Memorandum

TO:	City Council
FROM:	Izaak Peterson , Associate Planner
DATE:	September 15, 2025
SUBJECT:	3854 Lexington Ave North - Conditional Use Permit Amendment, Site and Building Plan Review, and Comprehensive Sign Plan - ACR Properties, Holiday/Circle K gas and convenience store
ITEM NUMBER:	9.b
SECTION:	PUBLIC HEARINGS

REQUESTED MOTION
Motion #1:
To open the public hearing.

Motion #2:
To adopt Resolution No. 25-63 for a conditional use permit amendment, and granting site and building plan review, and comprehensive sign plan for the property located at 3854 Lexington Ave North for a new Holiday/Circle K store, subject to the following conditions:

Site & Building Plan Review

1. The project must be completed in accordance with the plans submitted with the variance application, and conditions set forth through this approval and all associated conditions of approval. Any significant changes to these plans, as determined by the Community Development Department, will require review and approval by the Planning Commission.
2. The project is subject to the permitting requirements of the Rice Creek Watershed District. The applicant shall fulfill all permitting requirements of the Rice Creek Watershed District prior to construction activity occurring on the site.
3. The project is adjacent Ramsey County and MnDOT right-of-way. The applicant shall fulfill all permitting requirements of Ramsey County and MnDOT prior to construction activity occurring on the site.
4. Any tree removal will necessitate evaluation and approval by the Natural Resources Coordinator, it shall be submitted prior to issuance of a building permit.
5. The applicant shall submit plan revisions per the City Engineers comments. The submitted plans shall be reviewed to the satisfaction of the City Engineer prior to building permit approval.
6. All refuse and dumpster enclosures shall be enclosed and screened from public view.
7. Signage on the site shall be consistent with any and all conditions of comprehensive sign plan approval.
8. The site shall be restricted to a total of 16 fuel pumps to serve a maximum capacity of 16 cars. Subsequent expansion of additional fuel pumps is not permitted.
9. This approval will expire after one year if a building permit has not been issued and work

has not begun on the project.

Conditional Use Permit Amendment

1. This approval permits the redevelopment of this site with a new 5,650 sf fuel station/convenience store, in tandem with the existing 4,588 sf carwash, with parking and driveway facilities as proposed.
2. The use of the site shall be limited to the convenience store, fuel station, and car wash commercial uses as proposed.
3. Exterior storage is not permitted on the property.
4. Upon adoption of this permit and the execution of the permit, all prior conditional use permits issued for the site are hereby rescinded. It is the intent of the approval that the amendment includes all prior conditions of approval to reflect the proposed site plan modifications and land uses.

Comprehensive Sign Plan

1. The signs shall comply with the plans submitted for the Comprehensive Sign Plan application, and conditions set forth in this approval. Any significant change will require review by the planning commission and city council.
2. The proposed message center sign shall comply with the following:
    a. Lighting shall be set at a minimum level which the billboard is intended to be read and shielded to minimize glare.
    b. The light level shall not exceed 0.3 footcandles above ambient light as measured from a pre-set distance depending on sign size. Measuring distance shall be determined using the following equation: the square root of the product of the message center sign area and 100.
    c. The sign must have an automatic dimmer control that automatically adjusts the sign's brightness in direct correlation to ambient light conditions. The sign shall be equipped with a photo cell designed to measure the ambient lighting conditions and adjust the sign brightness as needed so as to be in compliance with the ordinance.
    d. No portion of the message may flash, scroll, twirl, fade in or out in any manner to imitate movement.
    e. Display of messages shall be limited to those services offered on the property and time/temperature display
3. Landscaping shall be installed at the base of the proposed monument sign and maintained at all times. A bond, in an amount equivalent to 125 percent of the landscaping cost, is required in order to ensure that the landscaping is planted and survives at least one year after planting.
4. The proposed pylon sign shall be restricted in height to 20-feet, and an area of 40 sf, as required by Chapter 113 of the Development Code. Expansion beyond these dimensions shall require approval by the city council.

