



Approved: June 8, 2016

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**CITY OF ARDEN HILLS, MINNESOTA  
PLANNING COMMISSION  
WEDNESDAY, APRIL 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 (Alternate), Steven Jones, James Lambeth, Phillip Neururer, and Clayton Zimmerman.

Absent: Commissioner Angela Hames (excused).

Also present were: City Planner Ryan Streff; Senior Planner Matthew Bachler; and Council Liaison David Grant.

**APPROVAL OF AGENDA – APRIL 6, 2016**

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

**APPROVAL OF MINUTES**

*March 9, 2016 – Planning Commission Regular Meeting*

**Commissioner Zimmerman moved, seconded by Commissioner Jones, to approve the March 9, 2016, Planning Commission Regular Meeting minutes as presented. The motion carried unanimously (7-0).**

**APPOINTMENTS**

**A. Planning Commission Appointment – Nick Gehrig**

**City Planner Streff** explained that Nick Gehrig submitted an application to be considered for appointment on the Planning Commission as an alternate member. Consistent with the City's policy on commission and committee appointments, Mr. Gehrig was interviewed by the City. During the Regular City Council meeting on March 28, 2016, the Council unanimously approved

the recommendation of the Planning Commission Liaison to appoint Mr. Gehrig as an alternate member of the Planning Commission. Mr. Gehrig's term expires on December 31, 2018.

**Chair Thompson** administered the Oath of Office to Commissioner Gehrig and welcomed him to the Planning Commission.

## **B. Planning Commission Reappointments**

**City Planner Streff** indicated that Brent Bartel and Clayton Zimmerman are currently serving on the Planning Commission as Commissioners. Their terms expired December 31, 2015, and both have requested reappointment. During the Regular City Council meeting on January 11, 2016, the Council unanimously approved Resolution 2016-002 to reappoint Brent Bartel and Clayton Zimmerman to the Planning Commission.

**Chair Thompson** administered the Oath of Office to Commissioner Bartel and Commissioner Zimmerman.

## **PLANNING CASES**

### **A. Planning Case 16-006; Sign Standard Adjustment – Scherer Brothers Lumber Company –*No Public Hearing Required***

**City Planner Streff** stated that Scherer Brothers Lumber Company operates a full service lumberyard that offers a wide variety of construction products and services at their Arden Hills location. The products and services offered include windows, cabinets, wall panels, engineered trusses, custom millwork, and specialty wood products. As stated within the project narrative the Vice President of the company has expressed their commitment to effectively maintain and improve their property in Arden Hills. In order to fulfill this commitment the applicant is requesting to replace the ageing wall signage along the western façade/Interstate 35W side of the accessory building at the northwest corner of the property.

**City Planner Streff** explained that in this case, a Sign Standard Adjustment is being requested by Scherer Brothers Lumber Company for the replacement of the wall sign along the western façade of the accessory building. This property is located in the I-2 General Industrial District and generally located north of Highway 96, south of County Road H, east of Interstate 35W, and west of US Highway 10.

**City Planner Streff** indicated that the proposed request includes the replacement of the existing 180 square foot "Scherer Bros. Lumber Company" sign with a new 165 square foot Scherer Brothers logo and letter set. As proposed, the new non-illuminated sign would be approximately 15 square feet smaller than the existing signage and would be positioned in the same general area along the western façade of accessory building. The property owner has indicated that the updated signage would provide a uniform look to complement the other signage on the property, create better visibility for the business and the products and services they provide to the community, and enhance the visual aesthetic to the traveling public.

Site Data

Land Use Plan:	MB – Mixed Business
Existing Land Use:	COM – Commercial
Zoning:	I-2 – General Industrial District
Current Lot Sizes:	5.74 Acres
Topography:	Fairly Flat

**City Planner Streff** reviewed the surrounding area, the Sign Evaluation and the Plan Evaluation.

**City Planner Streff** explained that the Planning Commission must make a finding as to whether or not the proposed Sign Standard Adjustment at 4797 Highway 10 meets the criteria in the Sign Code to deviate from the sign regulations, and if the proposed increase in wall signage would adversely affect the surrounding neighborhood and the community as a whole. Staff offers the following nine (9) findings for consideration:

1. That the property located at 4797 Highway 10 is located in the I-2 General Industrial District.
2. That the subject property is located in Sign District 7.
3. That Sign District 7 permits wall signage with a maximum sign copy area of forty-five (45) square feet.
4. The applicant is proposing to remove the existing 180 square foot wall sign along the frontage of Interstate 35W and replace it with an updated 165 square foot wall sign along the same frontage.
5. That the total wall signage on the property will be reduced from 205 square feet to 190 square feet.
6. That Section 1260.01 of the Sign Code permits deviations from the Sign Code with an approved Site Plan Review and Sign Standard Adjustment.
7. That the Sign Standard Adjustments will not result in a sign that is inconsistent with the purpose or intent of the I-2 General Industrial District.
8. That increasing the amount of wall signage would not have a negative impact on adjacent properties or the City as a whole.
9. That site conditions require a sign adjustment for the proposed sign to be reasonably visible from the interstate highway adjacent to the site.

