



Approved: August 4, 2021

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**CITY OF ARDEN HILLS, MINNESOTA  
PLANNING COMMISSION  
WEDNESDAY, JUNE 9, 2021  
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 Paul Vijums called to order the regular Planning Commission meeting at 6:30 p.m. Due to the COVID-19 pandemic this meeting was held virtually.

**ROLL CALL**

Present were: Chair Paul Vijums, Commissioners Steven Jones (joined the meeting at 7:25 p.m.), Subbaya Subramanian, Kurtis Weber, and Clayton Zimmerman.

Absent: Commissioners Marcie Jefferys, and Jonathan Wicklund.

Also present were: City Administrator Dave Perrault, Planning Consultant Jane Kansier, Planning Consultant Corrin Bemis, and Councilmember Fran Holmes.

**APPROVAL OF AGENDA – JUNE 9, 2021**

Chair Vijums stated the agenda will stand as published.

**APPROVAL OF MINUTES**

*May 5, 2021 – Planning Commission Regular Meeting*

**Commissioner Zimmerman moved, seconded by Commissioner Weber, to approve the May 5, 2021, Planning Commission Regular Meeting as presented. A roll call vote was taken. The motion carried unanimously (4-0).**

**PLANNING CASES**

- A. **Planning Case 21-010; Amendment to Chapter 6 of the 2040 Comprehensive Plan as it Relates to PUD's – *Public Hearing***

**Planning Consultant Kansier** stated Arden Hills RE, LLC, has submitted an application for an amendment to Chapter 6 of the Arden Hills 2040 Comprehensive Plan. The proposed amendment grants the City the ability to increase density above the permitted 20 units per acre

via the utilization of a Planned Unit Development in areas guided for Community Mixed Use on the Land Use Plan.

**Planning Consultant Kansier** explained at its February 17, 2021, meeting, the City Council approved a Conditional Use Permit, Planned Unit Development, Site Plan, and Zoning Code Amendment for New Perspective Senior Living at 2 Pine Tree Drive. The original approval included a 4-story senior housing facility with 146 units, including 113 assisted living units and 33 memory care units.

**Planning Consultant Kansier** reported as part of this approval, the City Council adopted an amendment to the Zoning Ordinance which allowed 1 memory care unit to be counted as .5 dwelling units. As a result of this amendment, the number of units used to calculate density on the site is 129. The proposed development site is approximately 6.4 acres and has a net density of 20 units per acre. Since the City Council approved this development, the applicant has reviewed the plans and determined there is a need for additional units due to strong demand and operational efficiencies. The applicant has filed an application to amend the approved PUD, which will be considered under Item 3.C. The amended PUD included a 120 assisted living units and 29 memory care units, for a total of 149 units. The net density is 22 units per acre, which exceeds the maximum density of 20 units per acre permitted in the Community Mixed Use designation.

**Planning Consultant Kansier** reviewed the Plan Review and provided the Findings of Fact for review:

1. Minnesota state law requires that all communities within the Minneapolis-St. Paul metropolitan area update their Comprehensive Plans every ten years.
2. The purpose of the Comprehensive Plan is to establish the policies that guide the future physical and community development of Arden Hills.
3. The Metropolitan Council has previously approved similar amendments adding language supporting increasing the densities above the maximum permitted in a specific land use district.
4. The proposed amendment only affects the Community Mixed Use designation located east of Snelling Avenue and south of County Road E.
5. The proposed amended language has been discussed with the Metropolitan Council.

**Planning Consultant Kansier** recommended approval of Planning Case 21-010 for a 2040 Comprehensive Plan Text Amendment, based on the findings of fact and the report submitted to the Planning Commission on June 9, 2021.

**Planning Consultant Kansier** 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 Vijums** opened the floor to Commissioner comments.

**Commissioner Subramanian** requested further information regarding the 15% increase in units per acre.

**Planning Consultant Kansier** explained as the language is written now, a 15% increase would be allowed in the units per acre which would allow for 23 units per acre.

**Commissioner Weber** asked if the area north of County Road E was excluded from this change.

**Planning Consultant Kansier** stated this was the case.

**Commissioner Weber** questioned if the proposed development could be achieved through a variance.

**Planning Consultant Kansier** explained this could not be done because variances could not be granted to the Comprehensive Plan.