INTRODUCTION

ACR Properties, in collaborations with Holiday (Circle K) gas is proposing to demolish the existing fuel station at 3854 Lexington Ave N and construct a new fuel station with a convenience store facility, and retain the existing car wash on the site with exterior improvements. In order to facilitate the request, the following applications have been submitted for city council consideration:

1. Site and Building Plan Review - Proposing a new fuel station facility, gas canopy, and exterior improvements on the site.
2. Conditional Use Permit Amendment - Proposing to modify the site plan and associated Conditional Use Permits approved with Resolution No. 12-33, allowing for a fuel station, auto service station, carwash, outdoor storage and car sales on the property.
3. Comprehensive Sign Plan - Requesting approval of new signage on the site, with proposed deviation to underlying sign code standards.

DISCUSSION

Site & Project Description

The property is 1.97 acres in size, and contains frontage along three roadways. It is abutted by Lexington Ave N to the west, I-694 to the north, and Red Fox Rd to the south. The property is zoned C2 General Commercial, and adjacent to C2 property to the east, and a commercially zoned planned unit development to the south. Commercially zoned property within Arden Hills is located to the west.

The property is currently developed with a convenience store, auto service facility, and fuel station that has two pump islands, containing 16 total pumps. The fuel station was initially constructed in 1963, and subsequently expanded over time. A detached car wash, built in 1999, is located on the eastern side of the property along with a vacuum area. Access to the site is gained from two curb cuts off of Red Fox Rd, and one from Lexington Ave N

The site has an extensive history of conditional use permit (CUP) approvals allowing for the fuel station, auto service facility, carwash, outdoor storage, and car sales present on the site. The conditional use permit active on the site was last amended in 2012 with Res. No. 12-33, included with this report.

The existing fuel station, pump islands, convenience store, and auto service facilities on the site are proposed to be demolished, to accommodate a new Circle K convenience store and fuel pump canopy with 16 pumps. The existing carwash is proposed to be maintained in place, through repair and updated exterior finishes.

Access to the property is proposed with one access from Lexington Ave North, and one consolidated access from Red Fox Road. The new convenience store is 5,650 sf in size, and located north of the current store location. One fuel pump canopy is proposed adjacent to Red Fox Road. No expansion or relocation of the existing carwash is proposed.

Development Code Requirements

Comprehensive Plan & Zoning

The Comprehensive Plan designates this property for commercial use within the future land use map. This designation is intended for a variety of service, office, restaurant, and retail uses ranging in intensity from those that serve the immediate neighborhood to those whose patrons come from outside of the community.

The site is currently zoned within the C2 General Commercial District, which is consistent with future land use guidance. Sec 107-59 permits carwashes and fuel stations with up to a four car capacity by right. Fuel stations with capacity to serve up to 8 cars is permitted as a conditional use. The existing fuel station has capacity to serve up 16 cars, which was permitted in 1986 as a conditional use. The principle use of the property as a fuel station serving up to 16 cars exists

as a legally established nonconforming use of the property.

Nonconforming Use
A nonconforming use means a use initially in compliance with applicable city or predecessor governmental unit regulations but no longer in compliance due to a change in such regulations. Sec 111-120 provides that a nonconforming principal use shall not be enlarged or extended to occupy a greater area of land or a larger portion of a structure, but may continue at the size, intensity and in the manner of operation existing upon the date on which the use became nonconforming. A nonconforming principal use may be changed to lessen the nonconformity of the use.

The nonconforming use of the property is dictated by the capacity up to 16 cars at the sites fuel station. The application proposes to maintain the intensity and manner of operation through the proposed site plan for a fuel station with the capacity to serve up 16 cars, which is a permissible continuation of a nonconforming use.