**City Planner Streff** stated that based on the submitted plans and findings of fact, staff recommends approval of Planning Case 16-006 for a Site Plan Review and Sign Standard Adjustment. Staff recommends the following four (4) conditions be included with the approval:

1. That 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. That the total wall signage on the building shall not exceed 190 square feet.
3. That the existing 180 square foot wall sign along Interstate 35W shall be removed.
4. That the applicant shall apply for a sign permit prior to the installation of the new sign.

**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.

**Chair Thompson** asked if the current sign could have been renovated without needing to receive a variance.

**City Planner Streff** explained that the applicant could have repaired the existing sign but has chosen to upgrade the sign.

**Commissioner Lambeth** understood the new sign would have more information, while also reducing the sign area.

**City Planner Streff** believed this to be the case.

**Commissioner Bartel** questioned what materials the sign would be built out of and asked how long the sign would last.

**Mark Rasch**, Sign Images, explained the new sign would be made out of aluminum and would be affixed to the building by non-corrosive fasteners. He estimated the sign would last seven to ten years.

**Commissioner Zimmerman moved and Commissioner Bartel seconded a motion to recommend approval of Planning Case 16-006 for a Site Plan Review and Sign Standard Adjustment at 4797 Highway 10, based on the findings of fact and the submitted plans as amended by the four (4) conditions in the April 6, 2016, Report to the Planning Commission. The motion carried unanimously (7-0).**

**B. Planning Case 16-008; Variance – 1865 County Road D West – *No Public Hearing Required***

**City Planner Streff** explained that the applicant owns the property located at 1865 County Road D West. The property is zoned R-2 Single & Two Family Residential District and is generally positioned north of County Road D West, south of Glen Paul Avenue, east of Prior Avenue North and west of Lake Johanna Boulevard.

**City Planner Streff** stated that the applicant is proposing to construct a new twenty six (26) foot by twenty-eight (28) foot or 728 square foot detached accessory structure. As proposed, the new structure would replace the deteriorating existing structure that is 400 square feet or twenty (20) feet by twenty (20) feet in size. The proposed accessory structure would be placed in the rear yard and in the same general location as the existing structure along the east property line. As defined by the City Code the existing detached structure is considered to be non-conforming as the

structure encroaches five (5) feet into the ten (10) foot accessory structure setback along the east property line.

**City Planner Streff** commented that in this case, the property owner is requesting a variance in order to construct a larger accessory structure that would maintain the current five (5) foot setback similar to that of the existing structure on the site today. If a variance is approved for this project, the applicant would be permitted to encroach five (5) feet into the ten (10) foot side yard setback. The applicant has indicated that the façade and roofing materials to be used on the new detached accessory structure would match the materials on the existing home.

#### Site Data

Land Use Plan:	Low Density Residential
Existing Land Use:	Single Family Detached Residential
Zoning:	R-2: Single & Two Family Residential
Current Lot Sizes:	.2790 Acres (12,155 Square Feet)
Topography:	Flat

**City Planner Streff** reviewed the surrounding area, the Plan Evaluation and the Variance Evaluation Criteria.

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

#### *General Findings*

1. That the property is in the R-2 Single & Two Family Residential Zoning District.
2. That the lot is 12,155 square feet in size with approximate dimensions of 65 feet in width by 187 feet in depth.
3. That the total square footage of the lot meets the requirements in the R-2 Zoning District; however, the actual dimensions of the lot do not meet the minimum size requirements.
4. That the existing accessory structure is non-conforming because the structure encroaches five (5) feet into the required ten (10) foot setback along the east property line.
5. That the existing accessory structure on the property would be removed.
6. That a variance is required to encroach into the ten (10) foot accessory structure setback.
7. That the proposed detached accessory structure/garage would maintain the five (5) foot encroachment into the setback along the east property line. All other setbacks for the accessory structure meet Code requirements.
8. The proposed structure and landscape coverage on the property would be in conformance with the lot coverage requirements of the R-2 Zoning District.
9. That the proposed accessory structure would not exceed the 15 foot height limit.
10. That detached accessory structures are permitted within the R-2 Zoning District.
11. That the proposed detached accessory structure is outside of the 100-year flood plain, wetlands, and easements.

