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**DATE:** April 5, 2023

**TO:** Planning Commission Chair and Commissioners

**FROM:** Jessica Jagoe, Community Development Director

**SUBJECT: Planning Case #23-007 – Public Hearing Required**  
**Applicant:** Flaherty’s  
**Property Address:** 1273 West County Road E  
**Request:** Site Plan Review and Zoning Code Amendment

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**Requested Action**

Flaherty’s, “The Applicant,” is proposing modifications to the existing parking lot at Flaherty’s Arden Bowl, “The Subject Property,” to expand the existing outdoor patio area and allow for a space for outdoor recreational games. A zoning code amendment to City Code Chapter 13 – Zoning Code of Arden Hills City Code is required to add language to define and allow for the proposed outdoor recreational activity as an accessory use within the B-2, General Business.

**Background**

**1. Overview of Request**

The Applicant is applying for Site Plan Review for evaluation of the site layout and parking modifications that are being proposed to expand the existing outdoor patio area. The patio expansion will include additional dining tables, pergolas, a lounge area with fireplace, and a commercial recreation area for cornhole leagues. In order to construct the patio expansion, the Applicant would need to remove five parking spaces in front of the building. Two of those spaces are accessible parking spaces that will be relocated near the patio within the existing parking lot. A Site Plan Review is required in any Business, Industrial, or Multiple Family Zoning District when there is the reorganization of parking, drives, and entrances.

As part of the application, the Applicant is also requesting a zoning code amendment to allow for commercial recreational use to be conducted outdoors in the B-2 Zoning District. Currently, the city code limits any commercial recreational activity to be conducted within an enclosed building (i.e. indoors). The Applicant is proposing that the allowance for a commercial recreation – outdoor would be limited to being an accessory use only when conducted in conjunction with a

commercial recreation – indoor land use. Additionally, their narrative notes that restrictions could be included in the amended ordinance language such as capping the evening hours for which the outdoor recreational activity would be allowed (i.e. 10 PM) or no high voltage lighting (i.e. flood lights).

The Subject Property is approximately 1.5 acres. The bowling alley also features a full service restaurant/party room and an arcade. In addition to the Subject Property, the Applicant owns two other parcels in the immediate area (i.e. east and north) along Connelly Avenue that are utilized for overflow off-street parking for the bowling alley. Neither of these parcels have a structure, parking lot only.

***Ramsey County Aerial Map***



**2. Surrounding Area:**

Direction	Future Land Use Plan	Zoning	Existing Land Use
North	Community Mixed Use	B-2 General Business District	Commercial/Bingo Hall
South	Community Mixed Use	B-2 General Business District	Commercial/Automotive Station
East	Community Mixed Use	B-2 General Business District	Commercial/Vet Clinic
West	Community Mixed Use	B-2 General Business District	Commercial/Fast Food

**3. Site Data:**

<b>Future Land Use Plan:</b>	Community Mixed Use
<b>Existing Land Use:</b>	Commercial/Bowling Alley
<b>Zoning:</b>	B-2 General Business District
<b>Size:</b>	1.57 acres

**Plan Evaluation**

**Chapter 13, Zoning Regulations Review**

**1. General Requirements - Sections 1325.05 and 1325.06**

**A. Off- Street Parking – Meets Requirements**

The Site Plan Review process is triggered for this application due to the reorganization of parking, drives, and entrances. The Applicant is proposing to remove five (5) parking spaces in front of the building to the expanded outdoor patio and add artificial turf for the commercial recreation area. Two (2) of those off-street parking spaces are accessible parking spaces. The Applicant intends to move and relabel two (2) other existing spaces immediately adjacent to the building so there is no reduction in the number of accessible parking spaces on the site.

For the Site Plan Review, the Subject Property has 40 outdoor dining seats and is proposing to add 16 – 20 additional outdoor dining seats. Per City Code, restaurant uses must provide one (1) parking space for every two (2) seats and a bowling alley must provide five (5) for each lane. Currently, the Applicant has a total of 286 off-street parking spaces between the three (3) parking lots. Under the new site plan, the Subject Property would have 281 off-street parking spaces.

