



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine MN 55449

## Legislation Details (With Text)

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<b>On agenda:</b>	7/6/2022	<b>Final action:</b>	7/6/2022		
<b>Title:</b>	Granting a Conditional Use Permit to Allow Two Buildings on One Lot (Lot 2), Outdoor Dining (Lot 3), a Car Wash (Lot 4) and Shared Access/Parking Between Lots in a B-3 (Regional Commercial) Zoning District at 12301 Ulysses Street NE. Blaine Square II LLC (Case File No. 22-0035/SLK)				
<b>Sponsors:</b>	Sheila Sellman				
<b>Indexes:</b>					
<b>Code sections:</b>					
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Date	Ver.	Action By	Action	Result
7/6/2022	1	City Council	Adopted	Pass

**Development Business** - *Sheila Sellman, City Planner*

### Title

Granting a Conditional Use Permit to Allow Two Buildings on One Lot (Lot 2), Outdoor Dining (Lot 3), a Car Wash (Lot 4) and Shared Access/Parking Between Lots in a B-3 (Regional Commercial) Zoning District at 12301 Ulysses Street NE. Blaine Square II LLC (Case File No. 22-0035/SLK)

### Executive Summary

The applicant is requesting approval of a conditional use permit for two buildings on one lot, outdoor dining, shared access/parking, and a car wash for a four-lot commercial development.

### Schedule of Actions

Planning Commission Public Hearing	06/14/22
City Council (Conditional Use Permit)	07/06/22
Action Deadline	07/17/22

### Background

*Staff report prepared by Shawn Kaye, Planner and Teresa Barnes, Project Engineer*

### Zoning

The property is zoned B-3 (Regional Commercial).

### Land Use Designation

The property has a land use designation of CC (Community Commercial) which is used for the provision of goods and services.

### Surrounding Zoning and Land Uses

The properties to the north and south are zoned B-3 and have a land use of CC. The townhomes west of Ulysses Street are zoned DF (Development Flex) and have a land use of MDR (Medium Density Residential). State Highway 65 is adjacent to the east.

### Existing Conditions

The property has trees and grass areas on site.

### History

This is a vacant site with no previous approvals.

### **Evaluation of Request**

#### Plat

Blaine Square Third Addition consists of four lots.

- Lot 1 is approximately 1.05 acres, and a restaurant (Zupas) is proposed for this lot.
- Lot 2 is approximately 1.60 acres, and two buildings (unknown users at this time) are proposed for this lot.
- Lot 3 is approximately 1.54 acres, and a restaurant (Chick-fil-A) is proposed for this lot.
- Lot 4 is approximately 1.38 acres (includes vacated right of way) and a carwash is proposed on this parcel.

### Architecture

Building elevations for Zupas, Chick-fil A-have been included in the report for informational purposes only. The restaurant use is a permitted use and will need to meet all requirements in the B-3 section of the Zoning Ordinance with the building permit process.

The car wash elevations have been attached and include the following materials:

- glass
- stone
- metal
- EIFS

The proposed buildings will meet the Highway 65 Overlay District requirements.

### Setbacks

The setbacks on the submitted site plan meet the B-3 Zoning requirements. The site has two front

yards and two side yards because of frontage on Ulysses Street and State Highway 65.

#### Building

- Front: 50 feet
- Side: 20 feet

#### Parking

- Front: 30 feet
- Side: 10 feet

#### Site Plan

The site is proposed to have shared access/parking between the following lots:

- Lots 1 and 2
- Lots 2 and 3
- Lot 4 and adjacent parcel to the south

The parking provided on site will need to meet parking requirements for proposed uses (restaurants, retail, etc.). It appears that the parking on site for Lots 1-3 is adequate for the uses proposed. A total of 163 parking stalls would be required for Lots 1-3 for the uses proposed (4 restaurants, one retail space) and 173 parking spaces have been provided. Staff believes the excess number of parking spaces is appropriate given that the tenant space in the retail building could become a small restaurant in the future based on leasing demands. This extra parking would accommodate those uses. The car wash site has provided 22 parking stalls that will provide parking for employees and vacuum stalls.

The Mister Car Wash is a 5,500 square foot building. The cars entering the one bay car wash will enter from the north side of the car wash building and exit on the south side of the car wash. The tunnel can accommodate five customers at any one time.