**Commissioner Weber** expressed concern with the amount of latitude that was being granted through the proposed language change. He indicated this amendment required Planning Commission consideration and Council approval. He stated he was concerned that a public hearing was not held for this matter.

**Commissioner Zimmerman** stated it appears amenities have been taken away from independent living units in order to increase the density for tenants that need additional services and would no longer have access to a movie theater or restaurant.

**Planning Consultant Kansier** reported this would be covered more clearly in the next Planning Case. She indicated this may not be the case, as amenities were just rearranged.

**Chair Vijums** commented he read the next Planning Case and noted there was more room for a chapel and theater if they were combined. He stated this was a more efficient use of the space and the amenities were not going away. He agreed this Planning Case was worthy of a public hearing and understood this would be done at the City Council meeting.

**Councilmember Holmes** explained the City Council would be holding a public hearing. She requested clarification on the area where the amendment would apply.

**Planning Consultant Kansier** reviewed a map noting the parcels that would be included in the proposed code amendment.

**Chair Vijums** questioned who designated the areas within the amendment.

**Planning Consultant Kansier** stated this would have been done within the Comprehensive Plan update which was adopted a little over a year ago.

**Chair Vijums** commented there may be more concern about the language itself than the area that is being covered. He discussed how this area of Arden Hills would be impacted if all of the areas in pink were high density residential and noted this was a concern to him.

**Commissioner Zimmerman** and **Commissioner Weber** concurred with this statement.

**Chair Vijums** suggested the area in pink be further reviewed by the City Council. He stated he supported the senior housing being approved for high density tonight.

**Commissioner Weber** supported the density proposed for the senior living development. He commented given the breadth of the land uses within this district and the number of buildings, he was not entirely sure all of this area should be zoned high density residential. He proposed the Planning Commission changing the language prior to this matter going to the City Council.

**Chair Vijums** suggested the Planning Commission approve the density for the senior living parcel only and recommended an amendment be made to have the City Council reconsider all other areas in pink.

**Commissioner Weber** stated the biggest hang up for him was the fact a public hearing was not planned for this matter planning case.

Further discussion ensued regarding the fact this item was not properly noticed with Zoom links for the public hearing.

**Councilmember Holmes** explained the Planning Commission can open and close the public hearing prior to making a decision this evening.

**Chair Vijums** opened the public hearing at 7:12 p.m.

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

There being no comment Chair Vijums closed the public hearing at 7:13 p.m.

**Chair Vijums** stated based on Commissioner Weber's comments, the Planning Commission could hold a separate meeting that readdresses this matter that gives the opportunity for a public hearing or comments could be taken at the City Council meeting. He questioned how the Commission wanted to proceed.

**Commissioner Weber** indicated he would be open to attending another meeting.

**Commissioner Zimmerman** concurred.

**Chair Vijums** asked if a special planning commission meeting could be held next week.

**City Administrator Perrault** reported staff would need three days to properly notice the meeting. He explained each of the items on the agenda tonight would require a public hearing and he asked if the Commission would be deferring each item.

**Commissioner Weber** stated he did not see a need to defer the other items on the agenda, but rather this was a unique item.

**Chair Vijums** proposed the Planning Commission table action on this item tonight.

**Councilmember Holmes** commented this item was similar to another item that was not properly noticed by staff and noted the Planning Commission could table action on this item to July versus trying to hold a special meeting.

**City Administrator Perrault** recommended the applicant speak to this as they may have a deadline in July.

**Florent Ilazi**, representative for the applicant, reported he does have a very specific deadline with the Minnesota Department of Health to have a completed permit application submitted to the building department with the City of Arden Hills before July 31, 2021 in order to meet building code requirements. He discussed how the building code would change on August 1, 2021 which would require new drawings for this project. He requested the Planning Commission hold a special meeting versus tabling action to July.

**Alex Brewer**, representative for the applicant, explained there was a sense of urgency in order to get a building permit submitted by the July 31<sup>st</sup> deadline. He stated it was critical for his organization to understand if they should be making a significant investment in Arden Hills in this uncertain environment. He discussed how the conservative lending situation has impacted this project, along with the rising cost of building materials.

**Commissioner Weber** asked if there was any way to take action on just this property tonight.

**Planning Consultant Kansier** stated the Planning Commission did have the ability to make that recommendation and discussed how the language could be amended to address this parcel.