<b>Land Use</b>	<b>Parking Requirement</b>	<b>Flaherty's</b>	<b>Required # of Parking Spaces</b>
Bowling Alley	5 for each lane plus related uses	36 lanes	180
Restaurant	1 for every 2 seat	135 indoor seats 60 outdoor seats (includes proposed expanded seating)	97.5

Total Required Off- Street Parking Spaces – 277.5

**B. Impervious Surface – Meets Requirements**

The B-2 Zoning District allows impervious surface coverage up to 80% of the site. The Applicant included in their application a breakdown of permeable and impervious surfaces for the project area. The current concrete patio will remain as is. The expanded patio area would square off the existing patio in front of the building and remove approximately 1,354 square feet of green space (i.e. grass). There are no trees to be removed as part of this project. The proposed artificial turf area for the commercial recreation outdoor space would be installed

immediately adjacent to the existing patio area with a permeable base material. This area is currently a paved portion of the parking lot. The permeable surface area added as a result of the proposed project is 1,357 square feet. Therefore, the impervious surface coverage that exists today remains the same.

### **C. Design Standards for Existing Sites B2 District – *Meets Requirements***

In March 2008, the City completed a visioning and planning process for the B-2 District, which generally includes the properties near County Road E between Lexington Avenue and Hamline Avenue/Highway 51. The “Guiding Plan for the B-2 District” includes a long-term vision for the future redevelopment of this corridor and addresses transportation issues, land uses, infrastructure improvements, landscaping, pedestrian facilities, building design, and site layout among other issues. To implement these goals, the City adopted Section 1325.05, Subd. 8 which applies to New Development, Redevelopment, and Modifications in the B2 and B3 Districts for review of architecture, landscaping, and site design. In this application, the Applicant is not proposing any changes to the existing building. The Site Plan Review pertains to the site design elements of the outdoor patio and commercial recreation area.

1. *Fences* - In the B2 District, fences shall blend into the landscape using finished materials of either wood, brick, stone or wrought iron.
  - a. The Applicant is proposing the perimeter of these outdoor areas would be combination of a three (3) foot-tall aluminum decorative fence with gates and a 34” tall block retaining wall.
2. *Site furnishings and seating areas* – These features are encouraged and may include tables, chairs, benches, plantings, and other outdoor amenities such as a plaza. These areas shall be maintained for year-round use. Creativity is highly encouraged. These spaces shall be connected to the sidewalk system. Benches and decorative plantings shall be provided near the primary entrance of all buildings on a site.
  - a. The Applicant is proposing to expand the outdoor patio with the addition of four (4) to six (6) tables. The patio area will have an outdoor lounge area with a fireplace. Three (3) pergolas are shown in the design with one space featuring a waterfall feature. Greenery will be added such as vines coming down the walls, planters in front of the fencing, hanging ferns, and other potted plants hanging from the arbors. A paver walkway will be added, connecting the patio area to the existing sidewalk along County Road E. Lastly, there will be bike racks added adjacent to this walkway.
3. *Pedestrian and Bicycle Circulation* – Site designs in the B2 District shall facilitate pedestrian connections and mobility within and between buildings, sites, and uses by providing clear visual indicators through door placement, signage, striping, raised pathways, and integrating landscaping components. An internal sidewalk system shall link the primary entrance of each building on site with the public sidewalk or trail network.
  - a. The Applicant is proposing to add a walkway to the existing sidewalk along County Road E. The Public Works Director/City Engineer commented that the sidewalk connection is approved as long as Ramsey County has no issues. Planning staff did forward the application to Ramsey County for review and they had no additional

comments or concerns. It was noted that if there is a need in the future for the City or County to remove any portion of the proposed walkway shown within the easement, this would be done without replacement.

4. *Bicycle Parking* – The city code states bicycle parking shall be located in a safe, designated area and should be within 50 feet of the primary building entrance. Bicycle racks shall be visible either from within the building or the public right-of-way. For commercial uses, one (1) bicycle parking space shall be provided for every 20 automobile parking spaces. A minimum of two (2) parking spaces is required.
  - a. The Applicant has stated in their application that they are intending to add bicycle racks as part of this project, but it is not stated how many spaces would be provided. Based on the number of post outdoor patio remodel off-street parking spaces, the Subject Property would be required to install 14 bicycle parking spaces.

### **Zoning Code Text Amendments**

The purpose of the B-2 General Business District is to:

- Be a place in which people can live, work and play.
- Create a compact, architecturally diverse, pedestrian- and bicycle-friendly community with a distinct identity.
- Provide a connected sidewalk system and places for people to gather and socialize. To implement design standards to promote an attractive environment with lasting and sustainable value.
- Group compatible retail and service business uses that tend to draw trade that is naturally interchangeable and promotes business prosperity.
- Provide an adequate supply of businesses and professional service areas to meet the needs of the residents.
- Minimize the effects of traffic congestion, noise, odor, glare and similar safety problems.