Conditional Use Permit (CUP)
The intent of the conditional use permit is to assess the suitability of the proposed use in the zoning district and insure harmony with the Comprehensive Plan. A conditional use permit may be granted provided the proposed use is listed as a conditional use in the zoning district, the standards of the Development Code will be satisfied and the following criteria are met:

1. The use is in harmony with the general purposes and intent of the Development Ordinance.
2. The use is in harmony with the policies of the Comprehensive Plan.
3. Certain conditions as detailed in the Development Ordinance exist.
4. The structure and/or land use conform to the Land Use Chapter of the Comprehensive Plan and are compatible with the existing neighborhood.

A conditional use permit amendment is required in the event a site is in conflict with the conditions of a prior CUP approval. Prior conditional use permits present for the property outlined conditions with reference to consistency with site plans considered at the time of their initial approval. The proposed CUP amendment seeks to acknowledge the proposed site and building plan, to maintain consistency with conditional use permits on the site.

Comprehensive Sign Plan
A comprehensive sign plan is a sign plan for a building and its associated grounds, a multi-building development site or a multi-tenant building indicating the number, types, locations, dimensions, materials, and colors of signs proposed. An approved plan may vary from the design and dimensional standards set forth in this chapter without approval of a formal variance, provided it meets the criteria set forth in Sec 103-97.

<u>STAFF REVIEW</u>
Site & Building Plan
Building Setbacks
The proposed convenience store/ fuel station building is located towards the northern part of the site while the covered pump islands are towards the south. The proposal appears to meet and exceed the required setback standards. The following Table compares the proposed building setbacks with the Development Code Requirements for the C2 District:

	C2 District	Convenience Store	Fuel Canopy
Front (Lexington Ave N)	50 feet	129 feet	67 feet
Side (I-694)	30 feet	36 feet	70 feet
Side (Red Fox Drive)	30 feet	186 feet	71 feet
Rear (East)	20 feet	72 feet	105 feet

Site Access and Pedestrian Circulation
Access to the property is proposed with one curb cut to Lexington Ave N, and one to Red Fox Dr. The secondary access present on the property will be closed to accommodate parking and landscaping in its place.

Pedestrian access is proposed from the trail along Lexington Ave N. The proposed pedestrian crosswalk located off Lexington is in excess of 80 feet long. Staff recommends relocating the pedestrian crossing to the north side of the access point, to reduce the walking distance of the crossing and enhance safety. Staff understands the proposed crossing is located on the south of the site's access, in order to avoid grading impacts within MnDOT ROW. Staff is in the process of coordination with MnDOT to allow for minor grading into the right-of-way mitigate the need for retaining walls, and allow for a revised pedestrian crosswalk location.

Parking
For fuel stations, the Sec 109-93(2)(h) requires a minimum of 4 stalls plus 1 stall for every 150 square feet dedicated to retail sales Using this ratio, 43 parking stalls are required. The site plan identifies 15 stalls near the building, 15 stalls adjacent Red Fox Rd, 4 at the carwash vacuums, and 16 at the fuel pump island for a total of 50 stalls.

A car wash requires a minimum of 5 stacking spaces plus 1 per employee. This car wash is a self serve and will not be staffed by more than one employee. Therefore, a total of 5 stacking spaces is required and greatly exceed as proposed.

No electric vehicle (EV) charging facilities are shown within the proposed parking layout. Generally, due to the proximity of the site to arterial roadways, staff recommends and supports the implementation of EV charging infrastructure, or EV ready spaces on the site. EV charging facilities are not required by code.

The parking and driveway areas surround the main building. At its closest point, it is approximately 12 feet from the public rights-of-way adjacent to Interstate 694 and Red Fox Rd, less than the minimum 20' required. A a result, consideration of a variance to Sec 109-92(b)(2) was requested. The planning commission considered the submitted variance request at their August 26, 2025 meeting and approved the request unanimously.

Landscaping
The existing property is sparsely vegetated with landscaping. Smaller existing landscaping trees are present along the perimeter of the site are proposed to remain. The site plan proposes the planting of nine trees located at the entrances, and abutting I-694 to the north. In addition, in the area of proposed 20 foot landscaping reduction along Red Fox Rd, the plan proposes a dense cluster of ornamental plantings not otherwise required by code.

