



MEMORANDUM

DATE: April 24, 2023

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

FROM: Jessica Jagoe, Community Development Director

SUBJECT: **Planning Case #23-006 – No Public Hearing Required**
Applicant: Lindey’s, Inc.
Property Location: 3610 Snelling Avenue North
Request: Site Plan Review

Budgeted Amount:	Actual Amount:	Funding Source:
N/A	N/A	N/A

Council Should Consider

Motion to approve, table, or deny the following

- Adoption of Resolution 2023-021 for Planning Case 23-006 a Site Plan Review for the property located at 3610 Snelling Avenue North (“Subject Property”). Mark and Tracy Lindemer, Lindey’s, Inc. (“The Applicants”) are proposing modifications to the existing parking lot at the Lindey’s Restaurant. The Site Plan Review includes parking to be added and modified to address truck circulation and property demands. Additional parking along the relocated County Road E driveway will include improvements to ADA parking and pedestrian areas.

Background

1. Overview of Request and Planning Case Background

Lindey’s Prime Steakhouse opened in Arden Hills in 1961. The City established the Neighborhood Business District on September 27, 1999. Neighborhood Business sites are located at the edge of residential neighborhoods and are intended to provide a limited range of over-the-counter, convenience, retail, and service uses to accommodate the needs of the adjacent residents. Since these areas are located adjacent to residential neighborhoods, the City did adopt limitations on the type, size and intensity of uses within this district. On November 27, 2000, the

City rezoned seven sites, including the Subject Property, to NB, Neighborhood Business District. Today, the Subject Property is considered legal nonconforming in this district.

The Applicants are applying for Site Plan Review for evaluation of the site layout and parking modifications that are being proposed as a result of the operational changes impacted by the County Road E/Old Snelling Avenue Roundabout project. There are no changes to the restaurant operations or the building as part of this application. As a legal nonconforming site, the County has allowed the continuation of use of the two driveway accesses along Old Snelling Avenue and one access off of County Road E. The access off of County Road E is a smaller commercial/residential driveway. With the roadway project, the Applicants are required by Ramsey County to eliminate one of the driveway accesses along Old Snelling Avenue in order to bring the property closer to conformance with current County standards. Thus, the proposed parking lot improvements have triggered the Site Plan Review process for reconfiguration of the site layout.

The Subject Property is approximately 1.5 acres which includes both a restaurant, a residential home, and a detached cottage. The main parking lot is located in the western and central portions of the lot. The site has significant tree canopy coverage with more green areas on the southern and eastern portion of the property. The parking lot reconfiguration will occur essentially within the same footprint that exists today with the exception of the addition of parking spaces between the building and eastern property line. For the Site Plan review, the proposed improvements include elimination of the southern most access on Old Snelling Avenue, upgrading the driveway access off of County Road E to full commercial standards, and the addition of parking stalls and a trash enclosure.

The Planning Commission reviewed this application at their April 5, 2023 meeting. During the meeting, the Planning Commission voted to strike the draft Condition of Approval #5 *“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.”* This motion was made after the Applicant clarified that there would be no retaining walls on the Lindey’s property, but rather a retaining wall would be installed in the right-of-way as part of the roadway project and would be installed by the roadway contractor. He explained this retaining wall would be on a portion of land the County would be purchasing from Lindey’s and the retaining wall would be maintained by the County going forward. For this reason, he requested Condition 5 be removed from consideration. The motion carried unanimously (7-0). The Planning Commission also recommended approval with conditions of the application from Lindey’s for a Site Plan Review by a 7-0 vote.

2. Surrounding Area

Direction	Future Land Use Plan	Zoning	Existing Land Use
North	Low Density Residential	NB Neighborhood Business/R-1 Single-Family Residential	Residential
South	Low Density Residential	R-1 Single-Family Residential	Residential
East	Low Density Residential	R-1 Single-Family Residential	Residential
West	Low Density Residential	R-1 Single-Family Residential	Residential

3. Site Data

2040 Future Land Use Plan:	Low Density Residential
Existing Land Use:	Restaurant
Zoning:	Neighborhood Business District (NB)
Lot Size:	1.47 acres

Ramsey County Aerial Map



Plan Evaluation

Chapter 13, Zoning Regulations Review

1. Land Use Chart (NB Neighborhood Business District) – *Section 1320.05*

The Subject Property is located in the NB, Neighborhood Business District. A Restaurant and Restaurant-Fast Food is a conditional use in this district. Lindey’s Prime Steakhouse is a legal nonconforming use in this district that is allowed to continue to operate and be maintained until such time that there is a change in use or intensification/expansion that triggers an additional

zoning/land use review. The proposed parking lot modifications fall under the categories of repair, replacement, restoration, and maintenance as allowed as a continuation of a nonconforming use.