According to the Applicant, the proposed ordinance amendment will enhance the recreation activities within the community to all ages. Their narrative states that a bowling alley is primarily a winter recreational activity. The requested ordinance amendment will help their business increase the customer visits to include the spring and summer months.

Currently the city code is absent of land use language permitting any type of commercial recreation activity outside of the building in any of the zoning districts. To allow this land use, the City's Zoning Code would need to be amended to add a definition for Commercial Recreation – Outdoor and to designate this type of land use as an accessory use in the B-2 General Business District. Staff has prepared text amendments based on the Applicant's narrative as well as a few other text amendment considerations for "Commercial Recreation - Outdoor" language within Sections 1305.04 Definitions, 1320.04 Purpose of Districts, 1320.05 Land Use Chart and 1325.02 Accessory Uses.

#### **Applicant's Narrative:**

- 1) Add a definition for Commercial Recreation – Outdoor - Section 1305.04 Definitions

- a. Commercial Recreation – Outdoor: An accessory commercial recreational use conducted outdoor including but not limited to horseshoes, bocce ball, or cornhole.
- 2) The Land Use Chart within Section 1320.05 would be amended to include Commercial Recreation - Outdoor:
- a. Add a land use category for Commercial Recreation – Outdoor as an Accessory Use under the B-2 Zoning District.

Additional Code Amendments to consider:

- 3) Amend Section 1325.02, Accessory Uses
- a. Create a new Subdivision 5 that establishes the requirements and criteria for an administrative permit for Commercial Recreation – Outdoor as an accessory use on a property where the principal use is Commercial Recreation - Indoor.

*Proposed language:*

A. Commercial Recreation - Outdoor shall only be permitted as an accessory use on a property where the principal use is Commercial Recreation - Indoor.

B. Commercial Recreation – Outdoor shall only be permitted in the B-2 General Business District.

C. An Administrative Permit shall be required from the Community Development Department to allow outdoor recreational activities. The Community Development Department shall review a site plan and specifics of the proposed outdoor recreation area and may issue the permit, subject to, but not limited to, the following requirements:

1. The Subject Property shall not be located immediately adjacent to a residentially zoned property.

2. All commercial recreation – outdoor related activity must cease by 10 PM on weekdays and weekends.

3. The location of the outdoor commercial recreation area needs to be contiguous to the principal building and shall be a contained space with a defined perimeter of either decorative fencing, retaining walls, and/or plantings.

4. The permitted commercial recreation – outdoor area shall not exceed 1,500 square feet.

**Additional Review**

*Building Inspector*

The Building Inspector has reviewed the plans and has no additional comments at this time. A building permit will be required for the pergolas shown on the site plan. The retaining walls, since under 4 feet, will require a zoning permit prior to installation.

*Ramsey County*

Ramsey County has reviewed the plans and has no additional comments at this time.

*Fire Marshal*

The Fire Marshal has reviewed the plans. He has requested there be two outward swinging gates. The gates could be self-latching. If the gates lock for the outside, the Fire Marshal would require some type of panic hardware to allow the gates to open to allow egress.

*Public Works Director/City Engineer*

The Public Works Director/City Engineer has reviewed the plans and has the following comments:

- It appears the land disturbance area does not trigger the need for a Grading and Erosion Control permit but the Public Works Department will need to see the final erosion control plans to make sure there is perimeter control planned.
- No Right-of-Way permit needed with the City.
- Right-of-Way permit likely needed with the County. Applicant shall provide verification if a permit is issued or not prior to commencement of project.
- The sidewalk connection is approved as long as Ramsey County has no issues with it as well. The property owner must understand that if there is a need in the future for the City or County to remove any portion within the easement, that they will do so and not be obligated to replace it.