#### *Variance Findings:*

12. The proposal is in harmony with the purpose and intent of the Zoning Ordinance as the Ordinance generally allows flexibility for unique parcels and situations when impacts to surrounding properties are minimized.
13. The proposal is consistent with the Arden Hills Comprehensive Plan as it allows the reasonable use of residential property.

14. That a detached accessory structure is a permitted accessory use and is reasonable within the R-2 Single Family Residential Zoning District.
15. The lot is unique in the fact that the lot's width does not meet the City Code requirements.
16. The proposed accessory structure would be visible from neighboring properties; however, the placement would not be inconsistent in terms of setbacks and lot coverage requirements for typical lots in the surrounding neighborhood. The property owner would match the materials used for siding and roofing to the single family dwelling, which should minimize the impacts on surrounding property owners.
17. The proposed accessory structure is unlikely to have negative impacts to the property or to the neighborhood as a whole as many properties within the area have accessory structures that encroach in the setback requirements.
18. The proposed plans and variance request for the construction of a new accessory structure does not appear to be based on economic considerations alone.

**City Planner Streff** stated that the findings of fact for this variance request support a recommendation for approval. However, 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 (5) conditions:

1. That 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. That the accessory structure shall be permitted to encroach five (5) feet into the side yard setback along the east property line.
3. That the accessory structure shall not exceed fifteen (15) feet in height.
4. That a permit for the construction of the accessory structure/garage and a permit for the construction of the driveway shall be required. That the structure shall conform to all other regulations in the City Code.
5. That the exterior façade of the new accessory structure shall match the color and materials on the existing single family dwelling on property. The final façade shall be approved by the City Planner.

**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.

**Commissioner Zimmerman** asked if the property met the City's setbacks when constructed.

**City Planner Streff** stated it was possible the garage was in conformance when constructed in the 1940's. However, under the current standards, the garage was a non-conforming structure.

**Commissioner Zimmerman** supported the garage due to the fact it was going to be put back in the same place.

**Commissioner Bartel** questioned if the existing garage would be demolished and removed.

**City Planner Streff** reported this was the case.

**Commissioner Bartel** inquired if the garage could be moved five feet further from the property line in order to meet the City's current setback standards.

**City Planner Streff** explained there was room to move the garage over five feet. He indicated this would impact the lot and would not be as fitting as the current location.

**Commissioner Lambeth** asked if the exterior color of the garage would match the house.

**City Planner Streff** stated the finish of the garage would have to match the house.

**Commissioner Lambeth** believed that the new garage would not alter the streetscape in any way given the proposed location of the new garage.

**City Planner Streff** did not believe the new design would impact the curb appeal of the property from the street, but rather would enhance the property.

**Brian McCormick**, 1865 County Road D West, explained his garage would be the same color as the house.

**Chair Thompson** questioned if he had received any comments or concerns from his neighbors.

**Mr. McCormick** stated he got along great with his neighbors and he has not received any comments or concerns regarding his plans for his garage.

**Commissioner Bartel** supported the new garage design in the proposed location.

**Commissioner Bartel moved and Commissioner Zimmerman seconded a motion to recommend approval of Planning Case 16-008 for a variance at 1865 County Road D West to permit the accessory structure to encroach five (5) feet into the side yard setback along the east property line, based on the findings of fact, the submitted plans, and the five (5) conditions in the April 6, 2016, Report to the Planning Commission. The motion carried unanimously (7-0).**

**C. Planning Case 16-003; Master and Final PUD – 1160 County Road E West – *Public Hearing***

**Senior Planner Bachler** stated that the property at 1160 County Road E was first developed as a seasonal ski and golf shop in the early 1970s. A Site Plan Review was approved in 1992 for the Commers Company for building and site modifications to accommodate a new bank user. These plans included the removal of a portion of the west side of the building to put in five drive-up

lanes under the existing building roof. Today, the 4,500 square foot space that was occupied by TCF Bank is vacant and the roof over the drive-up lanes has been removed. American Red Cross is the only tenant in the building and occupies approximately 5,000 square feet of space.

**Senior Planner Bachler** commented that the proposed site modifications are part of a broader reinvestment in the property being undertaken by Arden Square in an effort to attract a new tenant to the building. In conjunction with the County Road E improvement project completed in 2015, the property owner agreed to close off two driveways that were replaced with one, 24-foot wide driveway. Arden Square also recently completed renovations to the front façade of the building. These improvements included the removal the mansard and gable roof on the west side of the building, increasing window and brick masonry coverage, and adding awnings and decorative lighting.

