



DATE: May 24, 2021

TO: Honorable Mayor and City Councilmembers
Dave Perrault, City Administrator

FROM: Jane Kansier, AICP, Planning Consultant, Bolton & Menk

SUBJECT: Planning Case # 21-011 – Public Hearing Required
Applicant: Chick-fil-A, represented by HR Green
Property Location: 3855 Lexington Avenue
Request: Conditional Use Permit, Master Plan Planned Unit Development, Final
 Planned Unit Development

Budgeted Amount:	Actual Amount:	Funding Source:
N/A	N/A	N/A

Council Should Consider the Following:

Hold the required public hearing for Planning Case 21-011 for an application for a Conditional Use Permit, Master Plan Planned Unit Development and Final Planned Unit Development for a project located at 3855 Lexington Avenue (“Subject Property”). The City Council will be asked to make a formal decision regarding the application under Agenda Item 10A.

Background

1. Proposal and Use:

The proposed development site is the location of the former Perkins and is approximately 66,853 square feet (1.535 acres) in size. HR Green, on behalf of Chick-fil-A has submitted an application for Conditional Use Permit, Master Plan Planned Unit Development and Final Planned Unit Development. The Applicant is proposing to demolish the existing building on this site and construct a 4,995 square foot fast food restaurant, with dual drive-through lanes. There are two canopies, totaling approximately 3,654 square feet covering the ordering and pick-up areas. There is also a 50-stall parking lot. The Chick-fil-A building is proposed to be located on the west side of the site, with the storefront facing Lexington Avenue. The applicant is choosing to face the store front towards Lexington Avenue to attract potential new customers that are traveling along the major arterial roadway. Positioning the building in the given layout allows the applicant to begin the drive-thru lane at the north end of the lot and run it along the west property line. The proposed patio will feature 6 tables for a total of 24 outdoor seats.

2. Previous City Council Review

The City Council discussed this project at a Work Session on March 15, 2021. Minutes from the meeting is included in Attachment J.

Plan Evaluation

A PUD proposal shall identify any requested modifications from the applicable zoning requirements as well as the reasons why the modifications would be in the public interest and would be consistent with the purpose of the underlying B-3 District. Modifications to these requirements may be granted by the City without a variance through the PUD process.

A Conditional Use Permit is required for drive-up windows in the B-3 district. City Code Section 1355.04 Subd. 3 of the Arden Hills Zoning Code lists the criteria for evaluating a Conditional Use Permit. The Planning Commission and City Council should consider the effect of the proposed use upon the health, safety, convenience and general welfare of the owners and occupants of the surrounding land and the community, in general, including but not limited to the following factors:

1. Existing and anticipated traffic and parking conditions;
2. Noise, glare, odors, vibration, smoke, dust, air pollution, heat, liquid or solid waste, and other nuisance characteristics;
3. Drainage;
4. Population density;
5. Visual and land use compatibility with uses and structures on surrounding land;
6. Adjoining land values;
7. Park dedications where applicable;
8. Orderly development of the neighborhood and the City within the general purpose and intent of the Zoning Code and the Comprehensive Development Plan for the City.

A full evaluation of the proposal was presented to the Planning Commission on May 5, 2021. The memo to the Planning Commission on this case is provided in Attachment H. Draft minutes from the meeting are included in Attachment I.

1. Chapter 13, Zoning Code Review

A. B-3 District Provisions – Meets Requirements

Under the 2040 Comprehensive Plan, this site is guided as Retail Mixed Use on the land use plan and is zoned B-3. Fast food restaurants are a permitted use within this district. The proposed plans are attached as Attachment C. The table below provides the performance standards for the B-3 District and the preliminary analysis for the proposed development:

The proposed development meets the general district provision requirements.

Ordinance Requirements	B-3 District Standards	Proposed Development
Maximum Floor Area Ratio (FAR)	0.8	0.07
Maximum Structure Coverage	40%	12.9%
Minimum Landscape Lot Area	25%	30%
Minimum Front Yard Setback	50 ft.	62 ft. (patio)/84 ft. (building)
Minimum Rear Yard Setback	20 ft.	160 ft.
Minimum Side Yard Setback	20 ft. (min)/ 40 ft. (total)	30 ft. (min) / 150 ft. (total)
Minimum Side Yard Setback (Corner)	50 ft.	120 ft.
Maximum Building Height	35 ft.	21 ft.

