



Approved: February 7, 2018

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**CITY OF ARDEN HILLS, MINNESOTA  
PLANNING COMMISSION  
WEDNESDAY, JANUARY 10, 2018  
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.

Absent: Commissioner Angela Hames, Matt Dixon and Clayton Zimmerman.

Also present were: City Planner Matthew Bachler and Councilmember Steve Scott

**APPROVAL OF AGENDA – JANUARY 10, 2018**

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

**APPROVAL OF MINUTES**

*November 8, 2017 – Planning Commission Regular Meeting*

**Commissioner Jones moved, seconded by Commissioner Bartel, to approve the November 8, 2017, Planning Commission Regular Meeting as presented. The motion carried unanimously (5-0).**

**PLANNING CASES**

- A. Planning Case 17-027 – Variance – 3415 Lake Johanna Boulevard – *No Public Hearing Required***

**City Planner Bachler** stated the property at 3415 Lake Johanna Boulevard is located in the R-2 District on the west side of Lake Johanna. The property has frontage on Lake Johanna Boulevard, but is accessed from the alley off of Fairview Avenue. The applicant previously moved a detached garage from the adjacent property at 3417 Lake Johanna Boulevard on to the property without a Building Permit. The structure was placed on a concrete apron in front of the existing

detached garage on the property. The two structures are separated by approximately three feet. The City typically requires a minimum of six feet of separation between structures, or if that separation is not met that certain fire protection improvements are completed. The property also has an existing small storage shed located in the southwest corner of the lot. Residential lots are not permitted more than two accessory structures and the applicant has agreed to remove the shed if the variance is approved.

**City Planner Bachler** explained the applicant has applied for a variance in order to allow the detached garage to remain in place. A variance is needed in this case because the garage encroaches on the 10-foot side yard setback requirement on both sides of the lot. In its current location, the garage is setback 2.55 feet from the north property line and 7.96 feet from the south property line.

#### 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:	9,254 square feet
Topography:	Property slopes down approximately 30 feet from Fairview Avenue to Lake Johanna Boulevard

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

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

#### *General Findings:*

1. The property at 3415 Lake Johanna Boulevard is located in the R-2 Single & Two Family Residential Zoning District.
2. The lot is a legal nonconforming lot within the R-2 District.
3. The applicant previously moved a second detached garage on to the property.
4. The accessory structure encroaches 7.45 feet into the required side yard setback from the north property line and encroaches 2.04 feet into the required side yard setback from the south property line. The minimum interior side yard setback for accessory structures in the R-2 District is 10 feet.
5. The impervious surface coverage on the lot exceeds the maximum of 35 percent permitted in the R-2 District; however, this was preexisting and is not being increased with this request.
6. The exterior finish of accessory structures is required to be compatible in appearance and material used with the principal structure on the property.
7. All other aspects of the proposed construction are in conformance with the Zoning Code requirements for the R-2 District.
8. The proposed accessory structure would not encroach on any flood plains, wetlands, or easements.

*Variance Findings:*

9. The variance would be in harmony with the purpose and intent of the City Code.
10. The variance would be consistent with the City’s Comprehensive Plan because it meets the City’s housing goal of encouraging property investment.
11. The proposed accessory structure is a reasonable use of the property that would not be allowed under the rules of the Zoning Code without the requested variances.
12. The property is unique and presents development challenges because of it is unusually narrow.
13. The unique characteristics of the property were not created by the property owners.
14. The proposed structure would not alter the essential character of the neighborhood.
15. The requested variance does not appear to be based on economic considerations alone.

**City Planner Bachler** stated based on the submitted plans and findings of fact, staff recommends approval of Planning Case 17-027 for a Variance at 3415 Lake Johanna Boulevard. If the Planning Commission votes to recommend approval of Planning Case 17-027, staff is recommending the following five (5) conditions of 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 applicant shall obtain a Building Permit and complete all fire protection and other improvements to the new garage required to bring the structure into compliance with the Building Code.
3. The applicant shall paint the new garage so that it is compatible with the appearance of the principal structure.
4. The structure shall conform to all other regulations in the City Code.
5. The small shed on the property shall be removed from the property within sixty (60) days of the Building Permit being closed.

**City 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 if this would have come to the City prior to being completed what the variance request would have been.

**City Planner Bachler** stated if the applicant had come forward with this proposal before the garage was placed on the property they would still be requesting the two side yard setback variances for the garage. He explained the City typically requires six feet of separation between buildings for fire safety purposes. Currently, there is three feet between the buildings. Staff

provided further comment on the options that were discussed with the applicant. He stated the applicant would like to keep the garage in its current location and was willing to add fire protection measures. He reported if the buildings were combined a new request would have to come before the Planning Commission.

**Commissioner Jones** questioned if the existing slab had any footings.

**City Planner Bachler** stated the existing slab was previously their driveway and apron. He did not believe footings were in place on the slab. He explained footings may have to be added to meet building code requirements.

