



# City of Blaine Anoka County, Minnesota Text File

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine, MN 55449

File Number: TMP 18-457

**Agenda Date:** 9/11/2018

**Version:** 1

**Status:** Agenda Ready

**In Control:** Planning Commission

**File Type:** Plan. Cmsn. Report

**Agenda Number:** 5.-4

..Sponsor

Lori Johnson, Associate Planner

Title

Public Hearing Case File No. 18-0049//Hy-Vee//125th Avenue and Jefferson Street

The applicant is requesting the following:

1. A Rezoning from B-2 (Community Commercial), FR (Farm Residential) and DF (Development Flex) to PBD (Planned Business District) for 39.24 acres.
2. A Preliminary Plat to subdivide 39.24 acres into two (2) lots and three (3) outlots.
3. A Conditional Use Permit to allow for the construction of a 84,997 square foot Hy-Vee grocery store(including a liquor store and restaurant/outdoor dining) associated convenience/gas store (10,500 square feet) car wash, coffee shop with outdoor patio, shared parking and drives and light poles exceeding 20 feet in height(36 feet).

Background

Zoning: B-2(Community Commercial), FR (Farm Residential),

DF (Development Flex)

Land Use: HDR/PC (High Density Residential/Planned

Commercial)

Area: 39.24 acres

Applicable Regulations: Section 31.30 of the Zoning Ordinance and Chapter 74.41 of the Subdivision Ordinance

Attachments: Zoning and Location Map  
Preliminary Plat  
Site Plan  
Grading, Drainage and Erosion Control Plan  
Utility Plan

Landscape Plan  
Store Floor Plan  
Exterior Elevations  
Convenience Store Elevations and Floor Plan  
Illustrative Plan  
West Section Elevation  
Existing Home Perspective A  
Existing Home Perspective B  
Traffic Analysis Summary Resident Comments

Schedule:

Planning Commission Public Hearing: 09/11/18  
City Council First Reading of Rezoning: 09/20/18  
City Council Second Reading of Rezoning,

Preliminary Plat and Conditional Use Permit: 10/04/18

The City has been presented with development applications for a Hy-Vee store and convenience/gas store and car wash on the southwest corner of Jefferson Street NE and 125th Avenue. In May 2018, the City Council approved a land use amendment for the vacant 40 acres on this corner that resulted in a land use for the property of HDR/PC (High Density Residential/Planned Commercial). This land use change occurred earlier than the current applications due to the timing of the City's 2040 Comprehensive Plan process with the Metropolitan Council. At this time, the applicant needs to obtain a rezoning of the property, a preliminary plat to subdivide the property and a conditional use permit to set up standards of development.

Hy-Vee held a neighborhood meeting for the surrounding neighborhood to learn about the project at City Hall on August 27, 2018. The primary issues raised by the group attending the meeting concerned the extension of Jefferson Street and connection with 121st Ave, rising traffic levels, on-street parking issues with Happy Acres Park, access and interaction with school traffic, sidewalk locations and landscape/buffer treatments at the rear of the grocery store.

**Rezoning**

The approximately 40 acre property on which the development will occur has three different zoning designations at this time. The northeast corner (approximately 5.5 acres) of the property has a B-2 (Community Commercial) zoning designation. The area immediately west of that corner is zoned DF

(Development Flex) and the southern half of the property is zoned FR (Farm Residential). The proposed zoning, to provide consistency over the entire 40 acres, is PBD (Planned Business District). The PBD allows gas station/convenience store with car wash, grocery store, liquor store and general retail with approvals of a conditional use permit. The PBD zoning would also accommodate the other potential uses that could occur on the 40 acre site in the future such as office or higher density residential. The site has the land use designation of HDR/PC. The PBD zoning is the correct zoning to implement the proposed land uses and conditional use permits that are requested.

### **Preliminary Plat**

The preliminary plat consists of two lots and three outlots. The gas/convenience store/car wash would be located on Lot 1 of the plat. Lot 1 is 4.27 acres. The parcel on which the Hy-Vee grocery store would be located would be platted as Lot 2. Lot 2 is 12.93 acres. Outlot A will be used for storm draining purposes. Outlots B and C will be used for future development.

