



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

**RESOLUTION NO. 2021-029**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE  
SUBJECT PROPERTY 3855 LEXINGTON AVENUE**

**WHEREAS**, City Staff received a land use application for 3855 Lexington Avenue (“Subject Property”) for a Conditional Use Permit on April 19, 2021;

**WHEREAS**, the Subject Property is located in the B-3 – Service Business Zoning District and is guided as Commercial in the Land Use plan;

**WHEREAS**, a Conditional Use Permit Amendment is required for drive-up window in the B-3 Zoning District;

**WHEREAS**, the Applicant has requested a Conditional Use Permit Amendment in order to allow drive-up windows as part of a fast food restaurant;

**WHEREAS**, the City Council directed Staff to prepare a Land Use Application Public Policy Notification to notify all property owners within 500 feet of Subject Property when a request for the Planning Commission is to occur related to a land use application that requires a public hearing;

**WHEREAS**, the City’s obligation has been met where the Arden Hills Planning Commission duly held a public hearing on May 5, 2021. All persons present at said meeting were given an opportunity to be heard and present written statements; and

**WHEREAS** the Planning Commission considered the Applicant’s request for a Conditional Use Permit Amendment and, as such voted 4-0 in favor of recommending approval with conditions.

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

Hereby adopts Resolution 2021-029 approving Planning Case 21-011 for a Conditional Use Permit Amendment at the Subject Property 3855 Lexington Avenue to allow drive-up windows as part of a fast food restaurant.

**BE IT FURTHER RESOLVED** that City Council approves Planning Case 21-011 for a Conditional Use Permit on the Subject Property 3855 Lexington Avenue, based on the findings of fact and the submitted plans in the May 24, 2021 Report to the City Council, as amended by 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.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ARDEN HILLS  
THIS 24<sup>th</sup> DAY OF MAY, 2021.**

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David Grant, Mayor

ATTEST:

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Julie Hanson, City Clerk