



**CITY OF ARDEN HILLS  
RAMSEY COUNTY, MINNESOTA**

**RESOLUTION NUMBER 2021-006**

**RESOLUTION APPROVING A CONDITIONAL USE  
PERMIT FOR ARDEN HILLS RE, LLC**

**WHEREAS**, Arden Hills RE, LLC Incorporated, a Minnesota corporation (Applicant), has filed an application for a conditional use permit for a multiple family dwelling; and

**WHEREAS**, the Planning Commission has conducted a public hearing on the application preceded by published and mailed notice; and

**WHEREAS**, the Planning Commission has forwarded its recommendation to the City Council; and

**WHEREAS**, the City Council finds that the application complies with all applicable ordinance standards.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF ARDEN HILLS, MINNESOTA:**

1. The City Council approves the conditional use permit for Arden Hills RE, LLC in accordance with the application on file with the city and 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 tree plantings cannot be reasonably accommodated on the site, the City can work with the applicant to find off-site locations for the plantings or require that a fee in lieu of the plantings be provided.
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, and 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 security 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 146 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.

2. The City Planner is directed to record the conditional use permit with the County Recorder/Registrar's office.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the City Council of the City of Arden Hills, Minnesota.

**CITY OF ARDEN HILLS**

By \_\_\_\_\_  
David Grant, Mayor

ATTEST:

\_\_\_\_\_  
Julie Hanson, City Clerk

**APPLICANT CONSENT  
TO  
CONDITIONAL USE PERMIT**

The undersigned applicant agrees to the conditions set forth in the permit on behalf of Arden Hills RE, LLC pursuant to authorization and approval of its governing board and officials. The undersigned affirms that they have full authority to execute this consent on behalf of the applicant and acknowledge that if for any reason applicant is not bound by the signatures of the undersigned the conditional use permit shall not be valid.

Dated \_\_\_\_\_, 2021.

**Arden Hills RE, LLC**

BY: \_\_\_\_\_

STATE OF MINNESOTA )

(ss.

COUNTY OF RAMSEY )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by \_\_\_\_\_ on behalf of Arden Hills RE, LLC and pursuant to authority granted by its governing board and officers.

\_\_\_\_\_  
NOTARY PUBLIC