2. Special Requirements for the Neighborhood Business District - *Section 1320.08, Subd. 5 - Building Exteriors, Site Features, and Site Development*

A. Buffer Yards – *Legal Nonconforming and Flexibility Requested*

In the NB District, the City requires a 30 foot buffer strip adjacent to all residential uses outside of the neighborhood business district. The buffer yard is to be landscaped with a combination of evergreen trees and deciduous trees such that the use is substantially screened from the adjacent residences. The buffer yard landscaping may be in excess of the minimum landscaping requirements.

The abutting parcels to the north and east are both residentially zoned. The Applicants will be removing existing bituminous curbing along the north property line and reinstalling curb and gutter as part of the project in the same location. No changes are proposed to the location of the parking lot along the west, north and south property lines. This existing portion of the parking lot is legal nonconforming as there is not a 30 foot buffer strip between the residential property to the north. The site plan shows there is 4.67 feet between the curbing and north property line. Two (2) of the three (3) trees along the north property line will be removed since they are nuisance trees. The Applicants had discussed adding a fence along the north boundary line as part of the project scope, but that is not shown on their site plans as part of this application review.

Between the building and the eastern property line, the Applicants are proposing to adding pavement for a customer drop off area adjacent to the currently existing ADA customer ramp, plus 13 parking spaces. The Applicants' narrative notes that the County Road E driveway and new parking were specifically located to minimize conflict with the roundabout design so this was not fully controlled by the site. The buffer area from the back of curb to the east property line ranges from 9.5 feet to 23.7 feet. Fives (5) trees are shown to be removed in this area as part of the project. The site plan shows that the existing trees and vegetation along the eastern property line will remain. To supplement, the Applicants' are proposing to add vegetation under the canopy of trees for supplemental screening. The landscaping plan shows a variety of shrubs and three (3) of the required replacement trees in the buffer area.

The City Council should discuss if the buffer yards are sufficient as proposed or if a recommended condition of approval should be added that would require additional landscaping and/or a fence between the adjacent residential properties.

B. Lighting – *Meets Requirements*

The existing parking lot has two flood lights attached to utility poles which will be removed. As part of the Site Plan Review, the Applicants have submitted a lighting and photometric plan. The NB District states that parking lot lighting shall not exceed 14 feet in height. The proposed fixtures will be hooded and downcast style fixture. Section 1325.05, Subd. 3 states that no lighting shall cast illumination that exceeds one foot candle on the travel lanes of

adjoining public streets or 0.4 foot candles on adjoining residential properties. The proposed lighting and photometric plan comply with city requirements.

C. Trash Enclosure – *Meets Requirements*

A new trash enclosure is part of the parking lot improvements whereas today there is no enclosure and the trash containers are unscreened. The trash enclosure will be located on the east side of the new parking spaces. The NB District requires that trash be fully screened in a masonry enclosure or stored within the principal structure. The 24' x 12' enclosure will be constructed on three sides using concrete block with recycled vinyl boards for the gates.

D. Bicycle Racks – *Meets Requirements*

The Subject Property currently does not have any bike racks. This project includes the addition of two (2) bicycle racks for a total of four (4) bike spaces. The NB District encourages racks to be located in an area that is convenient to the main entry into the building. The proposed bike racks are shown on the site plan to be located adjacent to the east side of the building near the ADA parking and pedestrian area.

E. Sidewalks – *Legal Nonconforming and Flexibility Requested*

The Ramsey County led roadway project is scheduled to provide a short public trail segment at the roundabout with a connection to Lindey's in the southwest area of their site. This work will be completed within the County's right-of-way. The NB District requires sidewalks to be provided adjacent to all public right-of-ways. The Applicants' narrative notes that the existing parking lot does not have any pedestrian sidewalks or connections adjacent to the site. The Applicants are seeking flexibility from the requirement in satisfaction of the roadway improvements that will include a trail connection.

3. General Requirements - *Sections 1325.05 and 1325.06*

A. Parking and Site Operations – *Meets Requirements*

The Site Plan Review process is triggered due to the reorganization of parking, drives, and entrances. The proposed improvements will add 7,073 square feet of new pavement to the existing parking lot along the east side of the property. The Applicants are proposing to reclaim and restripe the 39,717 square feet of existing pavement area within the same footprint. The additional parking and changes to site circulation are primarily the result of the need to address truck circulation (i.e. semi-truck deliveries, trash haulers) and property demands. Site Plan Sheet C2.0 shows the truck turning movement plan.