The car wash will need to meet the noise limits set by the Minnesota Pollution Control Agency (MPCA). At this time, the MPCA requires the daytime noise levels not to exceed 65 dBA for more than six minutes in an hour and not exceed 60 dBA for 30 minutes in an hour. A condition has been added that requires the exit carwash door (south door) to be shut immediately after the vehicle has exited the wash. Therefore, the car wash south door should be completely shut at all times except when vehicles are exiting the wash. The 160-foot tunnel length is longer than many car wash facilities. The longer length enables the end dryers to be located farther within the building (approximately 15 feet from the exit). The blowers are directed at the vehicle and not directed out the exit door. Noise reducing sound paneling is installed in the interior of the building to mitigate noise emanating from the building. Staff has worked with the applicant to mitigate some of the noise impacts to the residential neighborhood to the west of this development. The applicant has oriented the car wash exit to the south to eliminate some of the noise associated with the car wash.

The proposed vacuum stalls on site will have the main mechanical vacuum equipment housed in a

fully enclosed masonry box with a sound muffler and a vacuum wand that extends to the individual stalls.

The car wash is open seven days a week, 7AM to 7PM,

The proposed Chick-fil-A on Lot 3 is proposing an outdoor dining area located on the southwest corner of the building. It consists of five tables and 14 seats as shown on the attached drawing. The outdoor dining area will have a wrought iron fence surrounding the seating area.

The outdoor dining area will be subject to SAC (Sewer Access Charges). The applicant must work with the City's Chief Building Official and Met Council to determine the amount required for this use. All other requirements listed in the attached conditions are the standard conditions that the City applies to other outdoor dining conditional use permits.

A conditional use permit is required for two buildings on one lot. The applicant has proposed two restaurant/multi-tenant retail buildings to be constructed on Lot 2.

#### Neighborhood Meeting

As required by the adopted neighborhood meeting policy, the developer held a neighborhood meeting on June 9th at Johnsville Library. Comments included traffic speeds on Ulysses Street, traffic concerns at the existing intersection of Ulysses Street and Paul Parkway, and additional traffic on Ulysses Street.

#### Landscaping

The submitted landscape plan does meet zoning ordinance requirements.

#### Tree Preservation

The tree preservation ordinance requires that 8 trees per acre be replaced on site. The developer will be required to replace 45 trees on site. This requirement meets the landscape ordinance requirements.

#### Park Dedication

Park dedication was previously paid with the original platting of Blaine Square in 1978.

#### Grading/Storm Drainage

The developer is proposing to grade the entire site as shown on the grading, drainage, erosion protection and sediment control plans prepared by the Developer's engineer. The plans shall include existing drainage patterns (contours) with flow arrows, soil boring locations, perimeter site protection, tree preservation, tree clearing limits, custom grading, proposed grading contours, proposed drainage patterns with flow arrows, storm water management, SWPPP information, temporary erosion

protection Best Management Practices (BMPs), and temporary sediment control BMPs information for the site. The SWPPP may be included in the construction plan sheet(s) or prepared as a separate document and included in the development construction contract specifications.

#### Water/Sanitary Sewer Services

Standard water and sanitary sewer access charges (WAC & SAC) become due with each building permit at the rate established at the time the building permit is issued.

#### Wetlands/Watershed

The developer will need to submit the project to Coon Creek Watershed District (CCWD) for review, approval and permits required prior to city plan approval and start of site work.

#### Access/Street Design/Sidewalks/Trails

Access to the site is required to be aligned with the existing 123<sup>rd</sup> Avenue (for lot 4) and aligned with 123<sup>rd</sup> Lane and halfway between 123<sup>rd</sup> Lane and the existing McDonald's access for lots 1-3.

#### Easements/Right-of-Way/Permits

The developer will need to obtain all required permits to construct the proposed project. A copy of all permits will need to be submitted to the city prior to any site work.

Standard drainage and utility easements shall be dedicated along all lot lines and over areas of delineated wetlands, wetland mitigation, infiltration trenches, drainage swales, and storm water management ponds.

A petition to vacate the existing public right-of-way of 123<sup>rd</sup> Ave NE east of Ulysses Street and west of Highway 65 was received on April 7, 2022. The request for the public hearing for this vacation request occurred on June 6, 2022. Upon recordation of the vacation, half of the existing right-of-way will be granted to the north property and half to the south property. As a requirement of granting the vacation, the south property will be required to grant and record a drainage and utility easement to the City that allows for maintenance of the existing public watermain along the northern portion of the south property.

