



Approved: September 8, 2021

**CITY OF ARDEN HILLS, MINNESOTA
PLANNING COMMISSION
WEDNESDAY, AUGUST 4, 2021
6:30 P.M. - ARDEN HILLS CITY HALL**

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.

ROLL CALL

Present were: Chair Paul Vijums and Commissioner Clayton Zimmerman (attending in person), Commissioners Marcie Jefferys (arrived via Zoom at 6:42 p.m.), Kurtis Weber and Jonathan Wicklund (attending via Zoom).

Absent: Commissioners Steven Jones and Subbaya Subramanian.

Also present were: Senior Planner Jessica Jagoe, Planning Consultant Jane Kansier and Councilmember Fran Holmes.

APPROVAL OF AGENDA – AUGUST 4, 2021

Chair Vijums stated the agenda will stand as published.

APPROVAL OF MINUTES

June 9, 2021 – Planning Commission Regular Meeting

Commissioner Zimmerman moved, seconded by Commissioner Wicklund, to approve the June 9, 2021, Planning Commission Regular Meeting as presented. A roll call vote was taken. The motion carried unanimously (4-0).

PLANNING CASES

- A. Planning Case 21-016; 3900 Bethel Drive – Bolton & Menk on behalf of Bethel University – Site Plan Review of Scoreboard – *Public Hearing***

Senior Planner Jagoe stated Bolton & Menk (“The Applicant”), on behalf of Bethel University, is requesting a Site Plan Review for a proposed project at 3900 Bethel Drive (“Subject Property”) to update the scoreboard and sound system adjacent to the stadium field and track located in the

southern quadrant of the Bethel University Campus. Specific improvements include replacing the electronic scoreboard to an LED/Video capable scoreboard with sound system upgrade.

Senior Planner Jagoe reported Bethel University was approved a Conditional Use Permit Amendment on May 3, 2021 for stadium field upgrades which included the addition of a new track around it and practice fields to be converted into multi-purpose fields in the southern quadrant of their main campus at 3900 Bethel Drive. The CUP Amendment application noted that Bethel University was proposing changes to the scoreboard. Conditions of the CUP Amendment approval were that a separate permit shall be required for the scoreboard and that prior to replacement of sound system, Bethel University would be required to submit new sound system plans to the City Council for approval. The Applicant is proposing to convert the existing electronic scoreboard to a LED/Video capable scoreboard with a sound system fully contained within the accessory structure.

Senior Planner Jagoe reviewed the Site Data, the Plan Evaluation and provided the Findings of Fact for review:

General Findings:

1. The Bethel University main campus at 3900 Bethel Drive is located in the Institutional Zoning District.
2. A Higher Education, College Campus is a Conditional Use in the Institutional District.
3. Bethel University operates under a Conditional Use Permit Master Plan.
4. Athletic fields and accessory equipment are permitted under the CUP Master and Amended Plan for Bethel University.
5. Bethel University has requested Site Plan Review approval for installation of a new scoreboard and sound system in the stadium fields and track area.
6. The accessory structure and lighting would be in compliance with all provisions of the Zoning Code.
7. A public hearing is not required for Site Plan Review.
8. The proposed application meets all setback requirements. Site Plan Review Evaluation Findings:
9. The proposed plan is not anticipated to have any impact on traffic or parking conditions because the additions do not include an increase in football field seating.
10. The proposed plan includes the addition of LED lights and will within a reasonable level increase illumination around the stadium fields.
11. The proposed project is reasonable because scoreboards considered an accessory structures are addressed in the Code as reasonable uses within educational athletic facilities.
12. The proposed plan will not produce any permanent noise, odors, vibration, smoke, dust, air pollution, heat, liquid, or solid waste, and other nuisance characteristics.
13. The proposed plan will impact drainage on the site.
14. The proposed plan will not impact school population density.
15. The proposed plan is not expected to have a visual impact on surrounding properties or on land use compatibility with uses and structures on surrounding land or adjoining land values because of distance and existing foliage the new accessory structure will not be easily visible from outside the Bethel University campus.
16. Park dedication requirements are not applicable.

17. The proposed plan does not conflict with the general purpose and intent of the Zoning Code or the Comprehensive Development Plan for the City.