Under the new site plan, the Subject Property will have one driveway access off of Old Snelling Avenue and one driveway access of County Road E. The drive aisles internal on the site vary in width between 16 feet to 24 feet. The Public Works Director/City Engineer has reviewed the proposed site plan with regard to access locations, spacing, and sizing of driveway width. Per City Code, restaurant uses must provide one (1) parking space for every two (2) seats. Individual spaces as shown on the site plan comply with sizing requirements. The Applicants are proposing

to add curb and gutter around the perimeter of the entire parking lot. Only a portion of the existing parking lot currently has curb and gutter. Surface runoff will drain to a new storm inlet installed by the County as part of the roadway project at the west perimeter of the parking lot.

Land Use	Parking Requirement	Restaurant Seating Capacity	Required # of Parking Spaces	Existing # of Parking Spaces	Proposed # of Parking Spaces
Restaurant	1 for every 2 seats	106 seats	53	67	74

The City’s parking regulations include a provision that snow storage areas shall be provided so that the number of parking spaces is not reduced below the minimum required. The City may initiate proceedings to require that snow be hauled off site if parking and circulation problems related to inadequate snow-removal occur. The civil plans provided by the Applicants do not identify areas for snow storage on the Subject Property. The City Council, as part of the application review, may request additional information from the Applicants to ensure adequate snow storage areas will be preserved as part of the parking lot improvements or if there are plans to haul snow off-site.

B. Parking Setbacks – *Legal Nonconforming and Meets Requirements*

The NB district requires a 20 foot setback for parking areas from public streets and ROW. In addition, off-street parking areas containing four (4) or more parking spaces shall be no closer than five (5) feet from any side or rear lot line. The site plans submitted confirm the existing parking lot is legal nonconforming with a 0 foot setback abutting the right-of-way along Old Snelling Avenue and a 4.67 foot setback from the north property line. For the Site Plan Review there are no changes proposed to existing setbacks on the west and north sides of the property. The new parking lot area is setback 22.5 feet from right-of-way along County Road E and 10.5 feet from the east property line. The proposed new parking lot area complies with setback requirements.

Additionally, city code states the area (i.e. setback area) along the street shall be landscaped. Since there are no proposed changes to the existing location of the parking lot adjacent to the roadway, the Applicants were only able to add landscaping islands adjacent to the driveways which will include plantings.

C. Trees along Street Frontage – *Legal Nonconforming and Flexibility Requested*

A minimum of one (1) tree shall be provided along the ROW for every 50 feet of public street frontage. The Subject Property has 435 linear feet of road frontage which equates to nine (9) trees. Today, there are four (4) existing trees along the roadway. For the Site Plan Review, the Applicants are proposing to add one (1) additional tree along the roadway in the southeast corner of the site. Their narrative requests review of this requirement as part of the legal nonconformity of the site given a significant amount of the frontage does not provide an area for the addition of trees. The westerly portion of the parking lot will remain unchanged in location so there is no green space in this area. The Applicants will be proposing future freestanding signs adjacent to the both driveway accesses and overhead utility lines also noted to complicate the potential for tree planting areas. It is further stated in their narrative that

efforts were made to preserve as many of the existing trees on the site with the proposed layout which would be consistent with the purpose of the NB District and intent of the city code.

D. Minimum Caliper Inches – Meets Requirements

The Zoning Code requires that a minimum number of caliper inches of trees be provided based on the gross square footage of the building on the property. The restaurant would be considered a single story, and includes 3,713 gross square feet. This requires a minimum of 11.6 caliper inches or six (6) – 2” caliper trees. It should be further noted that city code allows for existing plantings on site at the time of development to be used as credit against the requirements of the landscaping regulations. The Subject Property has 564 caliper inches of existing significant trees.

E. Tree Mitigation – Meet Requirements

The existing site has 564 caliper inches of significant trees. The Applicants are proposing to remove 85 caliper inches of significant trees. There are three (3) diseased or nuisance trees on the property that are being removed as part of this project. City code allows up to 10% of the significant trees to be removed without replacement. Replacement is not required for trees that are removed, cut, or killed which are identified as diseased or nuisance trees. Tree mitigation is required for every project where the number of caliper inches of significant trees removed over and above the 10%. For every two caliper inches of removed trees, one caliper inch of new trees has to be replaced.