**Senior Planner Bachler** explained that the proposed site improvements would modify the property's drive lanes and parking stalls for a more efficient use of space. The existing parking area on the north side of the building would be rearranged to include two one-way drive aisles and angled parking stalls. One drive-up lane on the west side of the building would be retained while the remaining lanes would be removed and replaced with parking stalls. As a result of the project, the overall parking lot area would expand by 2,182 square feet and 21 additional parking stalls would be constructed. Other site modifications would include a new monument sign, a trash enclosure constructed with decorative rock face concrete block, bicycle racks, and updated pavement and sidewalk surfaces. Landscaping on the property would be enhanced as well with additional tree and perennial plantings at the County Road E entrance driveway and new parking lot landscape islands.

**Senior Planner Bachler** indicated that the project includes an upgrade to the property's stormwater management system. The Rice Creek Watershed District requires properties to manage runoff for different types of rainfall events and to provide on-site infiltration and water quality treatment. This would be accomplished through a new subsurface infiltration basin. On-site stormwater management would also be improved with the connection of building roof drains to the catch basin at the southeast corner of the property.

**Senior Planner Bachler** stated that the Special Requirements for the B-2 General Business District in Section 1320.085 of the Zoning Code state that Site Plans approved for properties before November 24, 2008 will remain in effect, but that the PUD process will be used for any future site amendments. In this case, a Master and Final PUD are required for the proposed site modifications.

**Senior Planner Bachler** reported 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.

**Senior Planner Bachler** noted that Arden Square has requested flexibility in two areas through the PUD process. First, flexibility would be needed for the proposed landscape lot coverage of

14.6 percent where the zoning regulations require a minimum of 20 percent coverage. Secondly, the proposed County Road E monument sign would exceed the maximum height and sign copy area permitted in Sign District 4.

#### Site Data

Land Use Plan:	Community Mixed Use
Existing Land Use:	Commercial
Zoning:	B-2: General Business District
Current Lot Sizes:	48,000 square feet
Topography:	Relative flat

**Senior Planner Bachler** reviewed the surrounding area and the Plan Evaluation.

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

1. The property at 1160 County Road E West is located in the B-2 - General Business Zoning District and in Sign District 4.
2. Section 1320.085 of the Zoning Code states that Site Plans approved for properties in the B-2 District before November 24, 2008 will remain in effect, but that the PUD process will be used for any future site amendments.
3. Arden Square, LLC has requested a Master and Final PUD at 1160 County Road E West to amend the Site Plan approved for the property in Planning Case 92-016.
4. The proposed Master and Final PUD includes expanding and rearranging the property's drive lanes and parking spaces, and installing a new monument sign, trash enclosure, bicycle racks, and stormwater management system on the property.
5. The City has adopted the Guiding Plan for the B-2 District that outlines future development principals for the area.
6. The City has adopted Design Standards for the B-2 District within the Zoning Code.
7. The proposed Master and Final PUD is in substantial conformance with the requirements of the City's Zoning Code. The applicant has requested flexibility for landscape lot coverage of 14.6 percent where the zoning regulations require a minimum of 20 percent coverage.
8. The proposed Master and Final PUD is in conformance with the Guiding Plan for the B-2 District.
9. The proposed Master and Final PUD is in substantial conformance with the requirements of the City's Sign Code. The applicant has requested flexibility to install a monument sign that exceeds the height, sign copy area, and total sign area requirements for Sign District 4.
10. The proposed Master and Final PUD is in conformance with the City's Comprehensive Plan.
11. The PUD process allows for flexibility within the City's regulations through a negotiated process with a developer. Where the plan is not in conformance with the City's Zoning or Sign Code, flexibility has been requested by the applicant and/or conditions have been placed on an approval that would mitigate the nonconformity.
12. The proposed Master and Final PUD is not anticipated to create a negative impact on the immediate area or the community as a whole.

**Senior Planner Bachler** indicated that staff is supportive of the request for flexibility to reduce landscape coverage on the property. The applicant has noted that providing additional parking stalls on the site will help with marketing the vacant space in the building. Moreover, based on the staff analysis, Arden Square is proposing only two additional parking stalls than what would be required by the Zoning Code if the tenant space were to be leased to a retail use and American Red Cross continues to operate in the building. The increase in impervious coverage would be mitigated by the new tree and perennial plantings in and around the parking lot and the upgraded stormwater management system, which will improve upon existing conditions.

**Senior Planner Bachler** explained that staff is not supportive of the proposed monument sign on County Road E. There are no site conditions that would necessitate a larger sign for visibility reasons and the building includes only two tenants that would need advertising space on the sign. Additionally, the City recently adopted new standards for freestanding signs in Sign District 4 and in order to maintain consistency of signage along the County Road E corridor staff believes flexibility should be granted only in unusual circumstances. As a condition of approval, staff is recommending that the County Road E monument sign conform to the Sign Code standards.