**Commissioner Zimmerman** indicated he could support the Planning Commission moving forward in this manner.

**Chair Vijums** commented this was his original thought, to approve the density for the senior housing parcel and anything outside this would have to be further reviewed by the City Council.

**Commissioner Jones** joined the meeting at 7:25 p.m.

**Chair Vijums moved and Commissioner Zimmerman seconded a motion to recommend approval of Planning Case 21-010 for a 2040 Comprehensive Plan Text Amendment, based on the findings of fact and the report submitted to the Planning Commission on June 9, 2021, amending the stated language to read any other development inside the circle on the map will be subject to the current code except for the 2 Pine Tree Drive property. A roll call vote was taken. The motion carried unanimously (5-0).**

**B. Planning Case 21-012; 2 Pine Tree Drive – New Perspective Senior Living – Amendment to the Approved Planned Unit Development – *Public Hearing***

**Planning Consultant Kansier** stated at its January 25, 2021 meeting, the City Council approved a Conditional Use Permit for the property at 2 Pine Tree Drive. On February 8, 2021, the Council subsequently approved a Planned Unit Development and a Site Plan for this development. The

Council's approval allowed the applicant to construct a 192,390 square foot, four (4) story multi-family senior living facility on site. The proposed senior living facility will feature 146 units, with 113 units of independent or assisted living and thirty-three (33) units devoted to memory care. The overall density of the approved project is 20 units per acre. The project also includes such amenities as a pool, library, movie theater, dog run, playground for young visitors, lawn bowling, salon and spa, bistro/bar and onsite physical therapy and wellness services. This facility will staff 80 employees and the anticipated max shift size is 34. Staff will be onsite 24 hours a day. The property is zoned B-2 (General Business District) and is guided as Community Mixed Use (CMU) in the Land Use Plan. The CMU designation allows a maximum density of 20 units per acre.

**Planning Consultant Kansier** reviewed the Proposal and Use, the Plan Evaluation and provided the Findings of Fact for review:

1. The Applicant submitted an application for a Planned Unit Development, Conditional Use Permit, Site Plan and Zoning Amendment.
2. The Subject Property is located within the B-2 General Business District and is guided as CMU, Community Mixed Use on the Land Use Plan.
3. The Subject Property is located on approximately 6.40 acres and currently features open space with a wooded area around the wetlands with a segment of the existing Anderson Center trail system running through the site.
4. The Applicant received approval of a PUD, CUP and Site Plan to construct a 192,390 square foot, 4 story multi-family senior living facility on site.
5. The approved senior living facility features 146 units, with 113 units devoted to independent or assisted living and 33 units devoted to memory care.
6. The applicant is now proposing an amendment to the approved PUD and CUP to increase the number of units to 149, including 120 units devoted to independent or assisted living and 29 units devoted to memory care.
7. The change in units is accommodated within the existing building footprint. No changes are proposed to the site plan or building elevations.
8. Flexibility through the PUD process was granted in the following areas: parking stall count requirements, building height, permitted number of efficiency units and tree mitigation.
9. The proposed development plan meets or exceeds the minimum requirements of the City Code in the following areas: building setbacks, landscape coverage, parking setbacks, planting islands, tree selection, floor area ratio, drainage wetlands and flood plain tree selection, lighting, screening and aesthetics.
10. Where the plan is not in conformance with the City Code, flexibility has been requested by the Applicant and/or conditions have been placed on an approval that would mitigate the nonconformity.
11. A traffic study was required and was completed by SRF. The proposed development should not generate much additional traffic and is not expected to impact overall traffic operations within the study area. The use does not add enough traffic to require any geometric or traffic control changes.
12. The application is not anticipated to create a negative impact on the immediate area or the community as a whole.
13. Existing public facilities will be able to absorb the additional demand for public services needed for the proposed use.

14. The maximum dwelling unit density per net area that is allowed within the B-2 District is 20 units per acre. The applicant has requested an amendment to the Comprehensive Plan to allow a 15% increase in density through the PUD process.