Senior Planner Jagoe stated staff recommends approval of Planning Case 21- 016 for Site Plan Review at 3900 Bethel Drive, based on the findings of fact and the submitted plans, as amended by the conditions in the August 4, 2021, Report to the Planning Commission:

- a) All conditions of the original Condition Use Permit and Amendments shall remain in full force and effect.
- b) That the project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to these plans, as determined by the Senior Planner, shall require review and approval by the Planning Commission and City Council.
- c) The proposed structure shall conform to all other regulations in the City Code.
- d) A building permit shall be obtained for the proposed scoreboard.
- e) That all building and setback requirements shall be met.
- f) The scoreboard height shall not exceed 35 feet.
- g) That the sound system being installed within the scoreboard shall meet all applicable standards set by the EPA and MPCA.
- h) A separate sign permit shall be required and scoreboard signage must meet all requirements of City Code Section 1250.
- i) That the scoreboard shall not be used as a dynamic sign to display sponsorship advertising, messages or videos.
- j) A Bethel employee shall control the lighting and sound system at the football field.
- k) The use of the sound system and lights at the football field be capped at 10:00 PM, except on nights that have a Bethel University sponsored events.
- l) That an automatic dimmer module shall be installed to reduce the nighttime light output of the LED lighting of the scoreboard based on ambient light levels.
- m) That the applicant shall cooperate with all reasonable requests from the City to modify direction and intensity of light and sound emitted from the scoreboard to mitigate its impact.
- n) The Applicant shall be required to provide photometric calculations for the stadium lighting including the LED lighting of the scoreboard at the property lines of all adjacent residential properties indicating the plan meets ordinance requirements.

Senior Planner Jagoe 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 Wicklund requested further information regarding Condition I.

Senior Planner Jagoe explained dynamic signs are not allowed in this zoning district, which meant the sign had to be used for LED display purposes only.

Commissioner Wicklund questioned if the applicant supported the staff recommended conditions.

Jay Pomeroy, Bolton & Menk representative, explained it was his hope the conditions were consistent with the remainder of the Site Plan approval. He reported the lights would stay on until 30 minutes after an event was done. He indicated the scoreboard illumination would be capped at 10:00 p.m. He stated this meeting was the first time he was seeing the conditions and Condition I had jumped out at him.

Senior Planner Jagoe commented staff did not adjust the sign and light times from the previously approved stadium request.

Commissioner Jefferys asked why Bethel would have the sound and lights on until 10:00 p.m. if there was not a sponsored event in the stadium.

Mr. Pomeroy stated the stadium sound and scoreboard would not be on unless there was a sponsored event in the stadium.

Senior Planner Jagoe explained students or teams could be using the stadium for practice and the City would like to cap the use of the scoreboard, sound and lights at 10:00 p.m. She reported this was the rationale behind Condition K.

Chair Vijums commented this request met all City requirements and no variance was being requested.

Senior Planner Jagoe stated this was the case.

Chair Vijums asked what type of sponsored events would be held at the stadium.

Mark Posner, Vice President of Facilities at Bethel University, reported athletic and sporting events, youth gatherings, and graduations could be held at the stadium. He indicated all events would be capped at 10:00 p.m.

Councilmember Holmes explained the City Council wanted to ensure the lights and sound were used only for University sponsored events to and not for students using the field.

Chair Vijums indicated the stadium already had an existing audio scoreboard and the City was simply approving the new dynamic scoreboard.

Chair Vijums opened the public hearing at 7:01 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 7:02 p.m.

Commissioner Wicklund moved and Commissioner Weber seconded a motion to recommend approval of Planning Case 21-016 for Site Plan Review at 3900 Bethel Drive based on the findings of fact and the submitted plans, as amended by the conditions in the August 4, 2021, report to the Planning Commission. A roll call vote was taken. The motion carried unanimously (5-0).

B. Planning Case 21-017; Mounds View Public Schools – Amendment to the Approved Planned Unit Development – *Public Hearing*

Senior Planner Jagoe stated Mounds View Public Schools (“The Applicant”) the applicant is requesting a Planned Unit Development (PUD) Amendment for an extension for the timing of construction of road and safety improvements as it relates to the alignment of Lake Valentine Road at 1900 and 1901 Lake Valentine Road.

Senior Planner Jagoe explained at their May 22, 2019 and subsequently amended on April 27, 2020, the City Council approved Planning Case 18-014 for a Planned Unit Development with Mounds View Public Schools for Mounds View High School. The amendment added 14 additional conditions to the existing Planned Unit Development to address existing traffic and pedestrian safety issues based on the findings contained within the study report, an evaluation of existing site conditions, and the Planned Unit Development Agreement. The terms of the PUD approval requires the School District to implement safety improvements on Lake Valentine Road to address traffic and increased pedestrian crossings between the school building and the north parking lot, including installation of turn lanes and other access improvements, trail and sidewalk improvements, pedestrian signal, signage and striping modifications, and drainage and utility improvements.