**Senior Planner Bachler** stated that based on the submitted plans and findings of fact, staff recommends approval of Planning Case 16-003 for a Master and Final PUD at 1160 County Road E West. If the Planning Commission votes to recommend approval of Planning Case 15-016, staff is recommending the following ten (10) conditions of approval:

1. The project shall be completed in accordance with the submitted plans as amended by the conditions of approval. Any significant changes to these plans, as determined by the City Planner, shall require review and approval by the Planning Commission and the City Council.
2. The Developer shall obtain the required development permits within one year of the approval date 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. A PUD 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. 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 purpose of the letter of credit is to ensure that landscaping is completed in the event that the developer defaults on the Development Agreement. The City will hold the letter of credit for two years after the installation of landscaping. The letter of credit should not expire during the two-year period.
5. The Developer shall provide the City with a copy of the Rice Creek Watershed District permit for the project prior to the issuance of any development permits.
6. Final grading, drainage, utility, and site plans shall be subject to approval by the City Engineer, Building Official, City Planner, and Fire Marshall prior to the issuance of a Grading and Erosion Control Permit or other development permits.
7. The Developer shall maintain a minimum drive aisle width of twenty (20) feet along the west side of the building between the drive-up lane and parking stalls at all times.

8. No certificate of occupancy will be issued or remain in effect for tenant or business space using the existing drive-up window on the west side of the building for a fast food restaurant use. In the event that the Developer or subsequent owner sells or leases building space or otherwise proposes to use the drive-up window on the west side of the building for a fast food restaurant use, the Developer or subsequent owner shall submit a PUD Amendment application proposing modifications to the Site Plan that provides the minimum vehicle stacking spaces required as specified by the City Code, conform to the additional minimum requirements included in Section 1325.04 of the City Code, and satisfies any conditions of approval imposed by the Council.
9. The proposed monument sign on County Road E shall be redesigned so that it conforms to the freestanding sign standards for Sign District 4, as defined in Section 1240.02 of the City Code.
10. A Sign Permit shall be required for the monument sign on County Road E.

**Senior Planner Bachler** reviewed the options available to the Planning Commission on this matter:

1. Recommend Approval with Conditions
2. Recommend Approval without Conditions
3. Recommend Denial
4. Table

**Chair Thompson** opened the floor to Commissioner comments.

**Commissioner Jones** requested further information on the adjustments that were being made to the stormwater management system for the site.

**Senior Planner Bachler** discussed the existing and proposed stormwater management system for the site. It was noted that the new system would better manage stormwater runoff for the property.

**Commissioner Lambeth** commented on the demolition plan for the site. He recommended the grade of the site be watched closely in order for the water to drain properly from the south side of the building.

**Senior Planner Bachler** noted that a separate grading and erosion control permit would be required from the City. This permit would be reviewed and approved by the City Engineer.

**Commissioner Lambeth** respected staff's recommendation regarding the monument sign. However, he questioned if the location of the monument sign was proper. He proposed the sign be located at the northwest corner of the site.

**Senior Planner Bachler** recommended that the applicant address the proposed location of the monument sign. He noted that the proposed location did conform to the Sign Code requirements for monument sign setbacks from the front and side property lines.

**Commissioner Jones** agreed it would be safer for vehicular traffic to have the sign more centrally located.

**Commissioner Zimmerman** expressed concern with the reduction in landscape coverage. He feared the B-2 District vision was not being followed for this property.

**Senior Planner Bachler** reviewed the landscaping plan in further detail and believed the new stormwater management system would be more effective. He understood the pervious area was being reduced, however this was being mitigated by the new trees and perennial plantings proposed for the site. He explained the applicant was requesting flexibility on this point within the PUD and staff found the improved stormwater management system to be a positive for the property.

**Commissioner Gehrig** discussed the drive-thru window and asked if the City had specific definitions for fast food establishments. He questioned if this included coffee shops.

**Senior Planner Bachler** responded that the Zoning Code includes a definition for fast food restaurants and that most coffee shops would be classified as a fast food establishment.

**Commissioner Jones** questioned where the drive-thru would be located.

**Senior Planner Bachler** reviewed the location of the proposed drive-thru window. He provided further comment on how vehicles would stack at this location. It was noted the proposed site plan could not accommodate the required number of vehicle stacking spaces for a fast food restaurant drive-thru. He added that staff recommended a condition of approval that an amendment to the PUD be required if Arden Square leases or sells the space to a fast food restaurant establishment that would use the drive-thru.