**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 Applicant has submitted an application for Site Plan Review at 1273 West County Road E to expand the existing outdoor patio that will include an accessory outdoor commercial recreation area.
2. The Subject Property is located within the B2 General Business District and is guided as Community Mixed Use on the 2040 Land Use Plan.
3. Through the Site Plan Review, the Applicant is seeking approval to remove five off-street parking spaces and reconfigure the location of accessible parking spaces in order to expand the outdoor patio space.
4. The Applicant is proposing to add approximately 1,350 square feet of new impervious surface for the expanded outdoor patio area and is converting approximately the same square footage of existing impervious surface to a permeable surface with the addition of artificial turf on the Subject Property.
5. The proposed plan does not conflict with the general purpose and intent of the Zoning Code or the Comprehensive Development Plan for the City.
6. The application is not anticipated to create a negative impact on the immediate area or the community as a whole.
7. The proposed plan will not produce any permanent noise, odors, vibration, smoke, dust, air pollution, heat, liquid, or solid waste, and other nuisance characteristics.
8. The proposed plan is not anticipated to have any impact on traffic or parking conditions.
9. The outdoor patio and accessory commercial recreation – outdoor area would be in compliance with all provisions of the Zoning Code.
10. A public hearing is not required for Site Plan Review.

*Text Amendment Findings:*

1. Flaherty's, The Applicant, is proposing amendments to the language of Chapter 13 – Zoning Code of the City Code.
2. Currently, Section 1305.04 does not include a definition for Commercial Recreation – Outdoor.
3. The Applicant is proposing the City amend the zoning code to add a definition for Commercial Recreation - Outdoor to Section 1305.04 of the Zoning Code.
4. The Applicant is proposing an amendment to alter the Land Use Chart in Section 1320.05 of the Zoning Code to allow a Commercial Recreation – Outdoor as an Accessory Use in the B2 General Business District.
5. The proposed amendment advances the economic development goals in the City's Comprehensive Plan because it provides for land use regulations in commercial zones that provide flexibility for economic development while requiring high aesthetic standards.
6. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council.
7. If the zoning amendments were approved, an Applicant would be required to apply for an Administrative Permit for the accessory use to allow Commercial Recreation – Outdoor within the B2 Zoning District.

**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 with Conditions Amendments: Motion to recommend *approval* of Planning Case 23-007 for Site Plan Review at 1273 West County Road E and Zoning Code Amendments to Section 1305.04 - Definitions, Section 1320.05 – Land Use Chart and Section 1325.02 – Accessory Uses based on the findings of fact and the submitted plans, as amended by the conditions in the April 5, 2023, Report to the Planning Commission:
  - 1) That the project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to these plans, as determined by the Community Development Director, shall require review and approval by the Planning Commission and City Council.
  - 2) An administrative permit shall be obtained for the commercial recreation outdoor area.
  - 3) Prior to commencement of patio expansion, the Applicant shall provide the City with the final erosion control plans for review and approval by the Public Works Director/City Engineer.
  - 4) All 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.



5) The Applicant shall be responsible for obtaining any permits necessary from other agencies, including but not limited to, Rice Creek Watershed District and Ramsey County prior to the start of any site activities. Verification whether a permit is required or not shall be provided to the City.

- Recommend Approval as Submitted: Motion to recommend *approval* of Planning Case 23-007 for Site Plan Review at 1273 West County Road E and Zoning Code Amendments to Section 1305.04 - Definitions, Section 1320.05 – Land Use Chart and Section 1325.02 – Accessory Uses based on the findings of fact and the submitted plans in the April 5, 2023, Report to the Planning Commission.
- Recommend Denial: Motion to recommend *denial* Planning Case 23-007 for Site Plan Review at 1273 West County Road E and Zoning Code Amendments to Section 1305.04 - Definitions, Section 1320.05 – Land Use Chart and Section 1325.02 – Accessory Uses based on the following findings of fact: *findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
- Table: Motion to *table* Planning Case 23-007 for Site Plan Review at 1273 West County Road E and Zoning Code Amendments to Section 1305.04 - Definitions, Section 1320.05 – Land Use Chart and Section 1325.02 – Accessory Uses: *a specific reason and information request should be included with a motion to table.*

### **Notice**

A zoning code amendment requires a public hearing. Staff published a notice in the *Pioneer Press* and public notices were mailed on March 24, 2023 per city policy. The mailing was sent to neighbors within 1000 feet of the subject parcel. One comment in support of this application has been received as of March 29, 2023.

### **Deadline for Agency Actions**

The City of Arden Hills received the completed application for this request on March 2, 2023. Pursuant to Minnesota State Statute, the City must act on this request by April 30, 2023 (60 days).

### **Attachments**

- A) Land Use Application
- B) Location Map
- C) Applicant Narrative
- D) Site Plan and Renderings
- E) Certificate of Survey
- F) Draft Amendment Definitions
- G) Draft Amendment Land Use Chart
- H) Draft Amendment Accessory Uses