**Commissioner Bartel** commented that if this was not an attached garage, the slab could be a free-floating structure.

**Commissioner Lambath** asked what the width of the garage structure was.

**City Planner Bachler** stated the width of the garage was 20.3 feet with a depth of 22 feet.

**Commissioner Lambeth** inquired if the dimensions of the existing slab matched the garage foot print.

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

**Commissioner Lambeth** indicated this garage structure did not have a sufficient foundation.

**City Planner Bachler** stated the existing concrete slab was not a sufficient foundation for the garage structure.

Further discussion ensued regarding the City's building code requirements for new and pre-built structures.

**Commissioner Lambeth** asked if the storage shed would have to be removed as a condition of approval.

**City Planner Bachler** explained Condition #5 required the applicant to remove the storage shed from the property within 60 days of the closing the building permit.

**Commissioner Bartel** questioned if the City received any feedback from the neighbors regarding this situation.

**City Planner Bachler** stated he received a call from the property owner to the south at 3407 Lake Johanna Boulevard, expressing concerns regarding the setbacks and the impact of the new structure on stormwater runoff. In addition, there were concerns with the fact the structure did not meet City building code requirements. He stated he also received a phone call from the property owner at 1831 Noble Road expressing concerns with the proposal.

**Chair Thompson** explained this was not a public hearing, but she would like to open the floor for public comments.

**Richard Wentzel**, 1931 Noble Road, stated he opposed the variance request. He did not believe this building belonged on this lot. He explained the property owner knew he had a narrow lot when he purchased it. He encouraged the applicant to clean his garage if he would like to store a vehicle in it. He stated he lived in a nice neighborhood and he wanted things to remain that way.

**Gary Wahlstrom**, 1831 Noble Road, commented he had spoken with staff prior to the meeting regarding his concerns with the variance request. He stated if this was going to be approved that the garage should be one structure with a continual roofline, matching exterior details, siding and asphalt shingles. He believed this was critical in order to maintain the integrity of the neighborhood. He presented staff with a document with signatures from many of his neighbors that shared his same concerns and supported his recommendations.

**City Planner Bachler** read the document from Mr. Wahlstrom in full for the record and passed the document to the Planning Commission. He noted the document was signed by 11 property owners.

**Commissioner Bartel** stated he had a hard time with this request knowing that it would be a hardship to remove this structure from the lot. He explained he could not understand why the applicant did not request a variance from the City prior to moving this structure onto his property. He believed it was strange this request had reached this point, because the City would have never approved the placement of this structure in its current location. In addition, he noted the garage size was too large and could set a precedent for the City.

**Commissioner Lambeth** stated after reading through the documents for this case, he understood the new garage would be used for vehicles and the existing garage would be used for a woodshop. He explained he would like to see the structures combined, under one roof. He insisted that the new structure have a foundation when receiving a building permit.

**Commissioner Jones** requested further information on how the applicant could work to meet the City's accessory structure space requirements.

**City Planner Bachler** noted the City does have a review process for accessory structures exceeding 728 square feet. He stated the Planning Commission could recommend the structures be combined.

**Commissioner Bartel** reported the applicant would still require a variance from the side yard setbacks. It was his opinion the applicant was already requesting a lot of variances.

**Commissioner Jones** noted this was an odd shaped lot but stated he did not want to add two full sized garages to this space.

**Commissioner Gehrig** stated he agreed this was a unique lot with unique circumstances. However, he did not believe the additional garage structure was keeping in harmony with the neighborhood. He indicated the neighbors were clearly concerned and there were issues with the structures façade and foundation that had to be addressed.

**Chair Thompson** commented this was a non-conforming lot. She agreed with the neighbors that having two structures, even if painted the same, was not in alignment with the neighborhood. She supported the structures being combined into one. She commented further on the fire and building code requirements that had to be met for accessory structures. She noted all accessory structures had to have the same appearance as the house, in order to create consistency. She recommended the Commission add a condition for approval requiring the applicant to combine the garage structures.

**Commissioner Bartel** anticipated that a large number of conditions would have to be added to this request in order to make it workable. He feared all of the “what ifs” that would be involved in trying to combine the two structures.

**Commissioner Gehrig** agreed stating the combination of the buildings may be beyond the scope of the Planning Case’s original intent. He did not want to set a precedent with this request that it was easier to receive a variance after the fact.

**Chair Thompson** anticipated much of these “what ifs” would be addressed through the building permit phase and if the structures could not be combined to meet City and building code requirements, the applicant would have to come before the City with a new request.

**Commissioner Bartel** reviewed the number of variances the applicant was requesting. He asked if the buildings currently had the same roofline.

**City Planner Bachler** indicated the rooflines were generally in line with one another, but he was uncertain as to the roof pitches. He provided further comments on the City’s requirements for accessory structures.

**Commissioner Lambeth** reported he visited the site prior to the meeting and he believed all of the rooflines were a 4/12 pitch. He stated his main concern with this request was getting a foundation under the new garage.

