



MEMORANDUM

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**DATE:** May 5, 2021

**TO:** Planning Commission Chair and Commissioners

**FROM:** Jane Kansier, AICP, Bolton & Menk  
Corrin Bemis, Bolton & Menk

**SUBJECT: Planning Case #21-005 – Public Hearing Required**  
**Applicant:** Grove Church (Everyday Church)  
**Request:** Zoning Code Amendment – Chapter 13 – Section 1320-District Provisions – Land Use Chart

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**Requested Action**

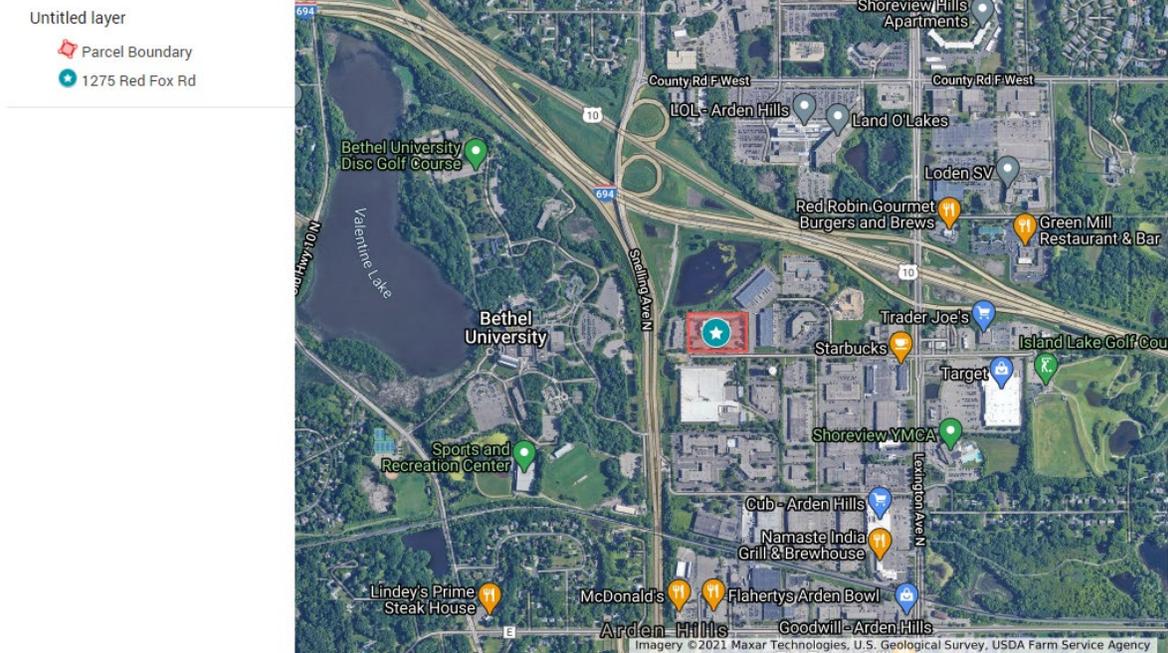
Grove Church, otherwise known as Everyday Church, (“The Applicant”) is proposing an amendment to the language of Chapter 13 – Zoning Code of the Arden Hills City Code to allow for Houses of Worship as a Conditional Use in the I-FLEX District in City Code Section 1320.05 – Land Use Chart.

**Background**

The applicant is interested in developing the property located at 1275 Red Fox Road (“Subject Property”) as a House of Worship. The Property is currently owned by ET Arden Hills LLC and is developed with a two-story office building and associated parking lot. The office building is no longer in use. The Subject Property includes two access points off of Red Fox Road. The property is zoned I-FLEX, which does not permit houses of worship, or other assembly uses.

At a special work session on March 22, 2021, the Council discussed the Applicant’s proposal to develop a House of Worship in the I-FLEX District. Following the discussion, the City Council directed staff to review and propose a zoning code amendment to allow Houses of Worship in the I-FLEX District as a Conditional Use. The amendment will impact Zoning Code Section 1320.05 – Land Use Chart.

# 1275 Red Fox Road



The I-FLEX District is guided as Mixed Business (MB) and Light Industrial & Office (IND) in the Arden Hills 2040 Comprehensive Plan Land Use Chapter. The MB area is designated for a variety of businesses, including commercial, certain light industrial uses, warehousing, office, general business, and retail. The expected share of uses within this area are as follows: 0% to 50% Light Industrial; 0% to 50% Retail; and 25% to 100% Office. A development intensity of up to 0.8 FAR may be allowed. The IND area is designated for a broad range of light industrial uses such as manufacturing, processing, and warehousing. This land use may also include offices. The expected share of uses within this area are as follows: 50% to 100% Light Industrial and 0% to 100% Office. A Development intensity of up to 0.8 FAR may be allowed. According to the Comprehensive Plan the total area of the MB land use is 55 acres, or 0.9% of the total land area in the City, the total area of the IND land use is 346 acres, or 5.7% of the total land area in the City.