Architectural Design

The proposed convenience store structure is designed as a 1-story building with a height of approximately 25 feet. Exterior building materials used include fiber cement wall panels, brick facade, accent painted metal and glass. The color red accentuates the building and is used in parts of the fascia.

The canopy is sized to cover all the pump islands. It has a height of 20' and is supported by posts. The fascia of the canopy is also red and is designed with architectural striping and signage.

The existing car wash is proposed to utilize the same building materials utilized for the convenience store. The car wash also red and orange painting accents.

Conditional Use Permit Amendment
Staff has reviewed the proposed site plan with respect to amendment of previously approved conditional use permits, and consistency with conditional use permit development code requirements. Staff believe amendment of the underlying conditional use permit is appropriate, based on the following:

1. *The use is in harmony with the general purposes and intent of the Development Ordinance*. The site plan proposes to construct a new fuel station and canopy on the site, commensurate with existing fuel station facilities on the site. Fuel stations are permitted within the C2 zoning district. The nonconforming capacity of the current fuel station, to serve up to 16 cars, is proposed to be continued at the same intensity through the site plan, which is permitted by the development code. Previously approved auto service station, car sales, and outdoor storage conditional uses are effectively proposed to cease through the site plan.
2. *The use is in harmony with the policies of the Comprehensive Plan*. The Comprehensive Plan designates this property for commercial use. The proposed fuel station and car wash facilities on the property are consistent with this designation.
3. *Certain conditions as detailed in the Development Ordinance exist*. The proposed site plan appears consistent with conditions specified within the development ordinance. Variance relief for reduced landscaping buffers appear to be necessitated by a practical difficulty.
4. *The structure and/or land use conform to the Land Use Chapter of the Comprehensive Plan and are compatible with the existing neighborhood*. The fuel station and car wash use are commercial uses consistent with the future land use chapter of the comprehensive plan. The immediate area consists of commercial properties, which is consistent with the use of the subject property.

Comprehensive Sign Plan
The applicant has submitted a comprehensive sign plan package with respect to proposed signage on the site, the proposed signage is and associated development code requirements specified in Development Code Chapter 113 are outlined below:

Wall Signs
For building less than 50,000 sf, one wall sign per building wall is permitted. Sign areas per wall are restricted to 10 percent of a wall area, with a minimum size of 20 sf. On the convenience store, a 20 sf western wall sign, a 69 sf southern wall sign, and a 90 sf southern wall sign is proposed. These wall signs are consistent with development code requirements.

Monument & Message Center
The application proposes a monument sign which includes a message center and changeable copy signs located in the southwest corner of the site. For buildings less than 20,000 sf, monument signs are restricted to a height of 12 feet, and sign area of 60 square feet. The size of these signs may be increased by 50 percent of the base sign area through the use of landscaping surrounding the signs, and complementary building materials. Message center signs are permitted, provided the maximum area does not exceed 50 percent of the total sign area on which it is displayed of 50 square feet whichever is less. The minimum message center sign area is 20 sf. Changeable copy signs are restricted to a maximum area of 40 sf. The proposed monument sign is 18 feet tall, with a total sign area of 118.1 sf. This sign area consists of a 24 sf message center, 28 sf of changeable copy signs, and a 28 sf Holiday sign. The total height of the sign, and combined sign area exceeds sign code standards, as a result comprehensive sign plan consideration is requested.

Pylon Sign
The application proposes a freestanding pylon sign at the north of the property adjacent I-694. A secondary freestanding sign may be permitted in this location. A pylon sign on the site is limited in height to 20 feet with a maximum area of 40 sf. The proposed sign is 40-feet tall, and contains a a 144 sf Holiday sign, and two 71.5 sf changeable copy signs. The total height of the sign, and combined sign area exceeds sign code standards, as a result comprehensive sign plan consideration is requested.