**Chair Thompson** explained this would be covered through the building permit process.

**Commissioner Jones** indicated if the garages were combined the site would have 960 square feet in garage space. He stated he would rather see the original garage added onto than to have two separate buildings.

**Chair Thompson** agreed with this comment.

**Commissioner Bartel** stated the subject property was recently purchased and the owners were well aware of the setbacks on this odd shaped lot.

**City Planner Bachler** stated the maximum allowed square footage for accessory structures was 728 square feet. He noted the City had a provision in place that allows for up to 1,458 square feet without the need for a variance if there are unusual circumstances that justify the deviation. This would require a Site Plan Review and not a variance. He explained if the structures were to be combined and did not exceed 1,458 square feet a Site Plan Review process could be followed going forward.

**Commissioner Bartel** stated he would be fine looking at a variance to extend the existing garage by 12 feet keeping it under the 728 square feet noting it would have to have the same building materials and shingles. He commented that anything other than that had too many moving parts. For this reason, he recommended denial of the variance request.

**Commissioner Bartel moved and Commissioner Gehrig seconded a motion to recommend denial of Planning Case 17-027 for two variances at 3415 Lake Johanna Boulevard, based on the findings of fact:**

**1. The variance would alter the essential character of the neighborhood.**

**Commissioner Jones** stated he could support the combining of the two buildings so long as the exterior of the buildings were kept in harmony with the home.

**Commissioner Gehrig** commented the original request was overreaching. For this reason, he supported the motion. He wanted to see the variances clearly identified versus trying to pass this request through.

**Commissioner Bartel** did not believe it was the Planning Commission's role to redesign this project after the fact. He did not want residents rewarded with variances when they acted against City Code.

**Chair Thompson** called the question.

**The motion carried unanimously (5-0).**

**B. Planning Case 17-028; Site Plan Review – 1504 Edgewater Avenue – *No Public Hearing Required***

**City Planner Bachler** stated the applicant has requested a Site Plan Review in order to keep an existing 8-foot by 8-foot, or 64 square foot, accessory storage shed recently installed at 1504 Edgewater Avenue. The City does not require property owners to obtain a permit for accessory structures less than 120 square feet in size and no permit was issued for the shed. The shed is located in front of the single-family dwelling on the property between Edgewater Avenue and the home. The shed is setback approximately 42 feet from the front property line along Edgewater Avenue and 55 feet from the secondary front property line on Ridgewood Road. The Zoning Code prohibits the placement of accessory structures on non-lakeshore lots between a public street and a dwelling.

**City Planner Bachler** indicated the shed is currently used to store a riding lawnmower, snow blower, and other yard tools. The applicant notes that the one-stall garage does not provide adequate space to store this equipment and that the shed was placed in the front yard due to a steep slope along the eastern and southern sides of the property that presents safety concerns for using a riding lawnmower.

Site Data

Land Use Plan: Low Density Residential

Existing Land Use:	Single Family Detached Residential
Zoning:	R-1: Single Family Residential
Current Lot Sizes:	20,473 square feet (0.47 acres)
Topography:	The property has a fair amount of grade change as the lot slopes from the southwest corner to the east and the north

**City Planner Bachler** reviewed the surrounding area and the Plan Evaluation. Staff offered the following Findings of Fact for review:

1. The property at 1504 Edgewater Avenue is located in the R-1 Single Family Residential Zoning District.
2. The lot is 20,473 square feet in size with approximate dimensions of 102 feet in width by 200 feet in depth.
3. The property currently consists of a single family dwelling with an attached garage and two accessory structures.
4. The property owner recently installed a new accessory storage shed in the front yard of the property measuring 64 square feet in size with dimensions of 8 feet by 8 feet.
5. Section 1325.01, Subd. 3 of the Zoning Code states that accessory structures shall not be located nearer the front lot line than the front yard setback line for the principal structure to which it is accessory.
6. Section 1325.01, Subd. 7 of the Zoning Code allows the City Council to approve a deviation from the accessory structure location requirement when exceptional and unusual circumstances exist on the property through the Site Plan Review process.
7. The accessory storage shed is setback approximately 42 feet from the front property line along Edgewater Avenue and approximately 55 feet from the secondary front property line along Ridgewood Road.
8. The existing conditions on the property meet the minimum lot coverage requirements for properties located in the R-1 Zoning District.
9. The accessory storage shed does not exceed the height limit of 15 feet for accessory structures.
10. Detached accessory structures up to 728 square feet are permitted structures in the R-1 Zoning District.
11. Properties used primarily for residential uses are permitted up to two accessory structures. There is one additional shed located on the property for a total of two accessory structures.
12. The accessory storage shed is located outside of the 100-year flood plain, wetlands, and easements.

**City Planner Bachler** stated the findings of fact provided do not directly support a recommendation for approval or denial. The Planning Commission will need to provide additional findings that support the reason for recommending approval or denial of this case. He noted that the Planning Commission may choose to place conditions on a recommendation to approve as well.

