



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
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## Legislation Details (With Text)

<b>File #:</b>	RES 23-31	<b>Version:</b>	2	<b>Name:</b>	CUP - Scooter's Coffee (23-0005)
<b>Type:</b>	Resolution	<b>Status:</b>	Passed		
<b>File created:</b>	3/6/2023	<b>In control:</b>	City Council		
<b>On agenda:</b>	3/6/2023	<b>Final action:</b>	3/6/2023		
<b>Title:</b>	Granting a Conditional Use Permit to Allow Two Buildings on One Lot in a B-3 (Regional Commercial) Zoning District at 150 89th Avenue NE. Scooter's Coffee (JPM Java, LLC) (Case File No. 23-0005/SAS)				
<b>Sponsors:</b>	Sheila Sellman				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Attachments, 2. Unapproved PC Minutes 021422, 3. Presentation				

Date	Ver.	Action By	Action	Result
3/6/2023	2	City Council	Adopted	
2/14/2023	1	Planning Commission	Recommended for Approval	

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

### Title

**Granting a Conditional Use Permit to Allow Two Buildings on One Lot in a B-3 (Regional Commercial) Zoning District at 150 89<sup>th</sup> Avenue NE. Scooter's Coffee (JPM Java, LLC) (Case File No. 23-0005/SAS)**

### Executive Summary

The applicant is requesting a Conditional Use Permit (CUP) to allow two building on one lot for a new Scooters Coffee Drive-thru. The site currently has a multi-tenant retail center that includes Cheapo, Salvation Army and a salon.

### Schedule of Actions

Planning Commission Public Hearing	02/14/23
City Council (Conditional Use Permit)	03/06/23
Action Deadline	03/14/23

### Background

*Staff report prepared by Sheila Sellman, City Planner and Teresa Barnes, Project Engineer*

### Zoning

The subject site is zoned B-3 Community Commercial. In this district, multiple buildings on one lot requires a conditional use permit.

### Surrounding Zoning and Uses

The surrounding zoning is B-3 (Community Commercial). The property to the northeast (Rainbow Village) is developed with a multi-tenant retail strip center; the property to the east is developed with a

bank. To the west and south is County Road 10.

### Existing Conditions

The site is developed with a multi-tenant retail center. The current tenants include Cheapo Records, Salvation Army and Salon Concepts.

### History

The existing retail building was built in 1974. In 1989, parking setback variances were granted for the site. The parking setback along 89<sup>th</sup> and 87<sup>th</sup> Avenue is 25 feet; along the east property line it is 9 feet and along Highway 10 it is 29 feet.

### Evaluation of Request

The applicant is proposing to build a 664 square foot drive-thru coffee shop in an existing parking area. The site currently has a commercial building occupied with Cheapo Records, Salvation Army and a salon.

### Site Plan

The proposed drive-thru coffee shop is proposed to be located in the northwest corner of the site with the main access from 89<sup>th</sup> Avenue.

### Parking

Based on current users and Scooters Coffee, 242 parking stalls are required. The site currently has 232 parking stalls. The submitted site plan indicates 10 additional stalls can be located along the northern property line. The parking onsite has been more than adequate for the current users and Scooters is a drive-thru only so they will realistically only need employee parking. Therefore, staff recommends the additional stalls be considered as proof of parking. If a parking issue arises, the 10 stalls can be built at that time. This will be a condition of the CUP.

The parking was calculated as follows:

1. Total Building area - 56,850 square feet.
2. Retail - 46,850 SF. Parking requirement is 1/200 for a total of 234 stalls.
3. Warehouse - 10,000 SF. Parking requirement is 1/2000 for a total of 5 stalls.
4. Coffee - 664 SF. Parking requirement is 1/200 for a total of 3 stalls.

### Setbacks

The setbacks shown on the submitted site plan meet the B-3 zoning requirements. The site has two front yards and two side yards due to frontage on 89<sup>th</sup> Avenue and County Highway 10.

The proposed building is set back 57 feet from the front property line along 89<sup>th</sup> Avenue and 52 feet from the front property line along County Highway 10. The B-3 district requires a 50-foot setback; therefore, these setbacks are met.

The parking setbacks do not change with the proposed development, and are consistent with the B-3 zoning requirements and variances that were previously approved for parking.

### Architecture

The Scooter's building elevations are attached and contain the following materials:

- Glass
- Hardie Plank

- Metal

The proposed materials meet the B-3 requirements.

#### Landscaping

The site received previous site plan approval including landscaping. In addition to what was already approved, the applicant proposes to add more landscaping to the site consistent with landscape requirements.

#### Tree Preservation

Two trees are proposed to be removed and are being replaced onsite as shown in the landscape plan.

#### Grading/Storm Drainage

The proposed work will occur within the existing parking area on the property. Minimal grading will be required, and the existing storm drainage patterns will be maintained.

#### Wetlands/Watershed

The proposed work will occur within the existing parking area on the property. There will be no alteration to any wetlands and watershed review is not required.

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

The proposed project will utilize the existing site access at the west end of the property. No additional access will be granted. No additional street design, sidewalks or trails are required.

#### Easements/Right-of-way/Permits

No additional easements or right-of-way are required. The proposed project will need to obtain all necessary associated permits.

#### Conditional Use Permit

*A city exercises "quasi-judicial" authority when considering a CUP application. This means the city's role is limited to applying the standards in the ordinance to the facts presented by the application. The city acts like a judge in evaluating the facts against the standards.*

Section 27.04 Criteria for granting conditional use permits:

*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. *The site is already developed, and the addition of the small coffee shop will not create an excessive burden on existing parks, schools, streets, and other facilities.*
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 proposed coffee shop is proposed on an existing commercial site and is compatible with adjoining properties.*
3. The use shall have an appearance that will not have an adverse effect upon adjacent properties. *A new building in this identified redevelopment area 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 B-3 district is intended to provide retailing and services of both conveniences; a coffee shop meets this intent.*
6. The use shall not be in conflict with the comprehensive plan of the City.
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

The proposal is located in the Northtown area. Northtown redevelopment has been listed under the growth management portion of the 220-2023 Strategic Plan. The proposal is considered infill development and is a step towards redevelopment in that area.

### Board/Commission Review

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

### 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 website.
4. Posted (sign) on the property with contact information for the Planning Department.

### Staff Recommendation

By motion, adopt the Resolution.

### Attachment List

Zoning and Location Map

Narrative

Site Plan

Grading Plan

Utility Plan

Landscape Plan

Building Elevations

Unapproved Planning Commission Meeting Minutes 2/14/23

**WHEREAS**, an application has been filed by JPM Java, LLC as Conditional Use Permit Case File No. 23-0005 for Scooter's Coffee; and

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

Lot 2, Block 3 MUIRS NORTHTOWN 3<sup>RD</sup> ADDITION

**WHEREAS**, the Blaine Planning Commission held a public hearing on February 12, 2023, and recommended approval regarding said Conditional Use Permit; and

**WHEREAS**, the Blaine City Council has reviewed said case on March 6, 2023; 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 (aa) and 27.04 of the Zoning Ordinance to allow two buildings on one lot in a B-3 (Regional Commercial) zoning district with the following conditions:

1. 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 (SIPA) and covered by an acceptable financial guarantee.
2. All signage requires a separate permit meeting the requirements of the zoning ordinance.
3. If a parking problem is identified, the 10 proof of parking stall shall be constructed.

**PASSED** by the City Council of the City of Blaine this 6<sup>th</sup> day of March, 2023.