



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
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Blaine MN 55449

## Legislation Details (With Text)

**File #:** RES 20-95    **Version:** 2    **Name:** CUP - Lexington Market - Starbucks (20-0018)  
**Type:** Resolution    **Status:** Passed  
**File created:** 7/6/2020    **In control:** City Council  
**On agenda:** 7/6/2020    **Final action:** 7/6/2020  
**Title:** GRANTING A CONDITIONAL USE PERMIT TO CONSTRUCT AN 11,600 SQUARE FOOT STRIP MULTI-TENANT RETAIL BUILDING IN A PBD (PLANNED BUSINESS DISTRICT) ZONING DISTRICT, LOCATED AT 4190 108TH AVENUE NE, SUITE 140. LEXINGTON MEADOWS LLC. (STARBUCKS) (CASE FILE NO. 20-0018/LSJ)  
**Sponsors:** Lori Johnson  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Attachments

Date	Ver.	Action By	Action	Result
7/6/2020	2	City Council	Adopted	Pass
6/9/2020	1	Planning Commission	Recommended for Approval	Pass

### DEVELOPMENT BUSINESS - *Lori Johnson, City Planner*

**GRANTING A CONDITIONAL USE PERMIT TO CONSTRUCT AN 11,600 SQUARE FOOT STRIP MULTI-TENANT RETAIL BUILDING IN A PBD (PLANNED BUSINESS DISTRICT) ZONING DISTRICT, LOCATED AT 4190 108<sup>TH</sup> AVENUE NE, SUITE 140. LEXINGTON MEADOWS LLC. (STARBUCKS) (CASE FILE NO. 20-0018/LSJ)**

Planning Commission (Public Hearing)	06/09/20
City Council (Conditional Use Permit)	07/06/20
Action Deadline	07/11/20

#### *Staff Report Prepared by Lori Johnson*

The Planning Commission voted unanimously to approve the conditional use permit. There were no comments at the public hearing.

The developers of the Lexington Meadows project, Wellington Management, are proposing to locate an 11,600 square foot multitenant retail building on the southwest corner of 108<sup>th</sup> Avenue NE and Lexington Avenue.

The applicant is also going through the final plat process with the city council to plat this lot as Lot 1, Block 1, Lexington Meadows 3<sup>rd</sup> Addition. The site is zoned PBD (Planned Business District) and the use as a multitenant retail building with a shared access/ parking requires a conditional use

permit.

Starbucks is proposing to locate in one of the tenant spaces (north end) and it will have a drive thru and outdoor dining. The outdoor dining request is also included in the conditional use permit application. The site is guided in the comprehensive plan as PI/PC (Planned Industrial/Planned Commercial).

The proposed multitenant retail building is 11,600 square feet. The building includes a drive thru on the east side of the building to accommodate a Starbucks coffee shop. All setbacks have been met for this site. Site access will occur through a shared access drive on 108<sup>th</sup> Avenue and another shared access from Austin Street NE. These shared accesses will be constructed on property that Wellington owns, but is not yet developed, to the west of this proposed site. The applicant will need to provide proof of the shared access agreement that will be established for this site.

It should be noted that the building and landscaping on this site must meet the requirements of the Highway 65 Overlay District, regardless of its location. In the past, the city council has required that these regulations be met in high profile areas in the PBD (Planned Business District), through the conditional use permit process.

The building will be constructed of brick, metal panels and siding, and glass. The building itself meets the requirements of the Highway Overlay District and it will present a nice appearance for the traveling public.

All signage requires a separate permit meeting the requirements of the Zoning Ordinance. This lot will be allowed two elevations of wall signage meeting the requirements of the Sign Ordinance. The lot is also allowed one monument sign not to exceed 140 square feet in size and 14 feet in height.

The number of plantings identified on the landscape plan does not meet the Highway Overlay District requirements. The landscape plan must also include 25% of the landscaping in the front yard adjacent to Lexington Avenue and 108<sup>th</sup> Avenue NE, and those trees must be oversized. Oversized trees should be as follows: overstory trees (3-inch caliper) and conifer trees (eight feet in height). The following plantings will be required on site:

- Overstory trees: 17 (2 ½ " caliper) and 5 (3" caliper)
- Conifer trees: 9 (6' in height) and 3 (8' in height)
- Ornamental trees: 9 (2" caliper)

The parking provided on site meets the parking requirements for a multitenant retail building with one restaurant (Starbucks) with 70 parking stalls provided on site. The total number of stalls required for this building as proposed is 66 stalls and it will make it difficult to include other restaurant tenants in this building if more parking is not added to adjacent lots with a shared

parking agreement to accommodate the increased number of stalls that are required for restaurants. Staff will continue to monitor tenants that are proposed for this building to ensure enough parking is provided on site, or on adjacent sites with the appropriate shared parking agreement in place.