Senior Planner Jagoe reported the Applicant originally proposed two separate phases of traffic and pedestrian safety improvements for Lake Valentine Road. Phase 1 safety improvements, installed in 2020, which included installation of a pedestrian traffic signal system, crosswalk markings, temporary painted center median, curb ramps and sidewalk pedestrian routes to the front of the school.

Senior Planner Jagoe commented the Phase 2 traffic and pedestrian safety improvements were scheduled for construction in 2021 in order to allow the School District to acquire additional property from the State of Minnesota. This additional property would allow the relocation of the west entrance to the north parking lot to align with the drop-off/pick-up lot on the south side of Lake Valentine Road. Additional improvements include construction of a center median at the crosswalk, modifications to the south boundary of the north parking lot, and the construction of dedicated right turn lanes for westbound traffic accessing the east parking lot entrance and for the eastbound traffic accessing the drop-off/pick-up lot.

Senior Planner Jagoe reviewed the surrounding area, the Plan Evaluation and provided the Findings of Fact for review:

1. The properties located at 1900 and 1901 Lake Valentine Road are located in the R-1 Single Family Residential District.

2. The proposed conditions when implemented will create a safer environment for pedestrian movement across Lake Valentine Road.
3. The proposed roadway improvements will improve traffic flow through the road section adjacent to the school.
4. With the applied conditions, the application is not anticipated to create a negative impact on the immediate area or the community as a whole.
5. The traffic and pedestrian study was reviewed as part of the April 2020 Amended PUD application by City and School District staff.
6. The City and School District staff concur on the proposed conditions and recommended improvements.

Senior Planner Jagoe stated staff recommends approval of Planning Case 21- 017 for an Amended PUD at 1900 and 1901 Lake Valentine Road, based on the findings of fact, as amended by the conditions in the August 4, 2021, Report to the Planning Commission:

- a) Extension on timeline for construction and realignment of the west parking lot entrance to align with the west school site entrance on the south side of Lake Valentine Road (Pick-up / Drop-off Access) to be completed prior to the start of the 2022-2023 school year. The School District shall submit a revised design and layout for the road and safety improvements on existing school property Site Plan Review and approval no later than December 31, 2021.
- b) All other conditions of the original Planned Unit Development and Amended Planned Unit Development shall remain in full force and effect.

Senior Planner Jagoe 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 happy to see this project being completed and he hoped this would address the concerns he has had with pedestrian and student safety.

Commissioner Weber questioned if the plans change because the school district is unable to acquire the land from the State if this item would come back to the City.

Senior Planner Jagoe explained this was addressed in the conditions for approval and noted revised plans would have to come back to the City.

Chair Vijums requested comment from the school district regarding this matter.

Paul Apilkowski, Wold Architects and Engineers, stated he was a representative for the school district. He reported he was asking for an extension and noted the project could not be completed in 30 days. He explained initial sketches have been submitted to staff and the basic concept was

the school district does not believe they will get the land in a timely manner. He commented the plan was to align the driveways within school district land.

Commissioner Jefferys thanked the school district for this explanation. She asked what the State's explanation was for not responding to the school district's request.

Chris Pawket, Mounds View Public Schools, stated he has had several representatives speak with the State over the past two years. He indicated the State keeps pushing the school district off and there was no guarantee the school district could acquire the land.

Commissioner Jefferys commented she was glad this project was moving forward but wondered if the school district should move forward on a dual track, in order to continue pursuing the State land, if this was the best option.

Chair Vijums stated she supported the extension and understood the State does not appear to want to move forward with the land sale. He looked forward to seeing the new plans at some point in the future.

Chair Vijums opened the public hearing at 7:14 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 7:14 p.m.

Commissioner Wicklund moved and Commissioner Zimmerman seconded a motion to recommend approval of Planning Case 21-017 for an Amended Planned Unit Development at 1900 and 1901 Lake Valentine Road based on the findings of fact and the submitted plans, as amended by the conditions in the August 4, 2021, report to the Planning Commission. A roll call vote was taken. The motion carried unanimously (5-0).

C. Planning Case 21-018; Zoning Code Amendment to Section 1355 (Shoreland) Regarding Classification of Lakes – *Public Hearing*

Senior Planner Jagoe stated the City of Arden Hills is proposing an amendment to the language Section 1330.02 Subd. 1 of the Arden Hills City Code to amend the lake classification for Little Johanna from a Recreational Development Lake to a General Development Lake. The lake reclassification will amend ordinance language to be consistent with Resolution 85-22 passed by the City Council. The ordinance amendment is an administrative action in accordance with previous approval by the City Council that will clean up lake classification designation.