**Planning Consultant Kansier** recommended approval of Planning Case 21-012 for an amendment to the approved Planned Unit Development and Conditional Use Permit at 2 Pine Tree Drive, based on the findings of fact and submitted plans, subject to the following conditions:

1. All conditions of the Master PUD and Preliminary Plat approval shall remain in full force and effect.
2. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to the plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
3. The Conditional Use Permit and Planned Unit Development approvals shall expire one year from the date of City Council approval unless a building permit has been requested or a time extension has been granted by the City Council. The City Council may extend the expiration date of such approval upon written application by the person to whom the approval was granted.
4. A violation of any condition set forth in the permit shall be a violation of this Code, and shall be cause for revocation of the permit.
5. A Development Agreement shall be prepared by the City Attorney and subject to City Council approval. The Development Agreement shall be fully executed prior to release of a building permit.
6. The Applicant shall be financially responsible for all applicable water and sanitary charges. Rates applied shall be those in effect at the time of Final Plat approval and shall be memorialized in the Development Agreement.
7. Prior to the issuance of a grading permit, all items identified in the December 21, 2020 Engineering Division memo shall be addressed. All comments shall be adopted herein by reference.
8. Prior to the issuance of a building permit, a landscape financial security of \$50,000.00 dollars shall be submitted. Landscape financial security is held for two full growing seasons.
9. For any landscaping or screening that is not in accordance with the approved landscaping plan at the end of two growing seasons, the applicant shall replace the material to the satisfaction of the city before the guarantee is released. Where this is not done, the city, at its sole discretion, may use the proceeds of the performance guarantee to accomplish performance.
10. The Applicant shall submit cash contribution in lieu of land dedication. The cash payment shall be determined based on the fair market of 20 percent of the land that would otherwise be dedicated to the City. The park dedication fee shall be submitted prior to the issuance of a building permit.
11. Prior to the issuance of a grading and erosion permit, planning staff shall approve in writing the final landscaping plan.
12. Prior to the issuance of a grading and erosion control permit the Applicant shall work with the City to locate the additional caliper inches of replacement trees on the site or on

- the adjacent properties. If the replacement trees cannot be reasonably accommodated on the site, the applicant shall provide a fee in lieu of plantings in the amount of \$50,000.
13. All light poles, including base, shall be a maximum of 25 feet in height and shall be shoebox style, downward directed, with high-pressure sodium lamps or LED and flush lenses. Other than wash or architectural lighting, attached security lighting shall be shoebox style, downward directed with flush lenses. If complaints are received the lighting adjacent to residential uses shall utilize house shields as directed by the City. In addition, any lighting under canopies (building entries) shall be recessed and use a flush lens.
  14. A grading as-built and utility as-built plan shall be provided to the City upon completion of grading and utility work.
  15. Prior to issuance of a sign grading and erosion control permit, the applicant shall provide City staff with written approval from Bethel University, the owner of Outlot A, permitting the placement of landscaping on their property.
  16. Prior to issuance of a sign permit, the applicant shall provide City staff with written approval from Bethel University, the owner of Outlot A, permitting the construction of the proposed monument sign on their property and offsite signs are not permitted.
  17. Prior to issuance of a sign permit, the applicant shall provide City staff with written approval from Lake Johanna Fire Department, the owner of Lot 2, Block 1, on permitting the placement of landscaping on their property.
  18. No exterior storage shall be permitted.
  19. All rooftop or ground mounted mechanical equipment shall be hidden from view with the same materials used on the building in accordance with City Code requirements.
  20. All fencing and retaining wall materials shall be complementary to the building materials and shall be approved in writing by the Planning Division prior to issuance of a building permit. Retaining walls greater than four (4) feet in height shall be engineered and detailed calculations shall be submitted to the City.
  21. A Grading and Erosion permit shall be obtained from the City's Engineering Department prior to commencing any grading, land disturbance or utility activities. The Developer shall be responsible for obtaining any permits necessary from other agencies, including but not limited to, MPCA, Rice Creek Watershed District, Ramsey County and MNDOT prior to the start of any site activities.
  22. A grading as-built and utility as-built plan shall be provided to the City upon completion of grading and utility work.
  23. The Applicant shall be responsible for protecting the proposed on-site storm sewer infrastructure and components and any existing storm sewer from exposure to any and all stormwater runoff, sediments and debris during all construction activities. Temporary stormwater facilities shall be installed to protect the quality aspect of the proposed and existing stormwater facilities prior to and during construction activities. Maintenance of any and all temporary stormwater facilities shall be the responsibility of the Applicant.
  24. The Applicant shall provide an executed copy of the City's standard stormwater maintenance and easement agreement prior to approval of the Development Agreement.
  25. The bond or surety shall be provided prior to the issuance of any building or grading permits and shall be valid for two full years from the date of installation, or three years in the case of an extended timeline. The total surety shall be addressed in the Development Agreement.

