Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section [256B.0659](#), subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

**Subd. 2. Temporary family health care dwelling.** A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section [168.002](#), subdivision 21b, a truck as defined in section [168.002](#), subdivision 37, or a truck tractor as defined in section [168.002](#), subdivision 38;

(9) be built to either Minnesota Rules, chapter [1360](#) or [1361](#), and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code [119.2](#); and

(10) be equipped with a backflow check valve.

**Subd. 3. Temporary dwelling permit; application.** (a) Unless the county has

designated temporary family health care dwellings as permitted uses, a temporary family health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the county. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law and local ordinances.

Subd. 4. **Initial permit term; renewal.** The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

Subd. 5. **Inspection.** The county may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The county may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. **Revocation of permit.** The county may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the county revokes a

permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise specified by an action of the county board, the county may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the county does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The county has 15 days to issue a permit requested under this section or to deny it, except that if the county board holds regular meetings only once per calendar month the county has 30 days to issue a permit requested under this section or to deny it. If the county receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the county sends written notice within five business days of receipt of the request telling the requester what information is missing. The county cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A county may by resolution opt-out of the requirements of this section.

### Sec. 3. **[462.3593] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

Subd. 2. **Temporary family health care dwelling.** A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

**Subd. 3. Temporary dwelling permit; application.** (a) Unless the municipality has designated temporary family health care dwellings as permitted uses, a temporary family health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the municipality. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a

mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law, local ordinances, and charter provisions.

Subd. 4. **Initial permit term; renewal.** The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

Subd. 5. **Inspection.** The municipality may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The municipality may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. **Revocation of permit.** The municipality may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the municipality revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise provided by ordinance, the municipality may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the municipality does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The municipality has 15 days to issue a permit requested under this section or to deny it, except that if the statutory or home rule charter city holds regular meetings only once per calendar month the statutory or home rule charter city has 30 days to issue a permit requested under this section or to deny it. If the municipality receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the municipality sends written notice within five business days of receipt of the request telling the requester what information is missing. The municipality cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A municipality may by ordinance opt-out of the requirements of this section.

Sec. 4. **EFFECTIVE DATE.** This act is effective September 1, 2016, and applies to temporary dwelling permit applications made under this act on or after that date.

Presented to the governor May 12, 2016

Signed by the governor May 12, 2016, 1:27 p.m.

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## Temporary Dwelling Legislation Becomes Law

**Cities may opt out of permitting temporary family dwellings, but they must pass an ordinance to do so.**

*(Published May 16, 2016)*

A bill creating a new process for local governments to permit certain types of recreational vehicles as temporary family dwellings was signed into law by Gov. Dayton on May 12. [Chapter 111](#) (SF 2555, [Sen. John Hoffman](#), DFL-Champlain, and [Rep. Roz Peterson](#), R-Burnsville) previously passed the House floor on a vote of 113-17.

### **Purpose of the law**

The main stated motivation behind the new law is to provide transitional housing for seniors. For example, if a family wanted to keep a close eye on grandma while she recuperates from surgery, they could have grandma stay in a temporary family health care dwelling in the yard or driveway.

The law has a broader effect than that, however, with anyone who needs assistance with two or more “instrumental activities of daily life” for mental or physical reasons eligible to be housed in this manner.

### **Summary of changes**

The League worked extensively with the authors and proponents and with other local government organizations throughout the legislative process to craft a law that is manageable for cities and counties.

Local governments may opt out of this program if they determine that this type of expedited land use permitting for temporary dwellings is not well-suited to their community. Many communities have communicated that property owners in their jurisdiction have adequate access to a permit for this type of use through existing local land use controls and permitting authority.

### **Cities must pass ordinance to opt out**

To be clear, unless a city chooses not to participate in this program by passing an ordinance specifically opting out, the law will require the city to issue permits to qualified applicants starting on Sept. 1, 2016. A permit can be denied for appropriate cause. The law lists the information required and the requirements that may be considered in that decision.

The final act has the following key components:

- Creates a new type of permit referred to as a temporary dwelling permit that has a six-month duration, with an option to extend the permit for six months.
- Requires that the permit be for a property where the caregiver or relative resides.

- Allows modular and manufactured housing (instead of just recreational vehicles) to use this permit process as long as the unit meets all of the listed criteria.
- Lists the criteria for the structure and the information required in the permit application.
- Addresses sewer safety issues with required backflow valves and advance verification of septic service contracts.
- Requires the inclusion of site maps showing where the unit will be placed and notification of adjacent neighbors prior to application.
- Requires applications to specify the individual authorized to live in the unit.
- Applies the permit approval process found in [Minnesota Statutes, section 15.99](#), but allows the local government unit only 15 days to make a decision on granting the permit (no extension). It waives the public hearing requirement and allows the clock to be restarted if an application is deemed incomplete, as long as the applicant is notified of how the application is incomplete within five days. A 30-day decision is allowed if the regular council meeting occurs only once a month.
- Requires unit placement to meet existing stormwater, shoreland, setback, and easement requirements. A permit exempts the units only from accessory unit ordinances and recreational vehicle parking and storage ordinances.
- Sets a default permit fee level that may be replaced by a local ordinance.
- Allows cities to pass an ordinance opting out of using this new permitting system.

A complete review of the provisions of the new law will be included in the League's *2016 Law Summaries* in June.