2. Design Standards

A. Accessory Structures – Section 1325.01 – Flexibility Requested

The applicant is proposing to install two free-standing canopies over the drive-thru lane: An order point canopy to be located north of the building, setback 14.7 feet from the property line; and an order meal delivery canopy to be located on the west side of the building, over the pick-up window, setback 2.3 feet from the property line. The Zoning Code requires accessory structures to be setback 10 feet from the property line in the B-3 District.

B. Drive-Through Facilities – Section 1325.04 – Flexibility Requested

Chick-fil-A’s drive-thru operation consists of two lanes of customer ordering and two lanes of meal fulfillment. This dual flex lane concept allows the restaurant operator to use the outer lane as either a second meal fulfillment lane or as a by-pass lane at their discretion to properly support the operational needs of the business. If/when the outer lane is not in use, a series of magnetic delineators will be used to merge cars back into one lane for meal fulfillment at the window. The pick-up window will be a multi-function door that can also function as a window. The purpose of the drive thru door is to allow team members to stage more meals and beverages indoors while they are delivering meals outside, directly to vehicle windows. The door allows easier access to the meals without passing them through a small window. During non-peak times or periods of inclement weather, the door can be closed and will function as a standard pickup window.

The applicant is requesting flexibility of setback requirements for the two canopies proposed on the site. A dual drive-thru lane is proposed to start on the north side of the parking lot, curl around to the west side of building, and end on the south side of the building. The drive thru lane has been positioned in a way to promote circulation on the exterior of the site in order to prevent backups within the parking lot. The applicant is proposing to install two free-standing canopies over the drive-thru lane: An order point canopy to be located north of the building, setback 14.7 feet from the property line; and an order meal delivery canopy to be located on the west side of the building, over the pick-up window, setback 2.3 feet from the property line. The Zoning Code requires accessory structures to be setback 10 feet from the property line in the B-3 District.

Section 1325.04 of the Zoning Code lists special requirements for drive-up facilities. One of these requirements states no drive up facility shall be located within 1,320’ of another facility. The nearest drive-up facility is the Starbucks, located to the south across Red Fox Road. Section 1320.09 allows this requirement to be waived if the following conditions are met:

- A. The operation consists of one or more drive-up windows and is an integral part of a building containing one or more other allowed uses, or the operation is part of an architecturally unified complex containing two or more businesses using drive-up windows
- B. Shared access drives and shared parking are utilized by all such businesses using drive-up windows in said building or complex.
- C. Only one building or architecturally unified complex containing two or more businesses using drive-up windows will be allowed in addition to one freestanding business using a drive-up window.
- D. The architecture and the site, grading, circulation, landscaping, screening and signage plans shall unify the appearance and function of the complex or building.
- E. An architecturally unified complex may consist of one or more buildings on one or more parcels if the intent of providing a unified appearance and function is not compromised.
- F. The applicant shall submit a circulation plan that demonstrates that the use will not interfere or reduce the safety of non-motorized movements, specifically pedestrian and bicyclists.

Section 1325.04 also requires any electronic devices, including loudspeakers, be located at least 50' from any lot line. The nearest order box on the west side of the site is located approximately 20' from the west property boundary. The applicant is requesting flexibility from this requirement.

C. Exterior Materials – Meets Requirements

At least seventy-five (75) percent of the exterior building materials should be made of brick masonry, tile masonry, natural stone or its synthetic equivalent, decorative concrete plank, transparent glass or any combination thereof. Trim and other accent or decorative features may be metal, wood, split faced block, EIFS, or stucco. Undesirable materials include simulated brick, vinyl or aluminum siding, sheet or corrugated metal siding, plain concrete blocks or panels, brightly colored metal roofing or canopies, pre-cast tilt-up walls, and mirrored or reflective glass.

The proposed building elevations consist of brick veneer with metal coping. During the concept plan discussion, the applicant stated the material finish would be brick. Building elevations are shown in Attachment D. The applicant has submitted a materials board to staff. The figure below illustrates the proposed building materials.



D. Lighting – Meets Requirements

The Applicant has submitted a lighting plan that identifies general pole heights and lumen levels; however, the lumen levels are not extended to the property lines. As a condition of approval, all lighting shall be downward directed shoebox style with flush lenses. Details about the proposed lighting are found in Attachment E.

During review of the concept plan, the Council expressed concern about the lighting along the west side of the building, and how that might impact the adjacent hotel. The applicant indicated they are installing additional landscaping along the west side and have removed the sign from the west side of the building to mitigate lighting.