26. All disturbed boulevards shall be restored with sod. All areas of the site, where practical, shall be sodded or seeded and maintained. The property owner shall mow and maintain all site boulevards to the curb line of the public streets.
27. The maximum number of units permitted onsite is 149 units.
28. The Applicant shall be financially responsible for all applicable water and sanitary charges. Rates applied shall be memorialized in the Development Agreement.
29. Prior to the issuance of a land disturbance permit, the Applicant shall submit an operation and maintenance plan for the long-term care of all on-site and off-site stormwater, sanitary sewer, and water main to the City for review and approval. The Applicant will be responsible to carry out these operation and maintenance activities and to submit the appropriate documentation to the City as specified.
30. Any future trash enclosures shall utilize wooden gates and be constructed on three sides using the same materials and patterns used on the building. Locations shall be approved by the Planning Department.
31. This approval does not include signs. A separate sign permit is required for all proposed signage. All signage shall meet the requirements of Sign District 4.
32. The Applicant shall provide a cross parking agreement with Bethel University for the City Attorney to review and for the City Council's approval prior to the approval of the Developer Agreement.
33. In the event where noise from the loading and delivery area is audible from an adjacent residential district, the activity shall terminate between the hours of 6:00 p.m. and 6:00 a.m.
34. The applicant shall construct the trail as shown on the site plan, shall allow unrestricted public use and shall plow, maintain and upkeep the trail.

**Planning Consultant Kansier** 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 Vijums** opened the floor to Commissioner comments.

**Commissioner Weber** asked if the applicant would be installing an elevator that goes from the garage to the new chapel on the third level.

**Florent Ilazi**, representative for the applicant, reported there would be an elevator that goes from the garage to the chapel area, and all floors in between. He reported the amenities that were previously proposed have not been removed, but rather have been relocated within the footprint of the building.

**Commissioner Weber** stated he had concerns with the density originally and he was pleased to learn there were other developments with significantly higher densities in other communities. He thanked the applicant for clarifying that the amenities had not been lost.

**Commissioner Jones** commented his concern was with the lack of parking on the site.

**Mr. Ilazi** explained the underground parking would be reserved for residents and the surface lots would be utilized by tenants, visitors and employees. He discussed the parking need he has found in his other senior living communities. He reported he has been working with Bethel University in order to have 25 additional stalls for overflow parking.

**Commissioner Subramanian** questioned if 210 or 108 parking stalls was required.

**Mr. Ilazi** stated the tabled that was shown by staff described the City's parking requirements. He commented based on his need and the 20+ communities that he has built in the Midwest, he shows a need for 108 parking stalls. He explained he was providing 95 parking stalls onsite and had arranged with Bethel University to have an additional 25 parking stalls.

**Planning Consultant Kansier** commented on the parking need differences for multi-family housing units versus senior living developments.

**Commissioner Subramanian** asked if a parking deficiency of 50% would be sufficient for this property.

**Alex Brewer**, representative for the applicant, discussed how his team calculated the parking need and stated he was leaning on his partner New Perspective. He stated New Perspective had over 20 years of experience in this market with over 20 senior living developments in the Midwest. He indicated parking was one of the first things that was discussed for new developments, along with the amount of land that was required.

**Commissioner Subramanian** encouraged the applicant to consider the future needs of these residents and not just the past needs.

**Mr. Brewer** stated he was basing the parking needs on the past and current needs of senior residents.

**Commissioner Weber** requested further information regarding the 25 parking stalls with Bethel University. He asked if there was a specific set of 25 stalls being set aside for the senior living development or would this be a random set of parking spaces.

**Mr. Brewer** reported he was working to identify 25 parking spaces that were available for the cross access agreement. He commented major holidays were the main times parking was a concern.

**Commissioner Jones** supported the proposed shared parking with Bethel University. He anticipated the Bethel parking lot would be close to empty on major holidays. He thanked Mr. Brewer for clarifying this matter and noted he would withdraw all of the concerns he had regarding parking.