Starbucks is proposing to have seating for 16 in the outdoor dining space which is proposed to be located in front of the Starbucks tenant space on the north end of this building. The standard conditions for outdoor dining are included with this conditional use permit recommendation. The outdoor dining area is enclosed with an attractive fence/railing.

The outdoor dining area will be subject to SAC (Sewer Access Charges). The applicant must work with the city's Chief Building Official and Metropolitan Council to determine the amount required for this use.

Site plan approval will be required prior to issuance of building permits for this site.

The applicant will need to obtain a permit from the Rice Creek Watershed District prior to site plan approval.

By motion, approve the Resolution.

#### **Attachments**

Zoning and Location Map

Site Plan

Grading Plan

Landscape Plan

Building Elevations

Floor Plan

Colored Building Elevation

Narrative

**WHEREAS**, an application has been filed by Lexington Meadows LLC as Conditional Use Permit Case File No. 20-0018; and

**WHEREAS**, said case involves the land described as follows:  
LOT 1, BLOCK 1, LEXINGTON MEADOWS 3<sup>RD</sup> ADDITION

**WHEREAS**, a public hearing has been held by the Blaine Planning Commission on June 9, 2020; and

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

**WHEREAS**, the Blaine City Council has reviewed said case July 6, 2020.

**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 (8) of the Zoning Ordinance to construct a 11,600 square foot multi-tenant retail building with a Starbucks, shared access/parking and outdoor dining in a PBD (Planned Business District) zoning district based on the following conditions:

1. The exterior building materials to match those on the submitted plans.
2. Site plan approval is required prior to issuance of building permits. All site improvements to be included in site improvement performance agreement and covered by an acceptable financial guarantee.
3. The site must meet the Highway 65 Overlay District requirements with regard to landscaping and building materials.
4. All site lighting to be down lit-style lamps to reduce glare and to meet the requirements of the Zoning Ordinance. Final site plan to include detailed lighting plan. Pole mounted lighting is limited to 20 feet in height.
5. Storage or display of retail items not permitted in the parking area. All display items must meet the outside display section of the Zoning Ordinance (Section 30.181).
6. All signage requires a separate permit meeting the requirements of the Zoning Ordinance. This lot will be allowed two elevations of wall signage meeting the requirements of the Sign Ordinance. The lot is also allowed one monument sign not to exceed 140 square feet in size and 14 feet in height.
7. The landscape plan must meet the Highway 65 Overlay District requirements and must include 25% of the landscaping in the front yard adjacent to 108th Avenue and Lexington Avenue and those trees must be oversized. The following plantings will be required on site:
  - Overstory trees: 17 (2 ½ " caliper) and 5 (3" caliper)
  - Conifer trees: 9 (6' in height) and 3 (8' in height)
  - Ornamental trees: 9 (2" caliper)
8. Temporary signage to be regulated under Zoning Ordinance Section 34.13.
9. No exterior overnight storage of pallets or delivered products.
10. No overnight storage of semi-trailers or delivery vehicles.
11. The outdoor dining area will be subject to a SAC review and payment. The applicant must work with the city's chief building official and Metropolitan Council to determine the amount required for this use.
12. Plans for amplified music or a public address system for the outdoor dining area to be reviewed by the city and approved by the management company prior to installation. Noise level of the music in the outdoor dining area to not exceed normal conversation

level.

- 13.No outdoor advertising on building or patio area without obtaining a permit, including any signage on table umbrellas.
- 14.The outdoor dining area limited to the patio area identified on the site plan, and there can be no more than 16 seats in the outdoor dining area.
- 15.The ability to operate outdoor dining is reliant upon the applicant's ability to adequately control litter and refuse as associated with the facility.
- 16.Exit doors in any railing or fence in the outdoor dining area shall be openable from the inside without the use of a key or any special knowledge or effort, per the Minnesota Building Code.
- 17.Provide manufacturing specifications and requirements for propane heater use and clearance to combustibles if they are to be used on site.
- 18.Provide a detailed plan of fencing to surround patio and acquire a permit for construction of said fencing. The fencing to match the colored elevation submitted for conditional use permit approval.
- 19.A copy of the shared access/parking agreement with the property to the west of this site must be submitted to the Planning Department prior to any work being allowed on site.
- 20.A National Pollutant Discharge Elimination System Phase II permit required from the MN Pollution Control Agency. Building permits will not be issued until a copy of the permit is sent to the city.
- 21.A Rice Creek Watershed District permit is required. Building permits will not be issued until a copy of the permit is sent to the city.
- 22.Staff will continue to monitor tenants that are proposed for this building to ensure enough parking is provided on site, or on adjacent sites with the appropriate shared parking agreement in place.
- 23.The uses permitted by this conditional use permit to be operated in accordance with all applicable city regulations and ordinance requirements. Violation of these standards or any conditions of the conditional use permit shall be enforceable, by the city as a misdemeanor violation.

**PASSED** by the City Council of the City of Blaine this 6<sup>th</sup> day of July, 2020.