Existing Significant Trees	10% removal allowed	Proposed Removal	Less 10% Subtotal	Required Replacement	Proposed Replacement
564 caliper inches	56.4 caliper inches	85 caliper inches	28.6 caliper inches	14.3 caliper inches	14.5 caliper inches

F. Landscaped Area and Perennials and Shrubberies – Flexibility Requested

For any commercial building or parking lot to be expanded by at least 10%, or at least 5,000 square feet, where an approved landscape plan is not on file, the City requires a landscape plan to be submitted. The Applicants as part of their submittal have included a landscaping plan for review. City code requires that 35% of the site be landscaped. The Subject Property is currently at 37.9%. For the Site Plan Review, the landscaped area on the Subject Property would be reduced to 29.6%. Their narrative states that due to the numerous existing trees, additional landscape plantings added as part of this review, and the unique residential building area, it is their perspective that the intent of a larger green area is adequately compensated through the overall landscaping of the site.

In the new landscape plan, the Applicants have added 31 shrubs and 104 perennials within the landscaped areas. Most of the plantings are located within the buffer area to boost the existing landscaping. The Zoning Code requires a minimum of 10 percent of the total landscaped area to be covered with perennials and/or shrubbery. The total landscape area on the Subject Property is 20,525 square feet. The proposed plantings total 2,318 square feet of the landscaped area which covers approximately 11%.

G. Stormwater Management

The City Code requires stormwater management be provided to meet water quantity, infiltration, and water quality requirements. The Applicants have been in contact with the Rice Creek Watershed District on the stormwater design. Based on the scope of work and new pavement square footage, the Rice Creek Watershed District has indicated a stormwater permit will not be required. The Applicants have applied for a Grading and Drainage Permit with the Rice Creek Watershed District. Their narrative states the site will retain parking lot surface drainage to the roadway through the driveways. In addition, the project will incorporate drainage to two (2) new storm structure inlets at the west parking lot curb perimeter.

Planning Staff recommends City Council consideration of a condition of Site Plan Review would be subject to approval of the Rice Creek Watershed District as well as comments referenced herein from the Public Works Director/City Engineer including obtaining all necessary permits for the proposed parking lot improvements.

1355.04 Procedural Requirements for Specific Applications

Section 1355.04, Subd. 5 of the Arden Hills Zoning Code states that a public hearing is not required for Site Plan Review, but neighboring property owners shall be notified. Notification was prepared in accordance with City policy.

1320.08 - Special Requirements for the Neighborhood Business District

Section 1320.08, Subd. 4 of the Arden Hills Zoning Code states that at the time of submittal for the Site Plan Review, the Applicant shall identify modifications to the standard zoning requirements otherwise applicable to the site and the reasons why the modifications would be in the public interest and would be consistent with the purpose of the district. The Applicant shall demonstrate to the satisfaction of the City that the proposed uses, lot sizes, height, use mix, location and relationship with other existing and proposed uses are compatible and complementary both internally and with adjacent uses, and meet the intent of the City as expressed in the NB District purpose and the above criteria for allowable uses.

Additional Review

Building Inspector

The Building Inspector has reviewed the plans and has no additional comments at this time. City code states that a building permit shall be required in such case where a commercial, industrial, public or semi-public land use is intending to construct on-site parking containing a site aggregate of more than four (4) spaces or a loading facility that is not a part of, or has prior approval as part of a site plan for which a building permit has been issued. A building permit will be required for the parking lot improvements with the expanded parking lot area.

Ramsey County

Ramsey County has reviewed the plans and has no additional comments at this time. The Applicants will be required to apply for an access permit for the new access to County Road E with Ramsey County.

Rice Creek Watershed District

The Rice Creek Watershed District has reviewed the plans. RCWD requests the Applicants submit final construction plans for review after the city review to confirm any changes in impervious surface numbers of the disturbed areas.

Public Works Director/City Engineer

The Public Works Director/City Engineer reviewed the plans and has the following comments which have been included in the draft recommended conditions of approval:

- Grading and Erosion Control Permit Required
- Restaurant Pedestrian Trail Connection to be maintained by property owner/business
- Provide geotechnical engineer recommendations and/or geotechnical report for review by City Engineer
- Provide copy of Ramsey County Right-of-Way permit
- Provide statement of estimated quantities (SEQ) sheet and separate items to be funded by Owner and funded by County per the Funded Improvement Sketch plan sheet that was provided to Council at the January 9th 2023 City Council Meeting.

