

multi-tenant retail building on Lot 3 of the plat. This development requires a conditional use permit according to the PBD (Planned Business District) zoning ordinance.

Ryan Companies is proposing to develop a 33,500 square foot multi-tenant retail building with two tenant spaces. Marshalls will occupy a 21,000 square foot tenant space and Petco will occupy a 12,500 square foot tenant space in the building. The developer has also shown that there is room for a 15,500 square foot tenant space addition to the building.

For the proposed total square footage of three tenant spaces on this site, 245 parking stalls are required for the retail use and 245 stalls are proposed; however, a conditional use permit amendment will be required when the building expands in the future. Parking will be reevaluated at that time to make sure parking requirements are still being met. This may also mean that restaurant uses are limited in the other tenant space due to the increased parking requirement for restaurants.

It is unclear how trash will be handled on site. If trash is to be stored outside, a dumpster enclosure will be required that matches the exterior materials of the building. This information should be submitted during the site plan approval process.

In the PBD zoning district, all sites must comply with the Highway 65 Overlay requirements per the direction of the City Council. In essence, the building and the landscaping must comply with those requirements.

The following landscaping is required per the Highway 65 Overlay District Requirements:

- Overstory Trees: 29
- Conifer Trees: 25
- Ornamental Trees: 25
- Shrubs are also required

The landscaping plan indicates that three additional overstory trees need to be shown on the plan. A new plan must be submitted during the site plan approval process that meets these requirements as well as the size requirements of the Highway 65 Overlay District. The plan needs to indicate that 25% of the trees are oversized. The applicant should keep in mind that conifer trees must be oversized to 8 feet and overstory trees should be oversized to 3 inch caliper. Oversizing is not recommended for ornamental trees.

The building that has been proposed includes integral color rock face block, glass, metal and EIFS. The exterior elevations meet the requirements of the Highway 65 Overlay District.

All signage must meet the requirements set forth in the zoning ordinance and a separate permit must be obtained.

All lighting must be downlit and shielded to prevent glare or spill. Freestanding lights are limited to not more than 40 feet in height.

A shared access agreement is required prior to issuance of site plan approval since the site shares an access with other lots in the plat.

There has been an outstanding issue with the maintenance of the landscaping around the pond located just to the north and east of this site next to the right-of-way for Highway 65. When Lowe's was developed, the City required that the landscaping around the pond be maintained so as to provide a nice amenity for the site. This would have required maintenance and upkeep of this area. At the time the pond was developed, Ryan Companies owned the pond and proposed the pond as a maintained and manicured area. The property has since been sold to Lowe's, who has failed to maintain the pond and the pond is now very unsightly and does not provide the manicured look that the City requires in setback areas in front yards along major roadways. Since Ryan Companies and Lowe's have not provided a resolution to the City's request to maintain the pond over the years, site plan approval and building permit will not be issued until the City receives a maintenance plan for the pond in this area. The plan should include who is responsible for maintenance, contact names and numbers, and timeline for maintenance on a regular basis.

Applicant should be aware of future MnDOT improvements at TH 65 and 117th Avenue NE. As part of MnDOT's Access Management Plan there is a proposed improvement that is in the near vicinity of the proposed site. The proposed future improvement will include a full interchange at this intersection but at this time MnDOT does not have a scheduled timeframe or allocated funding. When it occurs however the proposed improvements will alter the current traffic control on 117th Avenue and Ulysses Street. If part of future modifications a traffic control light is needed at 117th and Ulysses, the applicant should expect to be assessed a portion of that cost.

Park dedication was previously paid with the plat in 2009.

By motion, approve the Resolution.

Attachments

Zoning and Location Map

Site Plan

Landscape Plan

Floor Plan

Exterior Elevations

WHEREAS, an application has been filed by Ryan Companies US, Inc. as Conditional Use Permit Case File No. 15-0069; and

WHEREAS, a public hearing has been held by the Blaine Planning Commission on December 8, 2015; and

WHEREAS, the Blaine Planning Commission recommends said Conditional Use Permit be approved; and

WHEREAS, the Blaine City Council has reviewed said case on January 7, 2016.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that a Conditional Use Permit is hereby approved per Section 31.33 of the Zoning Ordinance to allow for construction of one (1) 33,500square foot retail building with two (2) tenant spaces to be located in a PBD (Planned Business District) zoning district; shared driveway access and light pole heights exceeding 20 feet; located at 11633 Ulysses Lane NE, based on the following conditions:

1. Site plan approval is required prior to issuance of a building permit.
2. If trash is to be stored outside, a dumpster enclosure will be required that matches the exterior materials of the building. This information should be submitted during the site plan approval process.
3. Site must comply with the Highway 65 Overlay requirements per the direction of the City Council.
4. The following landscaping is required per the Highway 65 Overlay District Requirements:

Overstory Trees: 29
Conifer Trees: 25
Ornamental Trees: 25
Shrubs are also required

The landscaping plan indicates that three additional overstory trees need to be shown on the plan. A new plan must be submitted during the site plan approval process that meets these requirements as well as the size requirements of the Highway 65 Overlay District. The plan needs to indicate that 25% of the trees are oversized. The applicant should keep in mind that conifer trees must be oversized to 8 feet and overstory trees should be oversized to 3 inch caliper. Oversizing is not recommended for ornamental trees.

5. All signage must meet the requirements set forth in the zoning ordinance.
6. All lighting must be downlit and shielded to prevent glare or spill. Freestanding lights are limited to not more than 40 feet in height.
7. A Coon Creek Watershed District permit is required for construction on this site.
8. A National Pollutant Discharge Elimination System (NPDES) Phase II General Storm Water Permit for Construction Activity (MN R100001) from Minnesota Pollution Control Agency (MPCA). A prerequisite to the MPCA permit application includes preparation of a site Storm Water Pollution Prevention Plan (SWPPP) for the development site.

9. A conditional use permit amendment will be required when the building expands in the future. Parking will be reevaluated at that time to make sure parking requirements are still being met. This may also mean that restaurant uses are limited in the other tenant space due to the increased parking requirement for restaurants.
10. Site plan approval and a building permit will not be issued until the City receives a maintenance plan for the pond owned by Lowe's directly to the north and east of this lot. The plan should include who is responsible for maintenance, contact names and numbers, and timeline for maintenance on a regular basis.
11. Applicant should be aware of future MnDOT improvements at TH 65 and 117th Avenue NE. As part of MnDOT's Access Management Plan there is a proposed improvement that is in the near vicinity of the proposed site. The proposed future improvement will include a full interchange at this intersection but at this time MnDOT does not have a scheduled timeframe or allocated funding. When it occurs however the proposed improvements will alter the current traffic control on 117th Avenue and Ulysses Street. If part of future modifications a traffic control light is needed at 117th and Ulysses, the applicant should expect to be assessed a portion of that cost.
12. A shared access agreement is required prior to issuance of site plan approval since the site shares an access with other lots in the plat.

PASSED by the City Council of the City of Blaine this 7th day of January, 2016.