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

1. Recommend Approval

3. Recommend Denial
4. Table

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

**Commissioner Gehrig** asked what building materials were used to construct the shed.

**City Planner Bachler** deferred this question to the applicant.

**Chair Thompson** stated this was not a Public Hearing, but she opened the meeting for comments from the public.

**Senay Kindler**, 1536 Edgewater Avenue, offered her support for the shed. She explained the applicant would not be able to put the shed in the rear yard of the lot as it was heavily wooded. She indicated this was a unique lot with a large front yard that could accommodate the shed.

**Kathryn Reyerson**, 3201 Ridgewood Road, stated she sent an email to the City with her concerns. She feared a precedent would be set if this request were approved. She did not want to see a proliferation of requests coming before the City if the item were approved. She expressed concern with the aesthetics of the neighborhood and how it would be impacted by having a shed in the front yard. She recommended the Planning Commission require the applicant to follow City Code.

**Chair Thompson** requested the applicant respond to what the shed was made out of.

**Carrie Martinson**, 1504 Edgewater Avenue, reported the shed was made out of maintenance-free durable plastic. She explained she would be willing to plant shrubs around the shed if this assisted with addressing the aesthetics concerns.

**Commissioner Lambeth** reported the zoning code prohibits the placement of accessory structures between the façade of a house and the public street. He stated the current shed violates City Code. He explained that four neighbors have already expressed their displeasure with the appearance and location of this shed, which meant the shed was a source of discontent. He understood that the rear yard was not an option for the shed, which left the Planning Commission with few options for this request. He stated one option would be to deny the Planning Case because it violates zoning code and was not in keeping with the character of the neighborhood. He noted another option would be to approve the Planning Case with conditions, which would require screening or landscaping.

**Commissioner Jones** stated the shed was currently in the front yard, which was against City Code. While he could sympathize with the homeowner, he explained this was another case where the applicant was requesting approval after the fact. He indicated he could support moving the shed to the rear yard, but would not support its placement in the front yard.

**Commissioner Jones moved and Commissioner Bartel seconded a motion to recommend denial of Planning Case 17-028 for a Site Plan Review at 1504 Edgewater Avenue, based on the findings of fact in the January 10, 2018 Report to the Planning Commission, and the following additional findings of fact:**

1. **Accessory structures are not to be located between the façade of a house and the public street.**
2. **The property does not have unusual or unique circumstances that justify a deviation in the shed placement.**

**Commissioner Lambeth** discussed the topography and steep slope that was located on the property. He anticipated the shed could be located in the rear yard with a bobcat.

**The motion carried unanimously (5-0).**

**C. Planning Case 17-029; Preliminary Plat, Final plat, Vacation of Easement – 3685 New Brighton Road – *Public Hearing***

**City Planner Bachler** explained the existing property at 3685 New Brighton Road is approximately 1.9 acres in size and is comprised of a single-family residential dwelling, detached garage, and shed. The dwelling and accessory structures are located towards the eastern side of the property and the one access driveway for the lot is on New Brighton Road near the intersection with Thom Drive. The property is approximately 124 feet on frontage on New Brighton Road and 378 feet of frontage along Thom Drive.

**City Planner Bachler** commented the existing topography of the lot generally slopes west from New Brighton Road to a wetland complex located on the western parcel boundary. This wetland complex covers approximately 0.3 acres of the property and extends off the property to the north and south. The City has a sanitary lift station located on the southern edge of the property approximately in the middle of the lot. The remainder of the lot is heavily wooded.

**City Planner Bachler** reported the applicant has proposed a subdivision of the existing property to create three lots for single-family residential dwellings. The existing dwelling and other improvements would be retained and located on the proposed Lot 3. Two new lots (Lot 1 and Lot 2) would be located to the west of Lot 3 with frontage and driveways on Thom Drive. The existing access driveway for Lot 3 would be located to Thom Drive so that all three parcels are similarly oriented with their principal frontage on Thom Drive. There is a purchase agreement in place for the easterly lot (Lot 2) and the applicant expects construction to begin on this lot immediately if City approval is received. The westerly lot (Lot 1) is being marketed for sale.

**City Planner Bachler** stated in order to support the proposed development, a Preliminary Plat, Final Plat, and Vacation of Easement is requested. The easement vacation is needed to vacate a portion of the public utility easement for the City lift station on the property. The development is required to meet Rice Creek Watershed District regulations and the proposed grading plan shows that two basins would be constructed on Lot 1 to capture stormwater runoff from the site and allow it to discharge into the adjacent wetland. Lot 1 and Lot 2 would be graded to direct water flow from these properties to one of the two basins. The site is heavily wooded with 72 significant trees. A Tree Preservation Plan has been provided indicating 22 of these trees would be removed. Replacement tree plantings are proposed as part of the Tree Preservation Plan.

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:	83,253 square feet (1.91 acres)
Topography:	Property slopes east to west approximately 28 feet from New Brighton Road to the wetland complex on the western boundary.

