



MEMORANDUM

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**DATE:** May 24, 2021

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

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

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

<b>Budgeted Amount:</b>	<b>Actual Amount:</b>	<b>Funding Source:</b>
N/A	N/A	N/A

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**Council Should Consider**

- Adopting motions to approve, table or deny Planning Case 21-011 for the Chick-fil-A Conditional Use Permit, Master Plan PUD and Final PUD

*Approval of a PUD requires an affirmative vote of four councilmembers.*

**Background**

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 proposed development site is the location of the former Perkins and is approximately 66,853 square feet (1.535 acres) in size. 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.

## **Requested Action**

### **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;

*A traffic study was completed by SRF. The proposed development should not generate much additional traffic and is not expected to impact overall traffic operations within the study area. The use does not add enough traffic to require any geometric or traffic control changes.*

2. Noise, glare, odors, vibration, smoke, dust, air pollution, heat, liquid or solid waste, and other nuisance characteristics;

*The proposed use does not conflict with the business functions of the surrounding uses and will not pose a significant detrimental risk or nuisance to the health, safety, and general welfare of occupants of adjacent lands. The potential impacts to the adjacent hotel can be mitigated with screening.*

3. Drainage;

*The proposed site plan does not negatively impact drainage on adjacent properties and the submitted stormwater onsite meets the quantity and quality standards. The Applicant is currently going through the Rice Creek Watershed approval process.*

4. Population density;

*The Subject Property is guided as Commercial (COM) in the Land Use Plan. The area is designated for a broad range of retail, shopping, services, and office space to meet the needs of the community and region.*

5. Visual and land use compatibility with uses and structures on surrounding land;

*The proposed building materials are consistent with the B-3 material requirement as identified in the Design Standards. The ordinance requires 75 percent of the building exterior be constructed of brick masonry, tile masonry, natural stone (or synthetic equivalent), decorative concrete plank (cement board siding), transparent glass or any combination thereof.*

6. Adjoining land values;

*The proposed development is not anticipated to negatively impact adjacent property values.*

7. Park dedications where applicable;

*No park dedication is required.*

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.

*Planning Case 21-011 for Chick-fil-A proposed development at 3855 Lexington Avenue is consistent with the purpose and intent with the policies within the City's Comprehensive Plan and the B-3 Zoning District.*

**Suggested Findings of Fact:**

The Planning Commission reviewed this application at their May 5, 2021 meeting and have offered the following findings of fact for your 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**

The Planning Commission reviewed this application at their May 5, 2021 meeting. At that time, they recommended approval of the Chick-fil-A application for a Conditional Use Permit, Master Planned Unit Development and Final Planned Unit Development by a 4-0 vote. The following are motion language options for the City Council to consider.

### **A Conditional Use Permit is required for drive-up windows in the B-3 District.**

1. Approval: Motion to adopt Resolution 2021-029, approving the Conditional Use for Planning Case 21-011 at 3855 Lexington Avenue, based on the findings of fact and the submitted materials.
2. Denial: Motion to deny Resolution 2021-029, approving the Conditional Use for Planning Case 21-011 at 3855 Lexington Avenue, based on the following findings of fact: *findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
3. Table: Motion to table Resolution 2021-029, approving the Conditional Use for Planning Case 21-011 at 3855 Lexington Avenue for the following reasons: *a specific reason and/or information request should be included with a motion to table.*

### **Master Planned Unit Development and Final Planned Unit Development**

1. Approve with Conditions: Motion to approve Planning Case 21-011 for a Master Plan Planned Unit Development and a Final Planned Unit Development 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.
  19. The Applicant must meet MPCA noise guidelines.
  20. Noise screening must be approved by City staff that addresses the ordering stations.
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2. **Denial:** Motion to *deny* 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.*
  3. **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.*

### **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.

### **Budget Impact**

**NA**

### **Attachments**

- A. Conditional Use Permit – Resolution 2021-029
- B. Presentation