E. Screening and Fencing – Meets Requirements

Screens and fencing help minimize adverse impacts of public nuisances, such as noise. The proposed dumpsters are located on the northeast side of the building, and are enclosed with galvanized panels. The mechanical equipment is location on the roof and is screened by a short parapet wall.

F. Landscaping and Tree Preservation – Meets Requirements

The Zoning Code lists several criteria for landscaping and tree preservation, including minimum caliper inches, tree mitigation, street frontage, perennials and shrubberies, planting islands and tree selection. The specifics of these are discussed more fully in the Planning Commission report. This proposal meets these requirements.

G. Drive-Through Landscaping – Flexibility Requested

Section 1325.04, Subdivision 2, requires landscaping on lots used for drive-up windows to the minimum widths:

Front Lot Line	20'
Side Lot Line	10'
Rear Lot Line	15'

The parking and drive-thru lane on the east side of the property will be located approximately 11' from the property line, which is consistent with the existing pavement. On the west side of the property, the curb of the drive thru lane is proposed to be located about 5' from the west lot line. Along the front lot line, the applicant is proposing the parking lot be setback 20' from the lot line.

The applicant is requesting flexibility in the side and rear yard setbacks to allow for the dual drive-through lanes.

H. Snow Storage – Meets Requirements

Adequate area should be designed for snow storage such that clear visibility shall be afforded from the property to any public street. The Applicant is proposing to store snow on the north corner of the site.

I. Parking, Loading and Circulation – Flexibility Requested

Parking requirements for fast food restaurants include 15 stacking spaces for each customer pick-up window plus one space for each 2 seats. This use requires a total of 58 parking spaces and 15 stacking spaces. The applicant is proposing a total of 50 parking spaces and 40 stacking spaces.

The parking lot has been configured to maximize circulation and minimize backups given the drive-thru facility. Access to the parking lot will be provided via a one-way entrance off Red Fox Road and a one-way exit onto Red Fox Road.

J. Drainage, Wetlands and Flood Plain – Meets Requirements

The city code requires stormwater management be provided to meet water quantity, infiltration, and water quality requirements. The application identifies the construction of a stormwater pond located to the north of the building. 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 facilities.

K. Freestanding Signs – Flexibility Requested

Properties in Sign District 5 are allowed one freestanding sign measuring up to 100 square feet in area and not exceeding 16 feet in height. The Applicant would like to utilize the monument sign standards previously approved in the original PUD. The approved monument signs measure 26 feet in height and have a total sign copy area of 171.9 square feet (see Attachment F).

L. Sign Code – Meets Requirements

This proposal includes freestanding signs, wall signs, and drive-thru menu boards. The applicant is proposing to utilize the existing Perkins sign on the north side of the property by changing the sign face. A freestanding sign is also proposed at the corner of Lexington Avenue and Red Fox Road. This sign is 16' in height and includes 57 square feet of sign area. The applicant is proposing two styles of wall signs, one 35 square feet in area and one 57 square feet in area. Both styles are internally lit. One of these signs will be located on each face of the building, as shown in the Sign Plan (Attachment F). There are two drive-through menu boards located along the northwest side of the drive-through lane. The menu board is 6.5' in height and approximately 32.5 square feet in area.

M. Traffic Study

A traffic study has been prepared (see Attachment G). The study reviewed existing operations within the area, evaluated traffic impacts to the roadway network, and recommended improvements to the proposed development site. In summary, the proposed development is expected to generate approximately 200 a.m. peak hour, 163 p.m. peak hour, and 2,352 daily site trips. Results of the year 2023 build operations analysis indicate that all intersections are expected to operate at a LOS C or better during peak hours. With the Lexington Avenue reconstruction project, the Lexington Avenue/Red Fox Road intersection is expected to continue to operate at a LOS C during the p.m. peak hour. The report concludes the proposed development would not result in significant degradation in peak period traffic operations and level of service.

Public Notice and Comments

A Notice was published in the Pioneer Press on May 14, 2021. A public neighborhood notice was prepared by the City and mailed to property owners within 500 feet of the subject property.

Attachments

- A. Project Narrative
- B. Location Map
- C. 11x17 Civil Plan Sets
- D. Architectural Plans
- E. Lighting and Photometric Plan
- F. Signage Plans
- G. Traffic Study
- H. Planning Commission Memo
- I. Draft Planning Commission Minutes
- J. March 15, 2021 City Council Work Session Minutes
- K. Public Comments Received
- L. City Council Presentation