**City Planner Bachler** reviewed the surrounding area, and the Plan Review. Staff offered the following Findings of Fact for review:

1. The property at 3685 New Brighton Road is located in the R-2 – Single and Two-Family Residential Zoning District.
2. The subject property is 83,253 square feet in size with approximately 124 feet on frontage on New Brighton Road and 378 feet of frontage on Thom Drive.
3. The subject property is currently comprised of a single-family residential dwelling, detached garage, and shed.
4. The City has an existing lift station located along the southern line of the subject property along Thom Drive. This lift station is located on private property and the City has a utility easement that permits the City to operate and maintain the lift station.
5. The applicant has requested a Preliminary Plat, Final Plat, and Vacation of Easement in order to subdivide the subject property to create three (3) lots for single-family residential dwellings.
6. The proposed Horita Acres subdivision meets the Minimum Subdivision Design Standards included in Section 1130 of the Arden Hills City Code.
7. The park dedication requirement for this application is six percent of the buildable land area in the subdivision or a park dedication fee of \$6,500 per lot. Six percent of the development would be 0.11 acres which would not allow for a feasible park area. The park dedication fee of \$6,500 per new lot will be applied in this case.
8. The proposed Horita Acres subdivision meets or will be required to meet the Required Improvements for subdivisions included in Section 1140 of the Arden Hills City Code.
9. The proposed Horita Acres subdivision would result in three (3) lots that would conform to the minimum lot area and dimension requirements for the R-2 District.
10. The R-2 District permits residential densities of up to five (5) units per net acre.
11. The proposed Horita Acres subdivision would have a density of approximately 1.86 units per net acre.
12. The proposed Lot 1 and Lot 2 could be developed for a single-family residential dwelling and meet the setback, lot coverage, height, and FAR requirements for the R-2 District.
13. The proposed Lot 3 would meet the lot coverage requirements for the R-2 District.
14. The existing dwelling on Lot 3 has a deck that would encroach into the proposed western side yard setback and within a drainage and utility easement.
15. The existing accessory structures on Lot 3 would meet the accessory structure setback requirements for the R-2 District.
16. Based on the submitted Tree Preservation Plan 193.5 caliper inches of new tree plantings are required based on the amount of significant tree caliper inches removed.
17. The applicant has proposed a Landscape Plan that includes 92.5 caliper inches of new tree plantings.
18. Section 1325.055 of the City Code states that replacement trees are required to be planted on the same site from which significant trees are removed, unless the City determines that

the number of replacement trees exceeds the number of trees that can practically fit on the site. The City may require the additional replacement trees be planted off-site, or a fee in lieu of the off-site plantings may be collected set as the cost of materials and installation, plus ten percent.

**City Planner Bachler** stated Based on the submitted plans and findings of fact, staff recommends approval of Planning Case 17-029 for a Preliminary Plat, Final Plat, and Vacation of Easement at 3685 New Brighton Road. If the Planning Commission votes to recommend approval of Planning Case 17-029, staff is recommending the twenty-two (22) conditions of approval listed below. The first recommended condition is that the Preliminary Plat approval be contingent on the City Council approval of the Vacation of Easement request, which will be reviewed at a public hearing on January 22, 2018. Staff noted the applicant has submitted a letter responding to the recommended conditions on tree replacement requirements and park dedication fees.

1. The Preliminary Plat approval shall be contingent upon City Council approval of the request to vacate a portion of the existing easement for the City lift station on the proposed Lot 2.
2. The Final Plat shall be revised to provide for a twelve (12) foot wide drainage easement to the north of the building pad site on the proposed Lot 2.
3. The Final Plat shall be revised to provide for a drainage easement around Basin 1 on the proposed Lot 1 at an elevation of 891.00, and for a drainage easement around Basin 2 on the proposed Lot 1 at an elevation of 889.00.
4. 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.
5. A Development Agreement shall be prepared by the City Attorney and subject to City Council approval. The Development Agreement shall be executed prior to execution of the Final Plat.
6. The Developer shall submit a park dedication fee in the amount of \$13,000, subject to the approval of the City Council. The park dedication fee shall be submitted prior to the execution of the Final Plat.
7. The Developer shall provide the City with a copy of the approved Rice Creek Watershed District Permit prior to the execution of the Final Plat by the City.
8. The developer shall file the Final Plat with the Ramsey County Recorder and provide the City with a recorded copy within sixty (60) days of approval.
9. The proposed project may require permits, including, but not limited to, MPCA-NPDES, Rice Creek Watershed District, Minnesota Department of Health, MPCA- Sanitary Sewer Extension, 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. Final grading and drainage plans shall be subject to approval by the City Engineer prior to the commencement of any construction on the site.
11. The Developer shall be required to meet the requirements as outlined in the memo from WSB & Associates dated December 7, 2017.
12. The signed Maintenance Agreement between the RCWD and the Developer for the drainage basins on Lot 1 shall be provided to the City before the issuance of any