**Chair Vijums** opened the public hearing at 7:59 p.m.

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

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

**Commissioner Jones moved and Commissioner Weber seconded a motion to recommend approval of Planning Case 21-012 for an amendment to the approved Planned Unit Development and Conditional Use Permit at 2 Pine Tree Drive, based on the findings of fact and submitted plans, subject to the thirty-four (34) conditions in the June 9, 2021, report to the Planning Commission. A roll call vote was taken. The motion carried unanimously (5-0).**

**C. Planning Case 21-013; 1275 Red Fox Road – Conditional Use Permit to Allow a Place of Worship in the I-Flex District – *Public Hearing***

**Planning Consultant Kansier** stated Grove Church has submitted an application for Conditional Use Permit to convert an existing office and industrial building into a church, with an auditorium, offices, classrooms, a coffee bar and a bookstore. The property is located at 1275 Red Fox Road, is zoned I-Flex, and is designated for Mixed Business uses on the 2040 Comprehensive Land Use Plan. The proposed development site is approximately 5 acres in size, and is the location of a vacant 2- story office and industrial building, approximately 39,436 square feet in size. At their March 22, 2021, meeting, the City Council reviewed a concept plan for this development. On May 24, 2021, the City Council approved an amendment to the Zoning Ordinance to allow places of worship as a conditional use permit in the I-Flex district.

**Planning Consultant Kansier** reviewed the surrounding area, site data, the Plan Evaluation and provided the Findings of Fact for review:

1. The property located at 1275 Red Fox Road is designated for Mixed Business uses on the 2040 Comprehensive Plan.
2. The applicant has requested a Conditional Use Permit in order to remodel the existing vacant building on the site for use as a place of worship.
3. Places of worship area allowed as a conditional use in the I-Flex District.
4. The CUP substantially conforms with the requirements of the City Code.
5. Where the plan is not in conformance with the City Code, conditions of approval have been placed on an approval requiring the plans be adjusted to meet City Code.
6. The adjacent properties to the east and west are zoned I-Flex and are guided for Mixed Business uses in the Arden Hills 2040 Comprehensive Plan.
7. The property to the south is zoned I-Flex and is guided for Industrial uses in the Arden Hills 2040 Comprehensive Plan.
8. The application is not anticipated to create a negative impact on the immediate area or the community as a whole.

**Planning Consultant Kansier** recommended approval of Planning Case 21-013 for a Conditional Use Permit at 1275 Red Fox Road, based on the findings of fact based on the findings of fact and submitted plans, subject to the following conditions:

1. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to the plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.

2. The Conditional Use Permit approval shall expire one year from the date of City Council approval unless a building permit has been requested or a time extension has been granted by the City Council.
3. All areas of the site, where practical, shall be sodded or seeded and maintained. The property owner shall mow and maintain all site boulevards to the curb line of the public streets.
4. The hours of operation for the coffee bar shall be one hour prior to the church service until one hour after the church service.
5. Use of the premises for a day care shall be subject to approval of a separate permit.
6. All signs must conform to the signage requirements for Sign District 7.
7. The use of the lease space is subject to all zoning ordinance requirements. Individual uses are subject to separate permits.
8. Prior to occupancy of the site, the applicant must receive building permits for all additions and modifications to the building.
9. The Applicant shall be financially responsible for all and any fees applicable to the change in use, including but not limited to, building permit fees and water and sanitary charges.

**Planning Consultant Kansier** 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 Vijums** opened the floor to Commissioner comments.

**Commissioner Jones** questioned how the applicant was coming up with 2,400 square feet of new paved area.

**Planning Consultant Kansier** explained the area on the south side of the building at the south entrance would be paved.

**Commissioner Jones** asked if the Council would consider a payment in lieu of taxes for a non-profit moving onto this property.

**Chair Vijums** anticipated this would be a discussion held by the City Council.

**Commissioners Jones** inquired if the lease spaces would be to other non-profits. He explained he was paying high taxes in the City and expressed concern with turning this property over to a non-profit.

**Commissioner Subramanian** stated he appreciated the comments made by Commissioners Jones and he wondered how much tax income the City would be losing by allowing a non-profit to move into this property.

**Chair Vijums** reported the Planning Commission was a zoning commission and not a tax obligation group.

**Councilmember Holmes** explained Planning Consultant Kansier made the City Council aware of the fact there was a federal law that protects houses of worship and one thing that cannot be considered is taxes. She commented further on the matters that could be considered, which involved traffic and noise. She stated houses of worship have special provisions and the City has to give differential consideration under this law.

**Commissioner Weber** asked if the applicant was attending the meeting.

**Tom Goodrum**, representative for the applicant, introduced himself to the Commission and stated he was available for questions.

