



DATE: May 5, 2021
TO: Planning Commission

FROM: Jane Kansier, AICP, Planning Consultant

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

Requested Action

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 requesting to construct single story fast food restaurant with a drive-through. The property is located at 3855 Lexington Avenue and is zoned B-3, Service Business District, and is designated for Commercial Uses on the 2040 Comprehensive Land Use Plan.

Background

1. Existing Site Conditions:

The proposed development site is the location of the former Perkins and is approximately 66,853 square feet (1.535 acres) in size. At their March 15, 2021 meeting the City Council reviewed a concept plan for this development.

2. Surrounding Area:

Direction	2040 Comp. Plan Land Use	Zoning	Existing Land Uses
North	Right-of-Way (I-694)	Right-of-Way (I-694)	Right-of-Way (I-694)
South	Red Fox Road ROW Commercial	Red Fox Road ROW B-3 Service Business District	Red Fox Road ROW Mixed use commercial building
East	Right-of-Way (Lexington Ave)	Right-of-Way (Lexington Ave)	Right-of-Way (Lexington Ave)
West	Commercial	B-3 Service Business District	Hotel

3. Site Data:

2040 Future Land Use Plan:	COM – Commercial
Existing Land Use:	Vacant restaurant building
Zoning:	B-3 Business Service District
Lot Size:	1.54 acres
Topography:	The site is relatively flat, as a result of previous development. The site is approximately 9' lower than Lexington Avenue.



Approvals:

1. Planned Unit Development

A Planned Unit Development (PUD) is required for all new development and redevelopment in the B-3 District. In addition, a PUD would allow for performance standard flexibility. This proposal involves both the initial Master Plan PUD and the Final PUD.

2. Conditional Use Permit

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.

Proposed Use:

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.

A more detailed description of the use is included in Attachment A.

Plan Evaluation

1. Chapter 13, Zoning Code Review

Section 1320 – District Provisions

A. Floor Area Ratio (FAR), Building Coverage, and Landscaping – *Meets Requirements*

The Zoning Code requirements for properties in the B-3 District allows a maximum FAR of 0.8, a maximum building footprint of 40% and a minimum landscaped lot area of 25 percent. Landscaping is defined as all plantings, including trees, grass, and shrubs. The table below identifies the proposed percentages.

	Proposed Master PUD (Sq. Ft.)	Proposed Master PUD (PCT)	Permitted (B-3 District)
Floor Area Ratio	4,995 sq. ft.	0.07	0.8
Building Coverage	8,649 sq. ft.	12.9%	Max. of 40%
Landscape Coverage	20,080 sq. ft.	30%	Min. of 25%

B. Height – *Meets Requirements*

The maximum building height in the B-3 District is 35 feet. The proposed building is a flat roof building approximately 21’ in height.

C. Setbacks – *Meets Requirements*

Setbacks in the B-3 District are 50 feet for the front yard, 20 feet for the side yard with minimum of 40 feet total for both side yards, and 50 feet for the rear yard. The table below identifies the required and proposed setbacks.

Ordinance Requirements	B-3 District Standards	Proposed Development
Minimum Front Yard Setback	50 feet	62’ (patio)/84’ (building)
Minimum Rear Yard Setback	20 feet	160’
Minimum Side Yard Setback	20 feet (min)/40 feet (total)	30’/150’
Minimum Side Yard Setback – Corner	50 feet	120’

Section 1325 – General Regulations

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 requirements.

C. Landscaping and Tree Preservation – Section 1325.05 Subd. 1 and 1325.055

Minimum Caliper Inches – Meets Requirements

The Zoning Code requires that a minimum number of caliper inches of trees be provided based on the gross square footage of the building on the property. The proposed building includes 4,995 gross square feet. This requires a minimum of 15.6 caliper inches. Section 1325.055, Subd. 6, 3, e, of the Zoning Code allows preserved trees on the site to count towards the required landscaping. There are 183 existing caliper inches of significant trees on the site. At least 117 significant caliper inches will remain after tree removal. This meets the minimum caliper inches required.

Tree Mitigation –Meets Requirements

The existing site has 183 caliper inches of significant trees. The Applicant is proposing to remove 66 caliper inches. The applicant is allowed to remove 10% (18.3 caliper inches) without replacement. The removal of the other 47.7 caliper inches requires replacement at one caliper inch per every two caliper inches lost or 23.85 caliper inches. The applicant is proposing to plant 14 deciduous trees, with a total of 35 caliper inches, as well as 16 evergreen trees equaling 42.1 caliper inches. This meets the minimum requirements.

Trees along Street Frontage – Meets Requirements

The Applicant is proposing to plant 5 new trees along the right-of-way in addition to the preserved 5 trees. This meets the minimum requirement of 1 tree per each 50’ of street frontage.

Perennials and Shrubberies – Meets Requirements

The Zoning Code requires a minimum of 10 percent of the total landscaped area to be covered with perennials and/or shrubbery. The total landscaped area on the site is 20,080 square feet, resulting in the need for a minimum of 2,080 square feet of perennial and shrubbery cover. The proposed landscape plan includes new landscaping along the perimeter of the drive-through lanes. The proposed perennial and shrub planting beds exceeds the minimum 10 percent of the total landscaped area.

Planting Islands – Meets Requirements

The parking area is located to the south and to the east of the building. There are planting islands located at the ends of the parking rows.

Tree Selection – Meets Requirements

The proposed landscape plan includes a variety of tree species, including maples, northern catalpas and evergreens, ranging in size from 2-3 caliper inches. This is consistent with ordinance requirements.

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.

D. Drainage Wetlands and Flood Plain – Section 1325.05 Subd. 2 – *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.

E. Lighting – Section 1325.05 Subd. 3 – *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 has indicated they are working with the adjacent property owner to mitigate concerns. Additional information on what this involves should be provided.