The entire I-FLEX District is within the Red Fox/Grey Fox/Lexington Avenue Business Area which is discussed in the Land Use Chapter. This area includes Red Fox and Grey Fox roads and is bounded by Lexington Avenue, Highway 51, Interstate 694, and the Canadian Pacific railway. This area is used by a number of small and large businesses for a variety of retail, manufacturing, distribution, warehousing, and office uses. This area was largely developed between the 1950s and 1970s, though the retail area along Lexington Avenue has had some new development and redevelopment in the last 15 years. This area is marked as an area of possible redevelopment in 2040.

## **Plan Evaluation**

### **Chapter 13, Zoning Regulations Review**

The Subject Property is within the I-FLEX Zoning District. Under City Code Section 1320.04, the purposes of this district are:

1. To preserve, protect, enhance and perpetuate existing development in the district.
2. To attract new development that is compatible with existing development in the district in terms of use, performance, character, quality and appearance of buildings and sites.
3. To permit only those uses that will have traffic generation characteristics that are compatible with existing development in the district and that will ensure reasonable traffic operation on streets in the vicinity.
4. To encourage new site development that will be compatible with existing site development standards of existing development in the district.
5. To promote flexibility in land uses and site development standards to achieve the objectives of the I-FLEX District.

Permitted, conditional, and accessory uses in the I-FLEX District include:

#### ***I-FLEX District Uses***

<b>Permitted</b>	<b>Conditional</b>	<b>Accessory</b>
Business Services	Hotel Or Motel	Antenna, Dish Or Tower
Clinics And Medical Offices	Micro Brewery	Personal Services
Sport And Fitness Clubs	Micro Distillery	Retail Sales And Services
Daycare Facilities – Over 10	Multiple Occupancy Building	
Financial Institutions	Public Use	
Class 1 Manufacturing And Processing	Thrift Store	
Offices	Utility Transmission	
Research And Development Facilities	Warehousing	
Utility Line Distribution		

Special requirements exist in the I-FLEX District. To further accomplish the stated purpose of the I-FLEX District, proposals for new construction, redevelopment of a site, and significant modifications to existing sites shall use the Planned Unit Development (PUD) or the Conditional use Permit (CUP) process. The 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 I-FLEX District. Modifications to these requirements may be granted by the City without a variance through the PUD process. Section 1320.12 also states that the provisions in this Section may be modified by the City Council to allow planning flexibility without the need for a variance to encourage cooperative dialogue between the applicant and the City.

The Applicant is requesting an amendment to the I-FLEX Zoning District to allow House of Worship as a Conditional Use. If the zoning change is approved, the applicant will submit a Conditional Use Permit application for the permitting of Grove Community Church (Everyday Church) at this site.

## **Discussion**

*The Planning Commission should consider RLUIPA:*

- Would the Religious Land Use and Institutionalized Persons Act (RLUIPA) allow the applicant to mount a serious challenge to the City's denial of their application?
- RLUIPA prohibits a government from imposing a land use regulation in a way that substantially burdens the religious exercise of a religious assembly unless the government can show that the burden:
  - is in furtherance of a compelling governmental interest; and
  - is the least restrictive means of furthering that compelling governmental interest.”

Further, a government also may not impose a land use regulation in a manner that treats a religious assembly on less than equal terms with a nonreligious assembly.

The proposed amendments have been provided in Attachments B and C. The City Attorney has reviewed and approved the proposed changes.

## **Findings of Fact**

The Planning Commission must make a finding as to whether or not the proposed application would adversely affect the surrounding neighborhood or the community as a whole based on the aforementioned factors. Staff offers the following findings for consideration:

*General Findings:*

1. The City of Arden Hills is proposing amendments to the language of Chapter 13 – Zoning Code of the City Code.
2. The Subject Property is located in the I-FLEX Zoning District.
3. Under City Code Section 1320.05, Houses of Worship are not allowed in the I-FLEX District.
4. The City is proposing to alter Section 1320.05 to allow Houses of Worship as a Conditional Use in the I-FLEX District.
5. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council.
6. If this amendment is approved, the Applicant will submit a Conditional Use Permit application for the permitting of Grove Community Church (Everyday Church) at the Subject Property.

## **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.

- Recommend Approval: Motion to recommend *approval* of Planning Case 21-005 for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to allow Places of Worship as a Conditional Use in the I-Flex District as presented in the May 5, 2021 Report to the Planning Commission.
- Recommend Approval with Amendments: Motion to recommend *approval* of Planning Case 21-005 for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to allow Places of Worship as a Conditional Use in the I-Flex District as presented in the May 5, 2021 Report to the Planning Commission with amendments. *a specific reason should be included with amendments*
- Recommend Denial: Motion to recommend *denial* of Planning Case 21-005 for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to allow Places of Worship as a Conditional Use in the I-Flex District: *findings to deny should specifically reference the reasons for denial.*
- Table: Motion to table Planning Case 21-005 for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to allow Places of Worship as a Conditional Use in the I-Flex District: *the Planning Commission should identify a specific reason and/or information request should be included with a motion to table.*

### **Public Notices**

A Zoning Code Amendment requires a public hearing. A public hearing notice for this planning case was published in the Pioneer Press on April 24, 2021. The City has not received any public comments regarding this case.

### **Attachments**

- A. Applicant's Narrative
- B. Redlined Land Use Chart
- C. Clean Land Use Chart