- development permits. The City shall not be responsible for the maintenance of the drainage basins located on Lot 1.
13. Before construction, grading, or land clearing begins, trees or tree areas that are to be preserved shall be visibly marked and city-approved tree protection fencing or other method shall be installed and maintained at the critical root zones of the trees to be protected. The location of the fencing shall be in conformance with the approved tree preservation plan.
  14. A Letter of Credit in the amount of 125 percent of the cost of materials and installation for the required replacement tree plantings shall be provided prior to the issuance of a Grading and Erosion Control permit. The Letter of Cred shall be valid for two full years from the date of installation of the replacements trees.
  15. The Developer shall work with the City to find alternative locations for the 101 caliper inches of replacement trees off-site, or a fee in lieu of the replacement tress will be required equaling the cost of materials and installation plus ten percent, as determined by the City Council.
  16. Survey monuments shall be placed and installed at all block corners, angle points, points of curves in streets, and at intermediate points as shown on the Final Plat. Pipes or steel rods shall be placed at the corners of each lot.
  17. The Developer shall be required to stake metal markers along the drainage easement abutting the infiltration basis and wetland with signs stating the area is a natural vegetation/infiltration area and no dumping is allowed. The design of the signs shall be approved by the City prior to installation.
  18. Sewer and water for the subdivision shall be obtained by connections to the City water and sewer systems. Extension of City services shall be subject to review and approval by the City Engineer and all associated costs shall be the responsibility of the developer.
  19. A grading as-built and utility as-built plan shall be provided to the City upon completion of grading and utility work.
  20. The deck on the existing single-family dwelling at 3685 New Brighton Road shall be removed or modified in order to meet the side yard setback requirement and not encroach on any drainage and utility easement prior to the issuance of a building permit for Lot 1 or Lot 2, or the Developer shall be required to submit a cash escrow with the City to ensure the removal of the deck within six (6) months from the approval of the Final Plat.
  21. The driveway for the existing single-family dwelling at 3685 New Brighton Road shall be relocated to Thom Drive prior to the issuance of a building permit for Lot 1 or Lot 2, or the Developer shall be required to submit a cash escrow with the City to ensure the relocation of the driveway within six (6) months from the approval of the Final Plat.
  22. The Developer shall conform to all other City regulations.

**City Planner Bachler** summarized the comments he has received from concerns residents and 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 Jones** asked if the DNR would also have to review this request.

**City Planner Bachler** explained the DNR does not have jurisdiction over this waterway. He provided further comment on the RCWD's permitting process and noted the applicant was in the process of applying for a permit from this organization.

**Commissioner Bartel** requested further information regarding the easement.

**City Planner Bachler** commented that the City has an easement for operating the lift station on the property and noted that the proposal was to modify the dimensions of the easement. He reported the change to the easement would not impact the operation of the lift station.

**Public Works Director/City Engineer Polka** noted this lift station was reconstructed in 2012 and the area requested to be vacated was not part of any necessary construction area.

**Commissioner Bartel** asked what the minimum lot size was for the City of Arden Hills.

**City Planner Bachler** stated the minimum lot size was 11,000 square feet in the R-2 zoning district.

**Commissioner Lambeth** questioned if there had been any thought given to the use of imported fill to make this site buildable and what impact this might have on erosion control.

**City Planner Bachler** indicated he was uncertain as to the amount of fill that would have to be brought in. He recommended the applicant address this question. He noted that a Grading and Erosion Control permit would be required for the proposed subdivision.

**Chair Thompson** opened the public hearing at 8:17 p.m.

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

**Joe Federer**, 3695 New Brighton Road, stated he sent a lengthy letter to the City. He described how the proposed request would drastically impact his house. He discussed the privacy in his neighborhood along with the number of trees. He reported he was told in 2012 that the subject property was undevelopable. He commented on the amount of wetland in Tim Horita's backyard and expressed concern with the development of this property. He provided further comment on the history of the easement on this property. He described the energy efficiency methods that were used in constructing his home noting his windows cannot be covered during the day. He explained with homes being constructed as proposed he would need to have blinds and he would not be able to effectively heat his home. He stated it would cost him \$10,000 to \$11,000 to install a furnace and an additional expense would be incurred to install blinds on the exterior of his home, which would be another \$15,000. He stated he could not afford to make these improvements when the heat for his home was currently free. He believed that the proposed homes would be injurious to adjacent tracts. Lastly, he indicated it would not be desirable to add three driveways to Thom Drive.

**Jewell Perry Martin**, 3670 New Brighton Road, stated she lives next to Perry Park. She explained she was born and raised on New Brighton Road. She discussed the quaint neighborhood she lives in and did not support the construction of new homes in the lowland. She believed this area was made to be natural wetlands. She feared the new homes would destroy the wetlands and recommended the Planning Commission deny this request.