Senior Planner Jagoe explained lake classification is used to determine lot size, setbacks and, to a certain degree, land uses on adjacent land. The classification does not pertain to surface water use of boats or motors, hunting or fishing or fish management. Those are governed by other regulations. Minnesota Rule 6120.3000 Subp. 1a. identifies the types of public water classes with a general description of each class. Staff has provided below the descriptions for waterbody classifications specific to the reclassification discussion as defined by State Statute:

- A. Natural environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.
- B. Recreational development lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally-oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.
- C. General development lakes are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common. The larger examples in this class can accommodate additional development and use.

The Minnesota Department of Natural Resources (DNR) provides information on their website on the data points used in determination of lake classifications as noted below:

Natural Environment Lakes – Natural Environment Lakes usually have less than 150 total acres, less than 60 acres per mile of shoreline, and less than three dwellings per mile of shoreline. They may have some winter kill of fish; may have shallow, swampy shoreline; and are less than 15 feet deep.

Recreational Development Lakes – Recreational Development Lakes usually have between 60 and 225 acres of water per mile of shoreline, between 3 and 25 dwellings per mile of shoreline, and are more than 15 feet deep.

General Development Lakes – General Development Lakes usually have more than 225 acres of water per mile of shoreline and 25 dwellings per mile of shoreline, and are more than 15 feet deep. In addition to lake size, shoreline, and depth, the DNR also considers existing development, crowing potential, ecological classification, soil, slope, and vegetation as part of their aggregate assessment.

Senior Planner Jagoe provided further comment on the Ordinance background and provided the following Findings of Fact:

1. The City of Arden Hills is proposing amendments to the language of Chapter 13 – Zoning Code of the City Code.
2. The City of Arden Hills is proposing to classify Little Johanna as a General Development Lake.
3. Amendments to the Shoreland Regulations require approval from the Minnesota DNR.
4. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council.

Senior Planner Jagoe stated staff recommended approval of a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to reclassify Little Johanna as a General Development Lake as presented in the August 4, 2021 Report to the Planning Commission.

Senior Planner Jagoe 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 this was a long overdue administrative issue that had to be taken care of.

Chair Vijums commented he found it strange that the classification has been shifted back to recreational on February 10, 2021.

Senior Planner Jagoe explained this was done after completing a broader review of shoreland ordinances to be consistent with the DNR, made that shift.

Chair Vijums questioned if the reclassification will help with the permit for the new storage shed.

Senior Planner Jagoe reported Lake Johanna was already classified as a general development lake, so there would be no impacts or changes to that request. She explained the only change being proposed was to Little Johanna.

Chair Vijums opened the public hearing at 7:23 p.m.

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

David Short, 3156 Shorewood Drive, questioned what the difference was between general development and recreational lakes.

Senior Planner Jagoe explained general development lakes are more developed, smaller lot sizes with deeper bodies of water. She indicated recreational lakes have larger lots and less development. She stated a natural environment lakes are the least dense and have further setbacks with more of a buffer between development and the shoreline.

There being no additional comment Chair Vijums closed the public hearing at 7:26 p.m.

Commissioner Weber reported nothing was changing for the lakes except for the classification of Little Johanna.

Senior Planner Jagoe discussed how the City would not be creating any non-conforming lots with the proposed change because the setback would be changing from 75 feet to 50 feet.

Chair Vijums moved and Commissioner Zimmerman seconded a motion to recommend approval of Planning Case 21-018 for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to reclassify Little Johanna as a General Development Lake as presented in the August 4, 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 Senior Planner Jagoe and Planning Consultant Jane Kansier for their efforts on behalf of the City. She invited the Planning Commission members to attend the appreciation picnic which would be held on Tuesday, August 17, 2021. She discussed the events she attended for Night to Unite on Tuesday, August 3, 2021. She commented on the cleanup plans for Round Lake. She reported the judge dismissed the law suit that was brought against the Arden Hills by the County, which was good news for the City. She explained the Council approved the Chick-Fil-A request and denied the lakeshore accessory structure request due to the height of the structure.

B. Planning Commission Comments and Requests

None.

ADJOURN

Commissioner Wicklund moved, seconded by Commissioner Zimmerman, to adjourn the August 4, 2021, Planning Commission Meeting at 7:36 p.m. A roll call vote was taken. The motion carried unanimously (5-0).