**Commissioner Weber** questioned if the sign would require a variance.

**Mr. Goodrum** reported he would not require a variance for the sign as it would be adjusted to meet City Code requirements.

**Chair Vijums** opened the public hearing at 8:24 p.m.

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

There being no comment Chair Vijums closed the public hearing at 8:24 p.m.

**Chair Vijums** stated he appreciated how churches were seeking vacant buildings within the community in order to meet their communities' needs. He believed this was a great use of the space.

**Commissioner Weber** agreed.

**Commissioner Jones** commented he did not object to this use moving into the property but noted the City has a large amount of government and religious facilities in the community. He stated at this time, he would not be able to support the proposed development.

**Councilmember Holmes** discussed the federal law pertaining to houses of worship and explained the City does not have a whole lot of latitude regarding this request.

**Commissioner Weber moved and Commissioner Subramanian seconded a motion to recommend approval of Planning Case 21-013 for a Conditional Use Permit at 1275 Red Fox Road, based on the findings of fact based on the findings of fact and submitted plans, subject to the nine (9) conditions in the June 9, 2021, report to the Planning Commission. A roll call vote was taken. The motion carried 4-1 (Commissioner Jones opposed).**

- D. Planning Case 21-014; 1150 County Road E – Master Planned Unit Development to Develop and Financial Planning Service Office – *Public Hearing***

**Planning Consultant Bemis** stated the proposed development site is approximately 0.64 acres in size and is currently vacant. The property owner is Arden Plaza, LLC, managed by Wellington Management. The Applicant is proposing to construct a new corporate headquarters for Financial Wealth Advisors at Arden Plaza. The Applicant is proposing to utilize the existing access road off of County Road E. An access point to the parking lot will be located on the South side of the property. At their May 17, 2021 meeting the City Council reviewed a concept plan for this development. A Master Plan PUD for Arden Plaza was approved in 2009. The original plan included 4 new buildings. Subsequent amendments reduced the number of new buildings to 3: Walgreens, the Tavern Grill, and a future building on Lot 2. In 2016, the City Council approved an amendment to the PUD to allow a neighborhood medical clinic on Lot 2, but the clinic chose not to build on the site.

**Planning Consultant Bemis** reviewed the surrounding area, site data, the Plan Evaluation and provided the Findings of Fact for review:

1. The property located at 1150 Country Road E is zoned B-2 – General Business District and is located within the Master Plan PUD for Arden Plaza.
2. The property located at 1150 Country Road E is guided as Community Mixed Use in the Arden Hills 2040 Comprehensive Plan Land Use Chapter.
3. The applicant has requested a Master PUD to construct a single-story 5,600 square foot financial service office on the existing vacant lot.
4. The B-2 District permits financial institutions & services as well as offices.
5. The PUD substantially conforms with the requirements of the City Code.
6. Where the plan is not in conformance with the City Code, flexibility has been requested by the applicant and/or conditions have been placed on an approval that would mitigate the nonconformity.
7. Flexibility through the PUD process has been requested in the following areas: parking requirements, front setback line, building elevations, and planting islands.
8. The proposed development plan meets or exceeds the minimum requirements of the City Code in the following areas: district provisions, minimum caliper inches, drainage, lighting, screening, trash pickup, pedestrian and bicycle circulation, and signage.
9. All new developments or redevelopments in the B-2 district require a planned unit development.
10. The adjacent properties on all sides are zoned B-2 and are guided as Community Mixed Use in the Arden Hills 2040 Comprehensive Plan.
11. The application is not anticipated to create a negative impact on the immediate area or the community as a whole.

**Planning Consultant Bemis** recommended approval of Planning Case 21-014 for a Master Planned Unit Development at 1150 County Road E, based on the findings of fact based on the findings of fact and submitted plans, subject to the following conditions:

1. All conditions of the original Planned Unit Development shall remain in full force and effect.
2. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to the plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.