**Andy Berg**, 3744 Brighton Way, indicated he opposed this project. He stated the developer was trying to cram three homes onto a property with a wetland. He expressed concern with how the wetland would be impacted. He asked if this development would have funds set aside to protect and maintain the wetland. He commented he was concerned with the amount of trees that would be lost, along with the vacation of the sewer easement. He questioned if the City would be able to adequately maintain the lift station if the easement were decreased in size. He inquired who would be paying for the retaining wall next to the lift station. He noted Thom Drive was not a standard City street as it was only 23 feet wide. He stated he feared how Thom Drive would be impacted by the additional traffic from the three proposed driveways.

**Ivan Gilbert**, 3707 New Brighton Road, stated he understood the three lots met the City's standards but reported the new homes would change the character of the neighborhood. He explained he has lived in his home for 42 years. He indicated he moved to this area of Arden Hills for the view and openness of the surrounding area. He feared how his neighborhood would be impacted by cramming three homes onto this property.

**Dick Kotoski**, Coldwell Banker Burnett and representative for the applicant, discussed the amount of fill that would be brought onto the property noting it would not be extensive. He anticipated fill would only be placed on the building pads.

**Commissioner Jones** questioned why the applicant had requested the cottonwood trees not be counted as significant trees.

**Mr. Kotoski**, stated in 2013 the City drafted a newsletter article that claimed buckthorn and cottonwoods were a nuisance. He provided the Planning Commission with a copy of this article. He commented on the expense the developer would have to incur to mitigate and replace the trees for this development. He stated most of the trees in the area of basin one were cottonwoods. He understood that these were heavily wooded lots and noted the lots would remain heavily wooded.

**Chair Thompson** requested further information on the RCWD permit.

**Mr. Kotoski** explained the developer has been in talks with them. He stated he did not anticipate any problems in receiving a permit from the watershed district.

**Chair Thompson** asked if the stormwater management plan was in progress.

**Mr. Kotoski** reported this was the case.

**Commissioner Jones** questioned if this roadway ever floods at the low point.

**Mr. Kotoski** stated he was uncertain but noted a culvert was in place.

**Commissioner Lambeth** inquired if this property was currently for sale and asked if there were any contingencies.

**Mr. Kotoski** commented this was the case and noted he was the broker for this transaction. He reported the sale of the property was contingent upon the lot splits. He noted he had offers already for both lots.

**Ashley Farmer**, resident of New Brighton, stated she was hoping to purchase Lot 2. She explained she and her husband worked for the New Brighton Fire Department and her husband was a police officer. She indicated they both enjoy giving back to their community. She addressed some of the concerns raised by the public. She stated she wanted the same things as these neighbors, which was the privacy, woods and nature. She understood this was a quaint and desirable neighborhood and she hoped to be able to live in this area too.

**Eric Sandard**, 3731 New Brighton Road, stated this was a difficult issue for him as there were many moving parts. He explained he was opposed to this proposed project as it was a money-making scheme. He encouraged the City to not let this sway their decision on the matter. He expressed concern with the great loss of trees as well. He discussed the character of the neighborhood and stated the three proposed houses would be out of character as they would be crammed tightly together. For this reason, he recommended the Commission not support the request as it was not in keeping with the character of the neighborhood.

**Brian Jorgensen**, 1978 Thom Drive, expressed concern with who would be maintaining the basins and stormwater ponds.

**Dan Aberg**, 3766 Brighton Way North, stated he was concerned with safety along New Brighton Road given the number of homes that have been added to this area of the City. He stated there has been an influx of homes and families, which was making traffic hazardous. He feared how the neighborhood would be impacted by three additional homes.

There being no additional comment Chair Thompson closed the public hearing at 8:47 p.m.

**Commissioner Bartel** asked if Thom Drive would ever be expanded or widened.

**Public Works Director/City Engineer Polka** stated the City did not have plans to widen this roadway as it serves a small number of homes. She reported the City had 50 feet of right-of-way along this street if the roadway needed to be widened in the future.

**Chair Thompson** questioned if the City had any plans to add trails in this area.

**City Planner Bachler** indicated the City's Comprehensive Plan includes a future pathway on New Brighton Road, but that this trail had not yet been budgeted for.

**Commissioner Jones** expressed concern with the number of wholes in this project, noting the plans were incomplete. He stated he would like to have more information regarding the drainage and stormwater runoff plans. He indicated he also did not approve of the removal of the cottonwood trees. He commented he would like to table action on this item until the City had all

of the necessary plans in place, and to learn if the watershed district offered the applicant a permit.

**City Planner Bachler** commented staff was not recommending the cottonwood trees be excluded from the tree preservation plan. He reported it was common for Planning Cases to be reviewed by different government entities and noted the Planning Commissions could choose to table this request.

**Public Works Director/City Engineer Polka** noted the plans presented to the watershed district were also incomplete and explained there were questions regarding the storm basins.

**Chair Thompson** stated she appreciated the comments from Commissioner Jones and from staff. She commented that because of the topography and the uncertainty on the wetlands she wanted to be assured the watershed district supported this project and that all information was complete. She understood that new developments were not always welcomed, but noted the City had to follow the zoning code. She questioned if staff had considered how the neighborhood would be impacted by three additional driveways.