#### **Conditional Use Permit**

*The Blaine City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following findings where applicable. (Ord. No. 20-2447, 7-20-2020)*

1. The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area. *A shared access/parking and two buildings on one lot does not create an excessive burden.*

2. The use will be located, designed, maintained, and operated to be compatible with adjoining properties and the existing or intended character of the zoning district. *The B-3 district is intended to provide retailing and services of both a convenience and durable nature to shoppers, such as apparel, furniture, food, banking and financial services for a regional trade area. The use meets this intent.*
3. The use shall have an appearance that will not have an adverse effect upon adjacent properties. *The shared/parking access and two buildings on one lot will meet all other setbacks and landscaping requirements. The use will not have an adverse effect on adjacent properties.*
4. The use, in the opinion of the City Council, shall be reasonably related to the overall needs of the City and to the existing land use.
5. The use shall be consistent with the purposes of the zoning code and purposes of the zoning district in which the applicant intends to locate the proposed use. *The use meets the purpose of the B-3 district.*
6. The use shall not be in conflict with the comprehensive plan of the City. *The comprehensive plan designation is CC (Community Commercial) which is for retailing and services that serve larger areas, from neighborhood to regional scale. The use is not in conflict with the Comprehensive Plan.*
7. The use will not cause traffic hazard or congestion. *The proposed development will not result in any additional traffic hazards or additional congestion to the area.*
8. The use shall have adequate utilities, access roads, drainage, and necessary facilities. *The proposed development, once constructed, will have the required utility services, adequate roads and necessary drainage facilities to service the proposed development.*

#### **Strategic Plan Relationship**

Not applicable.

#### **Board/Commission Review**

The Planning Commission voted unanimously to approve the preliminary plat. There were comments at the public hearing concerning the level of traffic on Ulysses Street, the new cell tower constructed near the development, lack of interest in fast food restaurants, car wash noise, and trucks parking on 123<sup>rd</sup> Avenue. The Project Engineer responded that the 123<sup>rd</sup> Avenue right-of-way is in the process of being vacated and half of the existing right-of-way will be granted to the north property and half to the south property.

#### **Financial Impact**

Not applicable.

#### **Public Outreach/Input**

Notices of a public hearing were:

1. Mailed to property owners within 350 feet of the property boundaries.
2. Published in Blaine/Spring Lake Park/Columbia Heights/Fridley Life.
3. Posted on the City's website.

In accordance with the Neighborhood Meeting Policy, a neighborhood meeting was held on Thursday, June 9, 2022. A summary of the meeting is attached.

#### **Staff Recommendation**

By motion, approve the Resolution.

**Attachment List**

Zoning and Location Map

Preliminary Plat

Site Plan

Existing Conditions Survey

Grading Plan

Utility Plan

Landscape Plan

Building Elevations/Floor Plans - Proposed Zupas, Chick-fil-A, Mister Car Wash

Narrative

Neighborhood Meeting Summary

Planning Commission Meeting Minutes 6/14/22

**WHEREAS**, an application has been filed by RPSLEGACY108 PROP LLC as Conditional Use Permit Case File No. 22-0035 for Blaine Square Third Addition; and

**WHEREAS**, said case involves the property described as follows:

Lots 1, 2, 3 and 4, Block 1, Blaine Square Third Addition, according to the plat on file in the Office of the Registrar of Titles of Anoka County, Minnesota.

**WHEREAS**, the Blaine Planning Commission held a public hearing on June 14, 2022, and recommended approval regarding said Conditional Use Permit; and

**WHEREAS**, the Blaine City Council has reviewed said case on July 6, 2022; and

**WHEREAS**, the criteria identified in Section 27.04 for granting a conditional use permit has been met.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Blaine that a conditional use permit is hereby approved per Section 30.24 (j)(t)(y)(aa) and 27.04 of the Zoning Ordinance to allow two buildings on one lot (Lot 2), outdoor dining (Lot 3), a car wash (Lot 4) and shared access/parking between lots in a B-3 (Regional Commercial) zoning district with the following conditions:

1. The uses for all lots will need to obtain a conditional use permit amendment if the use is not permitted by this conditional use permit including outdoor dining for Lots 1 and 2.
2. Site plan approval will be required as a part of the building permit application. All site improvements to be included in the Site Improvement Performance Agreement and covered by an acceptable financial guarantee.
3. A copy of the shared access/parking agreement between lots must be submitted to the Planning Department prior to any work being allowed on site.
4. The hours of operation for the car wash are limited to 7AM to 7PM.
5. The carwash will need to meet the noise limits set by the Minnesota Pollution Control Agency (MPCA).
6. The exit car wash door (south door) to be shut immediately after the vehicle has exited the wash.
7. 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 Met Council to determine the amount required

for this use.

8. No outdoor advertising on the building or outdoor dining area without obtaining a temporary sign permit is allowed.
9. The outdoor dining area will be limited to no more than five tables and 14 seats in the outdoor dining area.
10. The ability to operate outdoor dining is reliant upon the applicant's ability to adequately control litter and refuse as associated with the facility.
11. No amplified outdoor music system is allowed.
12. Per the Minnesota Building Code, 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.
13. Provide manufacturing specifications and requirements for propane heater use and clearance to combustibles if they are to be used on site.

**PASSED** by the City Council of the City of Blaine this 6<sup>th</sup> day of July, 2022.