

**MEMORANDUM**

DATE: June 8, 2022

TO: Planning Commission Chair and Commissioners

FROM: Jessica Jagoe, City Planner

SUBJECT: Planning Case #22-011 – Public Hearing Required
Applicant: City of Arden Hills
Request: Zoning Code Amendments – Chapter 13, Special Regulations for Drive-Up Windows and Drive Lanes

Requested Action

The City of Arden Hills is proposing ordinance language in the Zoning Ordinance for business zoning districts that would strike language requiring a distance of separation between establishments such as drive-up businesses, drive-up windows, fast food restaurants, and automobile service stations. Ordinance language would be added to allow for review based on site suitability and compatibility with the area through the Planned Unit Development process. The proposed amendments to City Zoning Code Chapter 13 are within the following Sections:

- Section 1320.085, Subd. 3 Special Regulations for Drive-up Windows in the B-2, General Business District
- Section 1320.09, Subd. 3 Special Regulations for Drive-up Windows in the B-3, Service Business District
- Section 1320.10, Subd. 4 Special Requirements for Drive-up Windows in the B-4, Retail Business District
- Section 1325.05, Subd. 1.B, Proximity to Other Establishments

Background

At their April 18th work session, the City Council discussed possible topics that could be considered for holding a Joint Meeting with the Planning Commission. Reviewing potential topics in advance would allow planning staff an opportunity to research content and flexibility for scheduling the joint meeting at a later date based on planning case submissions. From this discussion, the Council decided that fences, drive-thru commercial districts, and home occupation deliveries would be worked on by staff. Topics for a future joint meeting would be signage and infill items.

Staff was directed to bring forward the proposed ordinance to the Planning Commission for the first review and to hold a public hearing. Following the public hearing, the draft ordinance

language with recommendation of the Planning Commission would be brought to the City Council for subsequent discussion and adoption.

Overview of Ordinance Amendments

Staff has prepared a draft ordinance showing language to be removed and added in red font for your review (Attachment A). The general consensus of the Council was that the consumer preference for drive-up, drive-thru, and curbside pickup for restaurants and retail markets has changed dramatically over the past couple of years. The City in a number of instances has approved flexibility to the city code requirements for proximity to other establishments under the Planned Unit Development process to allow drive-thru windows and businesses within a closer distance of each other. Therefore, the Council directed the review of our current ordinance language which requires a separation of 1,320 feet (i.e. 0.25 miles) between these types of businesses.

The proposed amendments would strike language in the business zoning districts which has a requirement of 1,320 feet between establishments such as drive-up businesses, drive-up windows, fast food restaurants, and automobile service stations and adds language to allow the City to review and add conditions for approval based on site suitability and compatibility with the area through the Planned Unit Development process.

The applicable Sections are as follows:

- Section 1320.085, Subd. 3 Special Regulations for Drive-up Windows in the B-2, General Business District
- Section 1320.09, Subd. 3 Special Regulations for Drive-up Windows in the B-3, Service Business District
- Section 1320.10, Subd. 4 Special Requirements for Drive-up Windows in the B-4, Retail Business District
- Section 1325.05, Subd. 1.B, Proximity to Other Establishments

An ordinance amendment to the Zoning Code does require a public hearing before the Planning Commission.

Additional Review

N/A

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 to amend ordinance language to allow the City Council to add conditions of approval for uses with drive-up windows and drive lanes through a Planned Unit Development.
2. The proposed ordinance will include amendments to the language of Chapter 13 – Zoning Code of the City Code.

3. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council.

Options and Motion Language

Staff has provided the following options and motion language for this case.

- **Recommend Approval:** Motion to recommend *approval* of Planning Case 22-011 as presented (or as modified by Planning Commission) for Zoning Code Amendments to Chapter 13 in Section 1320.085 - Subd. 3, Section 1320.09 - Subd. 3, Section 1320.10 - Subd. 4 and Section 1325.05 - Subd. 1.B of the Arden Hills City Code to strike language requiring a distance of separation between drive-up businesses and add language for review through a Planned Unit Development as presented in the June 8, 2022 Report to the Planning Commission.
- **Recommend Denial:** Motion to recommend *denial* of Planning Case 22-011 as presented (or as modified by Planning Commission) for Zoning Code Amendments to Chapter 13 in Section 1320.085 - Subd. 3, Section 1320.09 - Subd. 3, Section 1320.10 - Subd. 4 and Section 1325.05 - Subd. 1.B of the Arden Hills City Code to strike language requiring a distance of separation between drive-up businesses and add language for review through a Planned Unit Development: *findings to deny should specifically reference the reasons for denial.*
- **Table:** Motion to *table* Planning Case 22-011 as presented (or as modified by Planning Commission) for Zoning Code Amendments to Chapter 13 in Section 1320.085 - Subd. 3, Section 1320.09 - Subd. 3, Section 1320.10 - Subd. 4 and Section 1325.05 - Subd. 1.B of the Arden Hills City Code to strike language requiring a distance of separation between drive-up businesses and add language for review through a Planned Unit Development: *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. Notice was published in the *Pioneer Press* on May 27, 2022. The City has not received any public comments regarding this case.

Attachments

- A. Redlined Ordinance Amendment
- B. Draft Ordinance