**Chair Thompson** requested the applicant come forward to address questions from the Planning Commission.

**Andrew Commers**, Commers Company, introduced himself to the Commission noting that his father owned the building.

**Kathy Anderson**, President of Architectural Consortium, explained she was the architect for the project.

**Chair Thompson** requested further information from the applicants regarding the proposed stormwater system.

**Ms. Anderson** explained that the stormwater runoff was currently running through the parking lot without treatment. She indicated the new plan for the site would be to have the runoff treated underground before it is released into the City's system. She provided further comment on how the underground chamber treatment system would work. She discussed how traffic would circulate through the site. She commented that the improvements being made to the site were being done to attract high quality tenants. Ms. Anderson believed the monument sign should be located on the east end of the property at the requested height in order to properly meet the needs of the future tenants and to have visibility from Lexington Avenue.

**Commissioner Lambeth** asked if the sign would be illuminated.

**Ms. Anderson** stated this was the case.

**Chair Thompson** opened the public hearing at 7:48 p.m.

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

There being no additional comment Chair Thompson closed the public hearing at 7:49 p.m.

**Commissioner Bartel** questioned how much water would be held in the underground retention system.

**Senior Planner Bachler** was uncertain as to the specific size of the system. He understood that the Rice Creek Watershed District would require the property to put in place a system that will allow for the proper treatment of water runoff for a range of rain events. The City Engineer did not have any concerns with the design of the system.

**Commissioner Jones** stated he was not comfortable with the size of the sign or the proposed location.

**Commissioner Neururer** agreed.

**Chair Thompson** appreciated the explanation from the applicant as to why the sign was located on the eastern corner. However, she agreed the proposed location was confusing.

**Senior Planner Bachler** suggested that the Planning Commission could direct staff to work with the applicant on the monument sign location prior to the item being reviewed by the City Council.

**Chair Thompson** explained her concern with the sign placement was due to the traffic patterns along County Road E.

**Ms. Anderson** indicated she has been working in retail architecture for the past 28 years. She commented that pylon or monument signs have not been used as entry or directional signs, but rather are used for advertising purposes.

**Commissioner Lambeth** discussed how the proposed monument sign location would be confusing to passing traffic.

**Ms. Anderson** stated the feedback she has received from the market was that there was more value in being visible from the intersection at Lexington Avenue than placing the monument sign at the property entrance.

**Commissioner Neururer** explained that he drove this thoroughfare daily. He expressed concern with how traffic entering and exiting the site would impede traffic.

**Chair Thompson** recommended staff work with the applicant on the monument sign placement prior to this item being reviewed by the City Council.

**Senior Planner Bachler** reported that the Sign Code does allow for a smaller non-commercial auxiliary sign to be placed at the entrance to the site. He reviewed the location on the site plan where this auxiliary sign could be placed.

**Commissioner Bartel** questioned if the Planning Commission had jurisdiction over sign placement.

**Senior Planner Bachler** stated that sign placement and setback requirements were included in the Sign Code. However, because the applicant has requested a PUD for the property the City is able to negotiate certain aspects of the development as long as there is a rational basis for the imposed conditions.

**Commissioner Zimmerman** indicated he would not be supporting this Planning Case due to the reduction in landscape coverage. He did not consider the upgraded stormwater management system to be a fair trade for the reduction in landscaping.

**Chair Thompson** appreciated this comment. However, she stated there was no place for the water to be treated and explained the underground treatment system was the best option for the site. She understood there were challenges when updating these commercial properties in order to meet the City's parking and water runoff requirements. She supported the proposed traffic flow through the site and believed the property was balanced. She recommended a more detailed letter from the City Engineer or the Rice Creek Watershed District regarding the stormwater plans be included for the City Council.

**Commissioner Bartel** supported this suggestion. He understood Commissioner Zimmerman's concerns but wanted to see the site improved to manage the water runoff from its current situation.

**Commissioner Jones** did not want to give up grass and trees either, but knew the proposed system was the best option for the property. His biggest concern for the site was the location of the monument sign.

**Commissioner Neururer** asked if the sign setbacks took into account the larger size of the sign.

**Senior Planner Bachler** commented that the setback requirements applied to all free standing signs and do not take into account the size of the sign.

**Commissioner Neururer** supported the underground treatment and management of the water runoff for this property.

**Mayor Grant** discussed the stormwater management system being used at Cub Foods. He requested the Planning Commission be clear about their concerns regarding the monument sign due to the fact this was a PUD.

**Commissioner Bartel** recommended the City Council evaluate the monument sign location given the fact the City was willing to be lenient on the sign size.

**Chair Thompson** reviewed the proposed conditions from staff in detail with the Commission. She noted Condition 5 required the applicant to have the correct permits from the Rice Creek Watershed District. She noted that Condition 9 addresses the monument sign. She suggested this condition be amended to require the sign to meet the permitted requirements and that the sign placement be worked on by staff.

**Commissioner Lambeth moved and Commissioner Bartel seconded a motion to recommend approval of Planning Case 16-003 for a Master and Final PUD at 1160 County Road E West, based on the findings of fact and submitted plans, as amended by the ten (10) conditions in the April 6, 2016, Report to the Planning Commission.**

**Commissioner Bartel** questioned if the Commission should add Condition 11 regarding the sign placement or reword Condition 9.