March 10, 2016

Ms. Irene Kao, Intergovernmental Relations Counsel  
League of Minnesota Cities  
145 University Avenue West  
Saint Paul, MN 55103-2044

VIA EMAIL: [ikao@lmc.org](mailto:ikao@lmc.org)

**RE: HR 2497 Zoning of Temporary Family Health Care Dwellings**

Dear Ms. Kao,

The City of Arden Hills has reviewed the proposed HR 2497 bill that would require cities to allow temporary family health care dwellings as a permitted accessory use. The City has several concerns with the bill as drafted, including:

- The City currently prohibits the use of temporary accessory structures as dwellings, except that the City Council may grant a permit for the use of a temporary structure as a dwelling for a period not to exceed 90 days when an emergency or hardship situation exists. The bill impacts cities' authority to regulate temporary accessory structures as dwellings through local zoning.
- General health, safety, and welfare should be a priority for all residents. The City requires all residential units to be compliant with State Building Codes, but we do not believe it would be possible for these units to meet those standards.
- We are concerned about the feasibility of safe, temporary connections to local sewer lines and the process for enforcement and mitigation if there were a failure in the temporary connection. Also, additional impervious coverage may affect drainage patterns and impact neighboring properties.
- Although the units are referred to as temporary dwellings, the bill allows for annual renewal in perpetuity. Without additional language in the bill these structures could become permanent fixtures within a neighborhood, with potentially negative effects on surrounding properties.
- By allowing this type of temporary dwelling unit the City would be required to take on additional enforcement and inspections. Further, the City could face an expensive legal process to have the unit removed if the City were to revoke a permit for any reason allowed under the State law.

Thank you for providing us with an opportunity to comment on the proposed HR 2497 bill regarding temporary family health care dwellings. Please feel free to contact me at 651-792-7819 or at [jhutmacher@cityofardenhills.org](mailto:jhutmacher@cityofardenhills.org) with any questions.

Sincerely,

Jill Hutmacher  
Community Development Director



ARDEN HILLS  
MEMORANDUM

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**DATE:** August 3, 2016

PC Agenda Item **5.A**

**TO:** Planning Commission

**FROM:** Matthew Bachler, Senior Planner

**SUBJECT: Report from the City Council**

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*July 25, 2016 City Council Regular Meeting*

The City Council approved a Final PUD for Phase 2 of the Land O'Lakes headquarters consolidation plan in Planning Case 16-016. Phase 2 of the project includes the construction of a four-story, approximately 155,000 gross square foot office building, the expansion of the surface parking lot on the north and west side of the site, and the installation of extensive native landscaping. Planning Case 16-016 was reviewed by the Planning Commission on July 6, 2016, and received a unanimous recommendation of approval.

The City Council approved Planning Case 16-015 for a rear yard setback variance at 1494 Keithson Drive. This case was tabled by the City Council at their meeting on June 26, 2016 to give the applicant additional time to provide an alternate plan that would reduce the encroachment of the proposed porch. The applicant revised their plans to reduce the width of the porch from 12 feet to 10 feet. This resulted in a reduction in the encroachment from 3 feet – 6 inches to 1 foot – 6 inches.



ARDEN HILLS  
MEMORANDUM

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**DATE:** August 3, 2016

PC Agenda Item **5.B**

**TO:** Planning Commission Chair Thompson and Commissioners

**FROM:** Matthew Bachler, Senior Planner

**SUBJECT:** Rice Creek Commons (TCAAP) and Joint Development Authority (JDA) Update

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**Development**

- The master development team held a second internal design charrette on July 15, 2016 to further refine their vision for development of the site.
- The master developer has retained Cushman Wakefield NorthMarq as their preferred brokers for commercial/corporate/office/flex space on TCAAP and Mid-America for retail.
- On July 12, 2016 the County was informed that the TCAAP site received its Certificate of Completion for clean up on the site.

**Meetings**

- City and County staff, Ehlers and the master developer held their weekly project meetings on June 29<sup>th</sup>, July 13<sup>th</sup> and 20<sup>th</sup>.
- On July 18<sup>th</sup> City staff and Josh Olson from the County met with the JDA legal representatives to discuss minor vs. major modifications to the TRC documents. The outcome of the meeting was for City staff to prepare “case study” examples of changes that may be requested to determine what bodies would need to review/approve (i.e. City Council, City staff, JDA and Met Council), and process and timing for the request. This was completed at the request of the master development team so they had a clear understanding of the requirements and timing related to requests.
- On June 30<sup>th</sup> the master developer team, their engineers, environmental attorney and Beth Engum from the County met with Mike Fix to obtain background on the site, options for changing the extraction well heights and to discuss options or opportunities for moving the TGRS system from its current location. Master developer team felt they obtained good background information and guidance on extraction well heights that they will take into

consideration for their site planning purposes. The Army is open to discussion about moving the system and future meetings will be set to continue the dialogue.

- Joint meeting of the City Council and JDA is preliminarily set for August 15, 2016. The purpose of the meeting is for the master development team to unveil their preliminary development concepts for feedback from the group.

### **Communications/Media**

- The County is planning a media event for August 10, 2016 at 1:00 p.m. related to receipt of the Certificate of Completion for cleanup of TCAAP. The goal is to celebrate this milestone and enhance community awareness. It is expected the Mayor will have a role in the event.