



# City of Blaine Anoka County, Minnesota

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine MN 55449

## Legislation Text

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File #: RES 23-16, Version: 2

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

### Title

**Granting a Conditional Use Permit for a Culver's Restaurant, Outdoor Dining and Shared Access/Parking Between Lots in a PBD (Planned Business) Zoning District at 4121 108<sup>th</sup> Avenue NE. (Van Houtan Holdings, LLC) (Case File No. 22-0083/SLK)**

### Executive Summary

The applicant is requesting a conditional use permit to construct a Culver's restaurant with outdoor dining for 12 seats, and a zero-lot line for access and parking.

### Schedule of Actions

Planning Commission Public Hearing	01/10/23
City Council (Conditional Use Permit)	02/06/23
Action Deadline	04/06/23

### Background

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

### Zoning

The property is zoned PBD (Planned Business District).

### Land Use Designation

The property has a land use designation of PI/PC (Planned Industrial/Planned Commercial). This land use is intended to provide flexibility in development and to allow for the possibility of a mixture of uses within the same area such as retailing and services that serve larger areas, from neighborhood to regional scale.

### Surrounding Zoning and Land Uses

All surrounding properties have PBD zoning and a PI/PC land use.

### Existing Conditions

The property is a vacant outlot that will be final platted into a developable lot.

### History

The Lexington Meadows development was preliminary platted in 2018. The vacant parcel has no other previous approvals.

### Evaluation of Request

#### Site Plan

The applicant is proposing to construct a 4,224 square foot restaurant on a newly created parcel on

108<sup>th</sup> Avenue. The site is proposed to have a zero-lot line with properties to the west, north and east. However, a 10-foot landscape area will be provided on the west property line, a 15-foot landscape area will be provided on the north side of the parcel, and the east property line will have a shared drive and parking.

The parking provided on site meets parking requirements for the proposed restaurant use. A total of 42 parking stalls are required for the restaurant use proposed and 62 parking spaces have been provided.

The proposed Culver's Restaurant is proposing an outdoor dining area located on the south side of the building. It consists of three tables and 12 seats, as shown on the attached site plan drawing.

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. All other requirements listed in the attached conditions are the standard conditions that the City applies to other outdoor dining conditional use permits.

### Setbacks

#### Building

- Front: 50 feet
- Side: 15 feet

#### Parking

- Front: 30 feet
- Side: 15 feet

The setbacks have been met on site including zero lot lines on the west, north, and east property lines.

### Architecture

The Culver's Restaurant elevations have been attached and include the following materials:

- glass
- stone
- EIFS

The proposed buildings will meet the PBD zoning requirements.

### Landscaping

The submitted landscape plan meets zoning ordinance requirements.

### Tree Preservation

There are currently no trees on site.

### Grading/Storm Drainage

The developer is proposing to grade the entire site as shown on the Rice Creek Watershed District (RCWD), and city approved grading, drainage, erosion protection and sediment control plans prepared by the Developer's Engineer. The plans 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.

The developer will also need to submit construction contract documents that include a mass (rough) grading, erosion protection, sediment control, development, utilities, roadway, and storm drainage plan sheets. Supporting wetland delineation report, geotechnical investigation report, soil boring logs, and hydrology report shall be included in the submittal for city review and approval.

#### Utilities

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.

Hydrant locations must be reviewed and approved by the Fire Department.

#### Wetlands/Watershed/FEMA

The developer will need to submit the project to RCWD review. Approval and permits required prior to city plan approval and start of site work.

The development shall indicate that all structures are protected from flooding by processing a Letter of Map Change with FEMA prior to issuance of building permits within the unnumbered A-Zone on the FEMA flood map. Developer shall provide all FEMA paperwork and structure as-built surveys to homeowners at time of lot closing. Developer is responsible for following through with FEMA as necessary to receive final FEMA documents, to provide those documents to the homeowners, and to record the final documents on the certificate of title for each parcel in the development.

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

The development is proposing to gain/provide access from a connection to 108<sup>th</sup> Avenue NE.

No additional street design, sidewalks or trails will be required.

#### 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.

#### Conditional Use Permit

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. *A restaurant, shared access/ parking and outdoor dining 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. (Ord. No. 20-2447, 7-20-2020) *The PBD zoning district is intended to provide opportunity for greater flexibility in arranging land uses according to relative compatibility, convenience, and community needs. This 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, restaurant and outdoor dining will meet all landscaping and building elevation 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 PBD zoning district.*
6. The use shall not be in conflict with the comprehensive plan of the City. *The comprehensive plan designation is Planned Industrial/Planned Commercial which is intended to provide flexibility in development and to allow for the possibility of a mixture of uses within the same area such as 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 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.

### Staff Recommendation

By motion, adopt the Resolution.

### Attachment List

Zoning and Location Map  
Site Survey  
Site Plan  
Concept Plan

Grading Plan  
Utility Plan  
Landscape Plan  
Building Elevation (2)  
Floor Plan  
Unapproved Planning Commission Minutes 1/10/23

**WHEREAS**, an application has been filed by Van Houtan Holdings, LLC as Conditional Use Permit Case File No. 22-0083 for Culver's Restaurant; and

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

Lot 1 Block 1 LEXINGTON MEADOWS 6<sup>TH</sup> ADDITION

**WHEREAS**, the Blaine Planning Commission held a public hearing on January 10, 2023, and recommended approval regarding said Conditional Use Permit; and

**WHEREAS**, the Blaine City Council has reviewed said case on February 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 Sections 30.52 (b)(u) and 27.04 of the Zoning Ordinance to allow a conditional use permit for a Culver's restaurant, outdoor dining and shared access/parking between lots in a PBD (Planned Business) 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 site lighting to be down lit style lamps to reduce glare and to meet the requirements of the zoning ordinance. Pole mounted lighting is limited to 20 feet in height.
3. All signage requires a separate permit meeting the requirements of the zoning ordinance. The site will be limited to signage on two wall elevations.
4. Temporary signage to be regulated under Zoning Ordinance Section 34.13.
5. 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.
6. No outdoor advertising on the building or outdoor dining area is allowed without obtaining a temporary sign permit.
7. The outdoor dining area will be limited to no more than three tables and 12 seats in the outdoor dining area.
8. The ability to operate outdoor dining is reliant upon the applicant's ability to adequately control litter and refuse as associated with the facility.
9. Provide manufacturing specifications and requirements for propane heater use and clearance to combustibles if they are to be used on site.
10. The parcel (outlot) shall be final platted into a lot and block prior to any building permits being

issued for the site and recording of the Conditional Use Permit.

11. City shall receive a copy of the issued Rice Creek Watershed Permit prior to the issuance of the building permit.

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