



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

RESOLUTION NO. 2022-039

**RESOLUTION APPROVING A CONDITIONAL
USE PERMIT FOR THE SUBJECT PROPERTY
3737 LEXINGTON AVENUE N.**

WHEREAS, City Staff received a complete land use application for 3737 Lexington Avenue N (“Subject Property”) as part of a Final Planned Unit Development with a Conditional Use Permit on June 21, 2022;

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 is required for a drive-up window in the B-3 Zoning District;

WHEREAS, the Applicant has requested as part of the Final Planned Unit Development a Conditional Use Permit in order to allow a drive-up window 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 1000 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 July 6, 2022. 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 and, as such voted 7-0 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 2022-039 approving Planning Case 22-012 for a Final Planned Unit Development with a Conditional Use Permit at the Subject Property 3737 Lexington Avenue N. to allow a drive-up window as part of a fast food restaurant.

BE IT FURTHER RESOLVED that City Council approves Planning Case 22-012 for a Final Planned Unit Development with a Conditional Use Permit on the Subject Property 3737 Lexington Avenue N. based on the findings of fact and the submitted plans in the July 25, 2022 Report to the City Council, as amended by the following conditions:

1. The project shall be completed in accordance with the submitted plans as amended by the conditions of approval. Any significant changes to these plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
2. The Master and Final Planned Unit Development approval 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. The City Council may extend the expiration date of such approval upon written application by the person to whom the approval was granted.
3. A violation of any condition set forth in the permit shall be a violation of this Code, and shall be cause for revocation of the permit.
4. A Master and Final PUD Development Agreement shall be prepared by the City Attorney and subject to City Council approval. The Master and Final PUD Development Agreement shall be fully executed prior to the issuance of building permits.
5. The applicant shall file the Final Plat with Ramsey County within 180 days of the approval from the City.
6. Prior to the issuance of a building permit, a landscape financial security equal to 125% of the cost of the landscaping to be installed on the site shall be submitted. The Applicant must submit a detailed cost estimate for the landscaping so staff can determine the final amount. Landscape financial security shall be held for two full growing seasons. For any landscaping that is not in accordance with the approved landscaping plan at the end of two growing seasons, the Developer shall replace the material to the satisfaction of the City before the guarantee is released. Where this is not done, the City, at its sole discretion, may use the proceeds of the performance guarantee to accomplish performance.
7. 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 Applicant shall be responsible for obtaining any permits necessary from other agencies, including but not limited to, MPCA, Rice Creek Watershed District, MnDOT and Ramsey County prior to the start of any site activities.
8. Prior to the issuance of a grading permit, all items identified in the June 20, 2022 Engineering Division memo shall be addressed. All comments shall be adopted herein by reference.
9. The final plans shall be subject to approval by the City Engineer, Building Official, and Fire Marshal prior to the issuance of a grading and erosion control permit.
10. Final grading, drainage, utility, and site plans shall be subject to approval by the Public Works Director, City Engineer, and City Planner prior to the issuance of a grading and erosion control permit or other development permits.
11. Upon completion of grading and utility work on the site, a grading as-built and utility as-built shall be provided to the City for review.
12. Heavy duty silt fence and adequate erosion control around the entire construction site shall be required and maintained by the Developer during construction to ensure that sediment and storm water does not leave the project site.
13. 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.

14. A right-of-way permit shall be required for work performed within the City right-of-way.
15. 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.
16. 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.
17. A separate sign permit shall be required for all signs on the site.
18. 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.
19. The Applicant shall be financially responsible for all applicable water and sanitary charges. Rates applied shall be memorialized in the Development Agreement.
20. All disturbed boulevards shall be restored with sod. 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.
21. The Applicant shall provide an agreement for shared management and maintenance of the site access, parking areas, landscaping, snow removal and common areas for the City Attorney to review and for the City Council's approval prior to the approval of the Master and Final PUD Development Agreement.
22. The proposed structures shall conform to all other regulations in the City Code.
23. The Applicant shall provide a copy of the Stormwater Management Report and verification of Rice Creek Watershed approval prior to the approval of Development Agreement.
24. The Applicant shall reduce the menu board signage for the fast food restaurant in the multi-tenant building to be compliant with Section 1240.04.
25. The Applicant shall be required to pay a park dedication fee equivalent to the City's portion of the cost for the sidewalk installation along Lexington Avenue as part of the Lexington Avenue Road Improvement Project as well as the supplementary difference of landscaping coverage in lieu of plantings.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ARDEN HILLS
THIS 25th DAY OF JULY, 2022.**

David Grant, Mayor

ATTEST:

Julie Hanson, City Clerk