



Approved: October 3, 2016

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**CITY OF ARDEN HILLS, MINNESOTA  
PLANNING COMMISSION  
WEDNESDAY, SEPTEMBER 7, 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, Angela Hames, Steven Jones, Phillip Neururer, and Clayton Zimmerman.

Absent: Commissioner James Lambeth (excused).

Also present were: Senior Planner Matthew Bachler and Mayor Grant.

**APPROVAL OF AGENDA – SEPTEMBER 7, 2016**

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

**APPROVAL OF MINUTES**

*August 3, 2016 – Planning Commission Regular Meeting*

**Commissioner Jones moved, seconded by Commissioner Zimmerman, to approve the August 3, 2016, Planning Commission Regular Meeting minutes as presented. The motion carried unanimously (7-0).**

**PLANNING CASES**

**A. Planning Case 16-022; Variance; 1500 Arden Place –No Public Hearing Required**

**Senior Planner Bachler** stated the property at 1500 Arden Place is located in the R-1 District on the northeast side of Lake Johanna. The applicants have proposed taking down the existing dwelling on the property and constructing a new single-family dwelling and accessory storage building. The new house would consist of two levels with a walkout basement facing Lake Johanna. Overall, the structure would have an area of 3,152 square feet. Included in this footprint are a 784 square foot attached garage, 168 square foot screened porch, and 328 square foot deck.

The 520 square foot accessory building would be located between the proposed house and the west side property line, and would be used primarily for the storage of lake equipment. Due to a significant grade change on the north side of the property along Arden Place, the existing dwelling has been accessed by a driveway easement across the adjacent property at 1516 Arden Place. The plans include the construction of a new curb cut on Arden Place to provide direct driveway access from the public street, eliminating the need for the driveway easement.

**Senior Planner Bachler** reported three setback variances are needed for the proposed dwelling. For properties with frontage on Lake Johanna, the Zoning Code requires principal structures to be setback a minimum of 50 feet from the ordinary high water level except where the adjoining lots have structures setback at a distance greater than 50 feet. In these cases, the Zoning Code requires the lakeshore setback be calculated based on the prevailing setbacks in order to protect sight lines. The required lakeshore setback for 1500 Arden Place has been calculated at 80 feet – 2 inches. A variance is needed for the dwelling to encroach 15 feet – 9 inches into this required setback. Decks may extend up to six feet into a required structure setback, and in this case a deck could be 74 feet – 2 inches from the shoreline. A portion of the deck on the south side of the house would extend 15 feet – 4 inches into this setback. Additionally, a corner of the attached garage would encroach 2 feet into the 40-foot minimum front yard setback.

#### Site Data

Land Use Plan:	Low Density Residential
Existing Land Use:	Single Family Detached Residential
Zoning:	R-1: Single Family Residential
Current Lot Sizes:	0.67 Acres (29,146 square feet)
Topography:	Slopes down approximately 29 feet from northeast corner of property to Lake Johanna ordinary high water level

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

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

#### *General Findings:*

1. The property at 1500 Arden Place is located in the R-1 Single Family Residential Zoning District.
2. The lot is a conforming lot within the R-1 District.
3. The applicants have proposed taking down the existing dwelling on the property and constructing a new single-family dwelling and accessory storage building.
4. Based on the requirements outlined in Section 1330.03, Subd. 4 of the Zoning Code, the City has determined that the required setback for the new dwelling is 80 feet – 2 inches from the Lake Johanna OHWL.
5. The proposed principal structure would encroach 15 feet – 9 inches into the required setback from the Lake Johanna OHWL, creating a setback of 64 feet – 5 inches.
6. Section 1325.03 of the Zoning Code allows decks to extend up to 6 feet into the required structure setback. Therefore, a deck could be up to 74 feet – 2 inches from the Lake Johanna OHWL.
7. The proposed deck would encroach 15 feet – 4 inches into the setback from the Lake Johanna OHWL, creating a setback of 58 feet – 10 inches.

8. The proposed principal structure would encroach 2 feet into the front yard setback, creating a setback of 38 feet from the Arden Place property line. The minimum front yard setback in the R-1 District is 40 feet.
9. All other aspects of the proposed construction are in conformance with the Zoning Code requirements for the R-1 District.
10. The proposed construction would not encroach on any flood plains, wetlands, or easements.