3. The Planned Unit Development approval shall expire one year from the date of City Council approval unless a building permit has been requested or a time extension has been granted by the City Council.
4. Prior to the issuance of a grading permit, the Applicant shall enter into a Development Agreement.
5. All disturbed boulevards shall be restored with sod.
6. All areas of the site, where practical, shall be sodded or seeded and maintained. The property owner shall mow and maintain all site boulevards to the curb line of the public streets.
7. The proposed structures shall conform to all other regulations in the City Code.
8. A Grading and Erosion permit shall be obtained from the city’s Engineering Division prior to commencing any grading, land disturbance or utility activities. The Applicant shall be responsible for obtaining any permits necessary from other agencies, including but not limited to, MPCA, Rice Creek Watershed District, and Ramsey County prior to the start of any site activities.
9. Any future trash enclosures shall utilize wooden gates and be constructed on three sides using the same materials and patterns used on the building. Locations shall be approved by the Planning Department.
10. The Applicant shall be responsible for protecting the proposed on-site storm sewer infrastructure and components and any existing storm sewer from exposure to any and all stormwater runoff, sediments and debris during all construction activities.
11. Prior to the issuance of a building permit, a landscape financial security equal to 125% of the cost of the landscaping to be installed on the site shall be submitted. The Applicant must submit a detailed cost estimate for the landscaping so staff can determine the final amount. Landscape financial security shall be held for two full growing seasons.
12. This approval does not include signs. A separate sign permit is required for all proposed signage. All signage shall meet the requirements of Sign District 4.
13. All rooftop or ground mounted mechanical equipment shall be hidden from view with the same materials used on the building in accordance with City Code requirements.
14. Prior to the issuance Grading and Erosion permit, the Engineering Department shall review and approve final grading and utility plans in writing.
15. The property owners shall complete snow removal, maintenance and replacement of all proposed sidewalks and trails unless a written agreement between the City and owner establishes a different requirement.

**Planning Consultant Bemis** 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 Vijums** opened the floor to Commissioner comments.

**Commissioner Zimmerman** stated he was pleased to see a new tenant would be moving into this space.

**Commissioner Subramanian** welcomed the new tenant.

**Commissioner Jones** agreed stating he was really happy to see this new tenant moving into the City. He inquired if the City Council would approve of the exterior building materials noting he supported the project as presented.

**Chair Vijums** asked how much flexibility was being requested.

**Planning Consultant Bemis** explained the proposed building was set back 45 feet from the property line on County Road E. She noted the applicant has a 100 foot setback from the southern property line. She commented further on what City Code would require for the building in order to meet City setbacks.

**Jill Bills**, U+B Architecture and Design, discussed the building width and noted half should be at the front setback line, which would be 33 feet of the building façade should be at the front setback. She reported the development had a large monument sign and drainage at the front setback which led to the proposed building placement.

**Chair Vijums** questioned if this property met fire code requirements.

**Planning Consultant Kansier** reported this would be addressed during the building permit phase. She did not anticipate this would be a problem based on the size of the building.

**Chair Vijums** inquired if the golf simulator would be open to the public.

**Ms. Bills** reported this may be possible.

**Chair Vijums** opened the public hearing at 8:50 p.m.

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

There being no comment Chair Vijums closed the public hearing at 8:50 p.m.

**Commissioner Jones moved and Chair Vijums seconded a motion to recommend approval of Planning Case 21-014 for a Master Planned Unit Development at 1150 County Road E, based on the findings of fact based on the findings of fact and submitted plans, subject to the fifteen (15) conditions in the June 9, 2021, report to the Planning Commission. A roll call vote was taken. The motion carried unanimously (5-0).**

## **UNFINISHED AND NEW BUSINESS**

None.

## **REPORTS**

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

**Councilmember Holmes** provided the Commission with an update from the City Council. She thanked everyone for their patience while working through Zoom meetings. She reported She explained the City would be migrating back to in person meetings in the coming months. She indicated the City Council approved the Chick-Fil-A request at its last meeting and addressed the noise and light concerns. She stated the Council tabled action on the Shoreland Structure Ordinance for further discussion on the City's lake classifications. She thanked Planning Consultant Jane Kansier for all of her assistance and noted the City had recently hired a new Senior Planner.

Jessica Jagoe newly hired Senior Planner, introduced herself to the Planning Commission and stated she was looking forward to working with the Commission in July.

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

**Commissioner Jones** welcomed Jessica Jagoe to the City of Arden Hills. He thanked Commissioner Lambeth for his service to the community and welcomed Commissioner Weber to the Planning Commission.

#### **ADJOURN**

**Commissioner Jones moved, seconded by Chair Vijums, to adjourn the June 9, 2021, Planning Commission Meeting at 9:12 p.m. A roll call vote was taken. The motion carried unanimously (5-0).**