**Senior Planner Bachler** recommended Condition 9 be restated versus Condition 11 being added. He understood staff was to work with the applicant to look at the proposed monument sign and evaluate other locations for the sign. He indicated the Planning Commission would consider supporting a larger sign if the proper location for the sign was found.

**Commissioner Lambeth** accepted this friendly amendment to his motion.

**Commissioner Bartel** also accepted this friendly amendment to the motion.

**Chair Thompson** appreciated all of the work that has been done by the applicant on this building.

**Commissioner Bartel** agreed and looked forward to having this building improved.

**The motion carried 6-1 (Zimmerman opposed).**

**D. Planning Case 16-009; Zoning Code Amendment – Mixed Business and Mixed Residential Districts – *Public Hearing***

**Senior Planner Bachler** reported that in June of 2010, the City approved the creation of two new zoning districts for the 427-acre TCAAP property: Mixed Residential District and Mixed Business District. The purpose of the new regulations was to define a process for creating a master plan for the Mixed Residential and Mixed Business Districts on TCAAP, establish minimum design standards for future development, and ensure consistency between the Zoning Code and the 2030 Comprehensive Plan. Additionally, these regulations were meant to inform potential developers of the City's vision for the TCAAP site.

**Senior Planner Bachler** stated that the City adopted the TCAAP Master Plan in July of 2015. The approval of the Master Plan included the adoption of the TCAAP Redevelopment Code (TRC) as Section 1380 of the Zoning Code and the rezoning of the TCAAP property based on the zoning designations in the TRC Regulating Plan. This action replaced the previous zoning of the site as Mixed Residential and Mixed Business.

**Senior Planner Bachler** explained that the purpose of the proposed amendments is to remove all references in the Zoning Code related to the Mixed Residential and Mixed Business Districts. These zoning districts were created as a “placeholder” for the TCAAP property until a master redevelopment plan was approved by the City. No other properties in the City are currently zoned Mixed Residential or Mixed Business.

**Senior Planner Bachler** provided an outline of the proposed amendments:

*Section 1320.02 – Designation of Zoning Districts*

This section includes a list of the zoning districts the City is divided into for the purpose of the City Code. The proposed amendment would remove Mixed Residential and Mixed Business Districts from the zoning district list.

*Section 1320.04 – Purpose of Districts*

All zoning districts include a purpose statement that provides the rationale for creating the district. Subdivision 16 (Mixed Residential District) and Subdivision 17 (Mixed Business District) would be removed in their entirety from this section.

*Section 1320.05 – Land Use Chart*

The land use chart lists the permitted and conditional uses in all zoning districts. The proposed amendment would remove Mixed Residential and Mixed Business Districts from the chart.

*Section 1320.06 – District Requirements Chart*

The district requirement chart lists the basic requirements for the development of a lot, such as minimum lot area, setbacks, and lot coverage. The proposed amendment would remove Mixed Residential and Mixed Business Districts from the chart.

*Section 1320.135 – Special Requirements of the Mixed Residential and Mixed Business Districts*

Some zoning districts have additional special requirements for development that need to be met. Section 1320.135 includes the required Planned Unit Development (PUD) process and master plan components for the Mixed Residential and Mixed Business Districts. This section will be removed in its entirety.

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

1. The City Council approved the TCAAP Master Plan on July 13, 2015, which included the adoption of the TCAAP Redevelopment Code (TRC) as Section 1380 of the Zoning Code and the rezoning of the 427-acre TCAAP property based on the zoning designations in the TRC Regulating Plan.
2. The adoption of the TRC and the rezoning of the TCAAP property based on the TRC Regulating Plan replaced the previous zoning of the 427-acre site as Mixed Business District and Mixed Residential District.
3. The proposed Zoning Code amendments would remove all references in the Zoning Code to the Mixed Residential and Mixed Business Districts as these districts were created as a “placeholder” for the TCAAP property until a Master Plan was approved by the City.
4. The proposed Zoning Code amendments would not have an effect on any properties in the City as there are currently no properties zoned Mixed Residential or Mixed Business.

5. The proposed Zoning Code amendments are in conformance with the 2030 Comprehensive Plan.
6. The proposed amendments will create greater consistency between the Zoning Code and the 2030 Comprehensive Plan.