Findings of Fact

The Planning Commission reviewed this application at their April 5, 2023 meeting and have offered the following findings of fact for your consideration.

1. The Applicants have submitted an application for Site Plan Review at 3610 Snelling Avenue N. to resurface and reconfigure their existing parking lot that would include as part of the project scope the addition of a parking area along County Road E.
2. The Subject Property is located within the Neighborhood Business (“NB”) District and is guided as Low Density Residential on the 2040 Land Use Plan.
3. The Subject Property was developed prior to the City’s adoption of the Neighborhood Business District and is considered legal nonconforming as the existing parking lot does not comply with current city code requirements.
4. Through the Site Plan Review, the Applicants are seeking approval to resurface and restripe the existing portion of the parking lot within the same footprint.
5. The Applicants are proposing to add approximately 7,073 square feet of new impervious surface for an additional 13 parking spaces on the east side of the Subject Property.
6. Flexibility through the Site Plan Review process as allowed in the NB District is requested for the following areas: buffer yards, parking setbacks, sidewalks, and perennials and shrubberies.
7. The proposed plan does not conflict with the general purpose and intent of the Zoning Code or the Comprehensive Development Plan for the City.
8. The application is not anticipated to create a negative impact on the immediate area or the community as a whole.
9. The proposed plan will not produce any permanent noise, odors, vibration, smoke, dust, air pollution, heat, liquid, or solid waste, and other nuisance characteristics.
10. The proposed plan is not anticipated to have any impact on traffic or parking conditions.

11. The accessory off-street parking would be in compliance with all other provisions of the Zoning Code.
12. A public hearing is not required for Site Plan Review.

Options and Motion Language

The Planning Commission reviewed this application at their April 5, 2023 meeting. At that time, they recommended approval with conditions of the application from Lindey's for a Site Plan Review by a 7-0 vote. The following are motion language options for the City Council to consider.

- Approval with Conditions: Motion to *adopt* Resolution 2023-021 approving Planning Case 23-006 for a Site Plan Review at 3610 Snelling Avenue North, based on the findings of fact and the submitted plans, as amended by the conditions below:
 - 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) The proposed parking area shall conform to all other regulations in the City Code.
 - 3) A building permit shall be obtained for the parking lot expansion.
 - 4) All light poles, including base, shall be a maximum of 14 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.
 - 5) A Grading and Erosion permit shall be obtained from the City's Engineering Department prior to commencing any grading, land disturbance or utility activities. The Applicants 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 of approved permits or documentation from other agencies that a permit is not necessary shall be provided to the City.
 - 6) A grading as-built and utility as-built plan shall be provided to the City upon completion of grading and utility work.
 - 7) Restaurant Pedestrian Trail Connection to be maintained by property owner/business.
 - 8) Provide geotechnical engineer recommendations and/or geotechnical report for review by City Engineer.
 - 9) Provide statement of estimated quantities (SEQ) sheet and separate items to be funded by Owner and funded by County per the Funded Improvement Sketch plan sheet that was provided to Council at the January 9th 2023 City Council Meeting.
- Approval as Submitted: Motion to *adopt* Resolution 2023-021 approving Planning Case 23-006 for a Site Plan Review at 3610 Snelling Avenue North, based on the findings of fact and the submitted materials.

- Deny: Motion to *deny* Resolution 2023-021 for Planning Case 23-006 a Site Plan Review at 3610 Snelling Avenue North, based on the following findings: *findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
- Table: Motion to *table* Resolution 2023-021 for Planning Case 23-006 a Site Plan Review at 3610 Snelling Avenue North: *a specific reason and information request should be included with a motion to table.*

Public Notice and Comments

Staff published a notice in the Pioneer Press as per City procedure on April 13, 2023. Public notices were mailed out on April 13, 2023. The mailing was sent to neighbors within 500 feet of the subject parcel. No comments have been received regarding this application as of April 20, 2023.

Deadline for Agency Action

The City of Arden Hills received the completed application for this request on March 10, 2023. Pursuant to Minnesota State Statute, the City must act on this request by May 8, 2023 (60 days), unless the City provides the petitioner with written reasons for an additional 60-day review period. With consent of the applicant, the City may extend the review period beyond the initial 120 days.

Attachments

- A. Land Use Application
- B. Location Map
- C. Narrative
- D. Site Survey
- E. Civil Plans
- F. Lighting Plan
- G. Funded Improvements
- H. Planning Commission Memo
- I. Draft Planning Commission Minutes
- J. Resolution 2023-021
- K. Presentation