*Variance Findings:*

11. The variance would be in harmony with the purpose and intent of the City's Code because the dwelling would be constructed in a location to minimize visual impacts on adjacent properties and protect sight lines of Lake Johanna.
12. The variance would be consistent with the City's Comprehensive Plan because it meets the City's housing goal of encouraging property reinvestment that complements and enhances the character of the City's established neighborhoods.
13. The proposed construction of a new single-family dwelling is a reasonable use of the property that would not be allowed under the rules of the Zoning Code without the requested variance.
14. The property is unique and presents development challenges because of its topography. The unique characteristics of the property were not created by the property owners.
15. The proposed dwelling 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.
16. The requested variance does not appear to be based on economic considerations alone.

**Senior Planner Bachler** stated 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 six 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. A Building Permit shall be required prior to commencement of construction.
4. The accessory structure shall have an exterior finish that is compatible in appearance and material used with the principal structure.
5. The structure shall conform to all other regulations in the City Code.
6. The property owners shall provide 17.6 caliper inches of new tree plantings per the submitted Tree Preservation Plan prior to the issuance of a final certificate of occupancy for the dwelling. Deciduous trees shall be a minimum of 2.5 caliper inches in size, and coniferous trees a minimum of 6 feet in height.

**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.

**Chair Thompson** asked how the height of the structure was measured.

**Senior Planner Bachler** described how the Zoning Code requires the height of structures to be measured.

**Commissioner Jones** questioned if the house to the east sat lower and the house to the west sat higher than the subject property.

**Senior Planner Bachler** requested that the applicant address this question.

**Laura Larson**, 1500 Arden Place, thanked the Commission for their time. She reported the house at 1492 Arden Place was higher than her home and the home at 1516 Arden Place was also higher than her home. She indicated her home was lower than both adjacent homes. She provided further comment on the steep grade in her driveway.

**Commissioner Jones** expressed concern with how water runoff would be managed for the new home.

**Ms. Larson** stated she had completed a grading plan.

**Chair Thompson** requested further information on how water runoff from the roof would be managed.

**Jennifer Otto**, Kootenia Homes, reported the home would have gutters and downspouts along with a drain tile system. She explained the elevation of the new home would be brought up to assist with the grading concerns while also eliminating the steep grade of the driveway.

**Commissioner Bartel** discussed the City's impervious surface requirements noting the lot could have no more than 35% of the property covered. He was pleased that this property would only have 20% impervious coverage.

**Chair Thompson** indicated she lived on a low lot and had a pump to assist with removing the sewer from her home. She asked if staff was comfortable with the sewer and drainage for the site.

**Senior Planner Bachler** explained both the City Engineer and Building Official reviewed the plans and there were no concerns at this time. He notes a Building Permit and Grading and Erosion Control Permit would be required prior to construction.

**Commissioner Neururer** believed the applicant was proposing to build a beautiful home.

**Commissioner Bartel** was pleased to see the letters of support from the neighboring property owners.

**Commissioner Hames** supported the request and was thankful the applicant was requesting very minimal variances.

**Chair Thompson** believed the proposed home was a great use of the property. She thanked the applicant for providing the Commission with the home elevations.

**Commissioner Hames moved and Commissioner Zimmerman seconded a motion to recommend approval of Planning Case 16-022 for a Variance at 1500 Arden Place based on the findings of fact and the submitted plans, as amended by the six (6) conditions in the September 7, 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 August 8, 2016 Regular Meeting, stating the City Council approved Ordinance 2016-007 in Planning Case 16-020 to opt-out of the requirements of Minnesota Statute regarding temporary family health care accessory dwellings. The Planning Commission reviewed this case at their meeting on August 3, 2016, and unanimously recommended approval of the Ordinance.

##### **B. Rice Creek Commons (TCAAP) Update**

**Mayor Grant** provided an update on the work sessions that had been held with the TCAAP Master Development Team on August 15<sup>th</sup> and 22<sup>nd</sup>.

**Mayor Grant** noted that on August 29, 2016, the City Council approved a contract with Zipko Strategies and Connelly Kuhl to serve as the communications consultants for TCAAP.

##### **C. Commissioner Comments**

**Commissioner Neururer** was pleased to see that the County Road E2 bridge was complete.

**Commissioner Jones** noted the new Mounds View High School scoreboard was now in place.

**ADJOURN**

**Commissioner Zimmerman moved, seconded by Commissioner Hames, to adjourn the September 7, 2016, Planning Commission Meeting at 7:12 p.m. The motion carried unanimously (7-0).**