**Senior Planner Bachler** stated that staff recommends approval of Planning Case 16-009 to amend Sections 1320.02, 1320.04, 1320.05, 1320.06, and 1320.135 of the Zoning Code in order to remove references to the previous classification of the 427-acre TCAAP property as Mixed Residential District and Mixed Business District, as presented in the April 6, 2016, Report to the Planning Commission

**Senior Planner Bachler** reviewed the options available to the Planning Commission on this matter:

1. Recommend Approval as Submitted.
2. Recommend Approval with Changes.
3. Recommend Denial
4. Table

**Chair Thompson** opened the floor to Commissioner comments.

**Commissioner Lambeth** understood that the Comprehensive Plan was in conformance with the Met Council.

**Senior Planner Bachler** reported this was the case, noting the 2030 Comprehensive Plan was approved in 2009.

**Commissioner Lambeth** questioned why the City was proposing to make this zoning amendment at this time.

**Senior Planner Bachler** discussed the approval of the TCAAP Master Plan and 2030 Comprehensive Plan Amendment. He noted that the amendment was being proposed because the TCAAP property had been rezoned based on the TRC Regulating Plan. He explained the Mixed Business and Mixed Residential zoning districts no longer apply to TCAAP.

**Commissioner Lambeth** inquired how the proposed zoning change would impact the proposals received from the four master developers.

**Senior Planner Bachler** commented that the proposed amendment would have no effect on the master developer selection process.

**Chair Thompson** opened the public hearing at 8:32 p.m.

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

There being no additional comment Chair Thompson closed the public hearing at 8:33 p.m.

**Commissioner Bartel moved and Commissioner Zimmerman seconded a motion to recommend approval of Planning Case 16-009 to amend Sections 1320.02, 1320.04, 1320.05, 1320.06, and 1320.135 of the Zoning Code, as presented in the April 6, 2016, Report to the Planning Commission. The motion carried unanimously (7-0).**

### **UNFINISHED AND NEW BUSINESS**

None.

### **REPORTS**

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

**Mayor Grant** updated the Planning Commission on City Council activities from the March 21, 2016, City Council Work Session stating the City Council discussed the process for pursuing organized collection of solid waste on the TCAAP property with the City Attorney. This item is included on the Planning Commission's 2016 Work Plan. The City Council directed staff to collect information on the expected staff time required to proceed with organized collection on TCAAP and report back at a future City Council Work Session.

**Mayor Grant** stated that at the March 28, 2016, City Council Regular Meeting the City Council approved Planning Case 15-021 to amend Section 1305.04 and Section 1325.02 of the Zoning Code pertaining to new regulations on outdoor display and sales for commercial properties. The City Council also approved Planning Case 16-001 to rezone portions of the Arden Hills Army Training Site (AHATS) property as Conservation District, Parks and Open Space District, and Civic Center District. Both of these cases were reviewed by the Planning Commission at their regular meeting on March 9, 2016, and received unanimous recommendations for approval.

**Mayor Grant** reported that the City Council approved a PUD Amendment for the Red Fox Business Center at 1235 Red Fox Road for changes to the façade on Building 1. During the construction of the building a section of windows and façade enhancements were omitted to accommodate electric and gas utility meters on the outside of the building. Roberts Management Group will mitigate the façade changes by providing additional landscaping to screen the affected area.

**Mayor Grant** indicated that the City Council approved Planning Case 16-005 for a variance at 3382 Lake Johanna Boulevard. Approval of the variance will allow the property owners to construct an entryway between the garage and house and a second floor addition above the garage. This case was reviewed by the Planning Commission at their regular meeting on March 9, 2016, and received a unanimous recommendation for approval.

#### **B. TCAAP Update**

**Mayor Grant** reported that responses to the Solicitation for Master Developer were received on Wednesday, March 9, 2016. Four proposals were received representing partnerships as follows:

- Alatus, LLC
- Kraus-Anderson and Elion Partners

- Opus Development Company, LLC and Pulte Homes
- Ryan Companies and Lennar Corporation

**Mayor Grant** indicated that the JDA is scheduled to choose a master developer at its regular meeting on May 2, 2016. Staff is working to schedule special JDA meetings in late April for developer interviews and deliberation. Once scheduled, special meeting dates and agenda information will be posted on the City website.

**Chair Thompson** asked if the interviews would be public or private.

**Mayor Grant** anticipated these interviews would be private. He noted that the JDA meeting on Monday, May 2<sup>nd</sup> would be public.

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

**Commissioner Zimmerman** went on record stating he supported organized collection throughout all of Arden Hills.

**Chair Thompson** encouraged the public to participate in the Friends of the Park tree sale going on now through Friday, April 22.

### **D. Staff Comments**

**City Planner Streff** encouraged the Planning Commissioners to contact staff if they were going to be unable to attend a future meeting.

### **ADJOURN**

**Commissioner Jones moved, seconded by Commissioner Zimmerman to adjourn the April 6, 2016, Planning Commission Meeting at 8:37 p.m. The motion carried unanimously (7-0).**