F. Screening – Section 1325.05 Subd. 4 - *Meets Requirements*

The Zoning Code requires mechanical operating equipment located on the ground or roof to be screened from adjacent streets. The mechanical equipment is location on the roof and is screened by a short parapet wall.

G. Requirements for Parking, Loading, and Circulation – Section 1325.06 – *Flexibly 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.

H. Aesthetics - *Section 1325.05, Subd. 8 – 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. The applicant must clarify the building materials. The Planning Commission should make a determination about whether or not brick veneer meets the City Code requirements.



2. Sign Code – Chapter 12 – Meets Requirements

This property is located in Sign District 5. This district allows freestanding signs 16’ in height and up to 100 square feet in area and wall signs not to exceed 80 square feet. Up to two drive-through menu board signs are permitted per drive-through lane. The total surface area of the two signs shall not exceed forty (40) square feet. The height of the menu boards shall not exceed 8 feet.

Freestanding Signs

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.



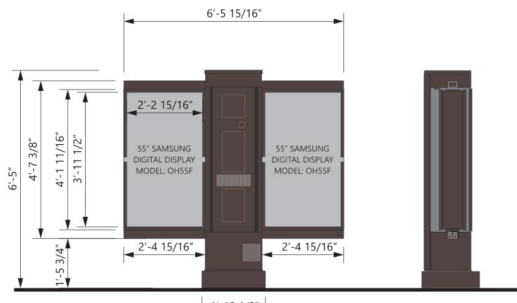
Wall Signs

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).



Drive-Through Menu Boards

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.



3. 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.

Suggested Findings of Fact

Staff offers the following findings of fact for consideration:

1. The property located at 3855 Lexington Avenue is designated for Commercial uses on the 2040 Comprehensive Plan.
2. The applicant has proposed a Master Plan Planned Unit Development, Final Planned Unit Development and Conditional Use Permit in order to construct a fast food restaurant with drive-through lanes.
3. The Final PUD substantially conforms with the requirements of the City Code.

4. 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.
5. Flexibility through the PUD process has been requested in the following areas: lot size, minimum landscape coverage, building height and parking requirements.
6. The proposed development plan meets or exceeds the minimum requirements of the City Code in the following areas: accessory structure setbacks, drive-through facility setbacks, drive-through facility landscaping setbacks, and number of parking spaces.
7. Fast food restaurants with drive-through facilities area allowed as a conditional use in the B-3 District.
8. All new developments or redevelopments in the B-3 district require a planned unit development.
9. The adjacent properties to the south and west are zoned B-3 and are guided for Commercial use in the Arden Hills 2040 Comprehensive Plan.
10. The application is not anticipated to create a negative impact on the immediate area or the community as a whole.

Options and Motion Language

Staff has provided the following options and motion language for this case. The Planning Commission should consider providing additional findings of fact as part of the motion to support their recommendation for approval or denial.

1. Recommend Approval with Conditions: Motion to recommend *approval* of Planning Case 21-011 for a Master Plan Planned Unit Development, a Final Planned Unit Development, and a Conditional Use Permit at 3855 Lexington Avenue, 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 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.
 3. Prior to the issuance of building permits, the Applicant shall enter into a Planned Unit Development Agreement.
 4. 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.
 5. 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.

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. A right-of-way permit shall be required for work performed within the City right-of-way.
 8. No exterior storage shall be permitted.
 9. 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.
 10. 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.
 11. Prior to the issuance of a building permit, a landscape financial security in the amount of 125% of the estimated cost of the landscaping shall be submitted. Landscape financial security is held for two full growing seasons.
 12. Before construction, grading, or land clearing begins, trees or tree areas that are to be preserved shall be visibly marked and city-approved tree protection fencing or other method shall be installed and maintained at the critical root zones of the trees to be protected. The location of the fencing shall be in conformance with the approved tree preservation plan and approved by staff in writing.
 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. 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.
 15. Prior to City Council, the Applicant shall submit a materials board to be approved in writing by staff.
 16. 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 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, MNDOT prior to the start of any site activities.
 17. 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.
 18. Prior to the issuance Grading and Erosion permit, the Engineering Department shall review and approve final grading and utility plans in writing.
2. Recommend Approval without Conditions: Motion to recommend *approval* of Planning Case 21-011 for a Master Plan Planned Unit Development, a Final Planned Unit Development, and

a Conditional Use Permit at 3855 Lexington Avenue, based on the findings of fact and submitted plans in the May 5, 2021, Report to the Planning Commission.

3. Recommend Denial: Motion to recommend *denial* of Planning Case 21-011 for a Master Plan Planned Unit Development, a Final Planned Unit Development, and a Conditional Use Permit at 3855 Lexington Avenue based on the following findings of fact: *the Planning Commission should identify findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
4. Table: Motion to *table* Planning Case 21-011 for a Master Plan Planned Unit Development, a Final Planned Unit Development, and a Conditional Use Permit at 3855 Lexington Avenue for the following reasons: *the Planning Commission should identify a specific reason and/or information request should be included with a motion to table.*

Notice and Public Comments

Notice was published in the *Pioneer Press* on April 23, 2021. Notice was prepared by the City and mailed to property owners within 500 feet of the subject property. Staff has not received any letters, e-mails, or telephone calls from property owners or residents.

Deadline for Agency Actions

The City of Arden Hills received the completed application for this request on April 19, 2021. Pursuant to Minnesota State Statute, the City must act on this request by June 19, 2021 (60 days), unless the City provides the petitioner with written reasons for an additional 60 day review period. The City may, with the consent of the applicant, extend the review period beyond the initial 120 days.

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