**City Planner Bachler** stated a traffic study was not completed and was typically only required for larger developments.

**Commissioner Jones moved and Commissioner Lambeth seconded a motion to table Planning Case 17-029 for a Preliminary Plat, Final Plat, and Vacation of Easement at 3685 New Brighton Road to the February 7, 2018 Planning Commission meeting, based on the fact the Planning Commission requires further information on the proposed plans. The motion carried unanimously (5-0).**

## **UNFINISHED AND NEW BUSINESS**

### **A. Draft 2018 Work Plan**

**City Planner Bachler** stated the City Council will be asking the Planning Commission to join them for a joint Work Session in early 2018 to discuss the Work Plan for the upcoming year. To assist in that discussion, staff would like the Planning Commission to provide input on topics that might be addressed at this meeting. While the Council will make the final determination as to the goals and priorities for the coming year, it will be useful for them to have input from the Planning Commission.

**City Planner Bachler** reported the Planning Commission differs from the City's other committees and commissions in that the purpose and scope of the Commission's work is largely determined by State Statute. The majority of the Planning Commission work plan is dedicated to continuing the work of evaluating and providing recommendations on land use applications, zoning code amendments, and other planning related items that come before the City.

**City Planner Bachler** explained the City began work on the 2040 Comprehensive Plan in March 2017 and the Planning Commission has provided input throughout the update process. The Comprehensive Plan is expected to be completed in early 2018. The Planning Commission is

expected to review a draft of the entire Comprehensive Plan in February and to hold a public hearing on the plan in March.

**City Planner Bachler** indicated the Land Use chapter in the 2040 Comprehensive Plan includes several recommendations for additional planning studies and evaluations of existing zoning regulations. After the Comprehensive Plan is approved, the City Council and Planning Commission will need to evaluate which of these recommendations should be prioritized for 2018. This may add additional tasks to the 2018 Work Plan.

**City Planner Bachler** commented in 2017, the Planning Commission began the work of reviewing the existing Sign Code and how neighboring communities regulate signage. Staff has continued to work on this item throughout 2017 and expects to complete the review and make any recommended changes between April and July 2018.

**City Planner Bachler** explained the Army was working on an optimization study for the TCAAP property for the groundwater treatment on the site. He anticipated this would be completed during the first quarter of 2018. He indicated staff would be working on infrastructure plans for TCAAP during the coming year as much of this work would begin in 2019.

**Commissioner Jones** asked if the City would be addressing parking behind buildings. He recommended the Commission address this matter prior to the expansion of Lexington Station.

**City Planner Bachler** stated the B-2 and B-3 district design standards were on the 2017 work plan. He understood concerns have been raised regarding the parking situation at the Goodwill and other site. He commented that this matter could be addressed by the City Council and Planning Commission in 2018.

## **REPORTS**

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

**Councilmember Scott** introduced himself to the Planning Commission and provided the group with an update on staffing changes that have occurred at City Hall. He congratulated Dave Perrault on his new appointment as City Administrator and welcomed Sue Polka to the City of Arden Hills. He noted Matthew Bachler was promoted from Senior Planner to City Planner. He thanked all of the residents that spoke to the Commission this evening.

**Councilmember Scott** updated the Planning Commission on activities from the November 13, 2017 City Council Regular Meeting stating the City Council approved Planning Case 17-026 for minor modifications to the Site Plan for the expansion of the Boston Scientific sterilization facility (approved in Planning Case 17-013). The modifications included an expanded paved area adjacent to the facility, a wider curb cut for the existing driveway on Cummings Park Drive, and a reduction in the length of the center island on Cummings Park Drive. The changes to the approved Site Plan were deemed minor and the requirement for a public hearing was waived by the City Council.

**Councilmember Scott** updated the Planning Commission on activities from the November 27, 2017 City Council Regular Meeting stating the City Council approved Planning Case 17-024 for a PUD Amendment at 1160 County Road E. The approval will allow Arden Square to complete site modifications to accommodate a drive-thru lane for Dunn Brothers Coffee. The City Council approved amendments to the plans regarding traffic control at the southwest corner of the site, signage illumination, and the size of the wall sign on the south building façade.

**Chair Thompson** welcomed Councilmember Scott to the Planning Commission.

The Planning Commission members introduced themselves to Council Liaison Scott.

**Councilmember Scott** thanked each of the Planning Commissioners for their service to the community.

#### **B. Planning Commission Comments**

**Chair Thompson** noted the Planning Commission had an open seat at this time for a member and anyone interested in serving in this capacity were encouraged to contact City Hall for further information.

#### **C. Staff Comments**

None.

#### **ADJOURN**

**Commissioner Jones moved, seconded by Commissioner Bartel, to adjourn the January 10, 2018, Planning Commission Meeting at 9:23 p.m. The motion carried unanimously (5-0).**