Canopy Sign
The fuel station canopy contains Holiday signage on the facade. Similar to wall signs, areas per wall are restricted to 10 percent of a wall area, with a minimum size of 20 sf. The proposed canopy signage 68 sf, and is consistent with these requirements.

When a deviation to the regulations is proposed, the comprehensive sign plan requires review by both the planning commission and city council. Approval of the plan is based on the following findings:

Comprehensive Sign Plan Review Considerations
Staff has reviewed the proposal and believes the proposed monument sign is reasonable and in keeping with the spirit and intent of the sign ordinance and comprehensive sign plan criteria. While the proposed monument sign area and height exceeds the area and height permitted, this design and surrounding landscaping is consistent with the site. The proposed monument sign deviations from the standards of chapter 113 result in a more unified sign package and greater aesthetic appeal between signs on the site. The proposed monument deviations result in a more unified sign package that is compatible with community standards. The property is unique as it has frontage on four property lines, and a larger single monument on the corner of Lexington Red Fox Dr would effectively consolidate free standing signage on the corner.

With respect to the proposed pylon sign, staff believes that the proposal is not reasonable or in keeping with the spirit and intent of the ordinance. Although a second freestanding sign may be permitted on the site, in addition to the monument sign, the proposed sign is twice the height of what would otherwise be permitted on the site. The sign area is seven times larger than what would otherwise be permitted for a pylon on the property. Staff does not believe the pylon design as proposed is cohesive with the aesthetic appeal of the site, as it is supported by an exposed steel pole base. The area of the proposed signage is partially obstructed by tree's located within MnDOT right-of-way, which may constitute a practical difficulty with respect to

sign height, however the proposed height and area is not consistent with the degree of practical difficulty present. The tallest single tenant pylon sign approved in this portion of the I-694 corridor is 36-feet tall, with a sign area 144 sf. As a result staff believe approval of the proposed pylon sign would confer a special privilege.

Staff has communicated concern to the applicant regarding the proposed pylon sign. The applicant has indicated willingness to reduce the sign height to 36 feet, but maintain the proposed sign area. As noted, staff is generally in favor of the proposed comprehensive sign plan, with conditions, including restriction of the height and area of the proposed pylon sign.

Agency Comment
The proposed plans have been distributed within affected city department and government agency review. Comments by the city engineer have been reflected within the recommended conditions of approval. Ramsey County Public Works is accepting of the proposed access, and provided comment related to the construction extents. The applicant will be required to fulfill any necessary county permit requirements.

The Rice Creek Watershed District has indicated that the applicant has been working with the district to fulfill their permitting requirements. The Watershed District will consider approval of the associated development applications at their September 24th meeting.

MnDOT reviewed the submitted plans and provided feedback outlining anticipated permitting requirements, and recommendations regarding pedestrian access. MnDOT generally concurs with the request to realign the proposed

Planning Commission
The planning commission reviewed the submitted applications at their regularly scheduled August 26, 2025 meeting. No members of the public were in attendance to submit public comment on the requests. At the time of the meeting, the commission determined that a practical difficulty was present with regard the to the requested parking and driveway landscaping setback variance request. The commission discussed the proposed site layout, and signage at length. The commission considered if the requested monument and pylon signage was warranted, and if the size of the proposed signage was justified. Ultimately, the commission reached concurrence with a 6-1 vote to recommend the city council approve the submitted conditional use permit, site plan, and comprehensive sign plan with the recommended conditions of approval as presented by staff. The dissenting vote requested that the applicant not deviate from the city sign code standards.

Public Comment
Notice of the proposed applications was mailed to affected property owners within 350 feet of the site. At the time of this report, no comments have been received. Due to conflicts with newspaper publishing deadlines, notice of the required CUP amendment public hearing was not posted to be held at the time of the planning commission review. Notice of the public hearing was published at the time of city council considerations of the applications on September 15th.

RECOMMENDATION
The site plan, comprehensive sign plan and conditional use permit applications have been reviewed in accordance with the Comprehensive Plan and Development Code. The requested

redevelopment of this site with a new fuel station/convenience store and refinished car wash is consistent with the Comprehensive Plan. Staff is recommending the city council hold a public hearing, and pending any submitted public comment, approve resolution no. 25-63 for the requested conditional use permit as well as the Site & Building Plan and Comprehensive Sign Plan subject to the following conditions:

Site & Building Plan Review

1. The project must be completed in accordance with the plans submitted with the variance application, and conditions set forth through this approval and all associated conditions of approval. Any significant changes to these plans, as determined by the Community Development Department, will require review and approval by the Planning Commission.
2. The project is subject to the permitting requirements of the Rice Creek Watershed District. The applicant shall fulfill all permitting requirements of the Rice Creek Watershed District prior to construction activity occurring on the site.
3. The applicant shall submit plan revisions per the City Engineers comments. The submitted plans shall be reviewed to the satisfaction of the City Engineer prior to building permit approval.
4. The project is adjacent Ramsey County and MnDOT right-of-way. The applicant shall fulfill all permitting requirements of Ramsey County and MnDOT prior to construction activity occurring on the site.
5. Any tree removal will necessitate evaluation and approval by the Natural Resources Coordinator. It shall be submitted prior to issuance of a building permit.
6. All refuse and dumpster enclosures shall be enclosed and screened from public view.
7. Signage on the site shall be consistent with any and all conditions of comprehensive sign plan approval.
8. The site shall be restricted to a total of 16 fuel pumps to serve a maximum capacity of 16 cars. Subsequent installation of additional fuel pumps is not permitted.
9. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.

Conditional Use Permit Amendment

1. This approval permits the redevelopment of this site with a new 5,650 sf fuel station/convenience store, fuel canopy, with the existing car 4,588 sf carwash, with parking and driveway facilities as proposed.
2. The use of the site shall be limited to the convenience store, fuel station, and car wash commercial uses as proposed.
3. Exterior storage is not permitted on the property.
4. Upon adoption of this permit and the execution of the permit, all prior conditional use permits issued for the site are hereby rescinded. It is the intent of the approval that the amendment includes all prior conditions of approval to reflect the proposed site plan modifications and land uses.

Comprehensive Sign Plan

1. The signs shall comply with the plans submitted for the Comprehensive Sign Plan application, and conditions set forth in this approval. Any significant change will require review by the planning commission and city council.
2. The proposed message center sign shall comply with the following:
    a. Lighting shall be set at a minimum level which the billboard is intended to be read and shielded to minimize glare.

b. The light level shall not exceed 0.3 footcandles above ambient light as measured from a pre-set distance depending on sign size. Measuring distance shall be determined using the following equation: the square root of the product of the message center sign area and 100.
c. The sign must have an automatic dimmer control that automatically adjusts the sign's brightness in direct correlation to ambient light conditions. The sign shall be equipped with a photo cell designed to measure the ambient lighting conditions and adjust the sign brightness as needed so as to be in compliance with the ordinance.
d. No portion of the message may flash, scroll, twirl, fade in or out in any manner to imitate movement.
e. Display of messages shall be limited to those services offered on the property and time/temperature display

3. Landscaping shall be installed at the base of the proposed monument sign and maintained at all times. A bond, in an amount equivalent to 125 percent of the landscaping cost, is required in order to ensure that the landscaping is planted and survives at least one year after planting.
4. The proposed pylon sign shall be restricted in height to 20-feet, and an area of 40 sf, as required by Chapter 113 of the Development Code. Expansion beyond these dimensions shall require revised comprehensive sign plan approval by the city council.

ATTACHMENTS

Site Location
Application Narrative
Property Survey (Existing Conditions)
Proposed Site Plan
Landscape Plan
Elevation Plans
Sign Plan
Previously Adopted Resolution No. 12-33
Proposed Resolution No. 25-63
City Engineer Comments
Ramsey County Publics Works Comment
MnDOT Review Comment