Park dedication will need to be paid on the two lots being platted at this time. The 2018 park dedication rate for commercial property is \$8,704 per acre. The total acreage for Lots 1 and 2 is 17.2 acres so the total fee would be \$149,709. This fee must be paid prior to release of the final plat mylars by the City for recording purposes at Anoka County. Park dedication will be required on the outlots when they are re-platted and developed in the future. If the property is final platted in 2019, the park dedication rate could possibly increase.

The development is proposing to realign the existing ditch. This will require review and permit from the Coon Creek Watershed District. The ditch realignment will require the new ditch alignment to be placed in a platted drainage and utility easement.

The existing 124th Lane in the Crescent Ponds addition will need to be properly abandoned and realigned, along with the walk extension into the proposed plat. The walk extension and connection will need to be incorporated into the first phase of site work. The development will also be responsible to complete a water main loop with the connection from the stubbed water main on Jefferson Street (north end of Crescent Ponds) to the intersection of 125th Lane and Jefferson.

Jefferson Street will be extended southward through the plat and connect through to 121st Avenue establishing the planned transportation link between University Avenue and 125th Avenue. This extension has been part of the City's master plan for this area for since the Crescent Ponds neighborhoods were initially conceived.

The City required the developer to perform an independent traffic study to analyze the traffic volumes that exist in the area and the increases that would be generated by the proposed development as well as the connection of Jefferson Street to the south to determine:

- what types of lane or system improvements would need to be made at Jefferson and 125th
- what type of access would be allowed by Anoka County on 125th (west of Jefferson)
- how the new development and extension of Jefferson would work with their proposed private driveway locations
- how Anoka Hennepin Schools might modify their operations and on-site circulation to solve parent drop-off and pick-up issues.
- how the extension and expected volumes would impact the balance of the street system to the south and in the crescent Ponds neighborhood.

The executive summary of that traffic analysis is attached to this item.

### **Conditional Use Permit**

All uses within the PBD (Planned Business District) are considered conditional uses. In addition, the light pole heights being proposed exceed 20 feet, which also requires a conditional use permit. The conditional use permit being issued will include both Lot 1 and Lot 2 of the plat since the uses are related.

Before a discussion on the proposed uses on the two platted lots, it should be noted that the concept plan shown on the preliminary plat for Outlots B and C includes a high density residential project and a multi-tenant retail building. These uses are completely conceptual at this time so those outlots would need to be re-platted and a conditional use permit would need to be issued for those developments to occur. The developer has had discussions with a senior housing provider and that is why the high density residential building is being shown. Both the future housing and the retail would be consistent with the adopted Comprehensive Plan and PBD zoning.

The proposed Hy-Vee grocery store is 84,997 square feet and will be situated towards the southeast end of the site. The store will contain groceries, a liquor store, a restaurant (Market Grill) with outdoor dining, as well as a pharmacy, clinic, Starbucks and postal service. The grocery component will be a 24-hour store.

The convenience store/gas station and car wash on the northeast side of the site is 10,500 square feet. There is a proposed drive-through on the southeast side of this

building for a possible coffee shop. It is possible that there would be outdoor dining (patio) associated with the coffee shop as well. The gas facility would have 8 pumps islands on the north side of the convenience store and the car wash has four separate bays.

There are 529 parking stalls for the grocery component on Lot 2 and 462 stalls are required after calculating the parking needs based on the square footage of all uses within the building and the outdoor dining. Therefore, ordinance requirements are met for parking on Lot 2.

There are 53 parking stalls on Lot 1 and 71 stalls are required after calculating the parking needs based on the square footage of the convenience store/coffee shop. Therefore, ordinance requirements are met for parking on Lot 1.

Given the proximity of the site to the residential area to the south, the rear of the store has a 227-foot setback to the property line. Within this setback, a 12-foot high (this was increased from 6-feet after the neighborhood meeting) earth berm is being provided that will include extensive landscaping and a six-foot high solid vinyl maintenance free (vinyl) fence. Included in your packet are drawings and perspectives that depict how the store will appear from the residential area to the south.

An additional fence section (about 340-feet in length) will be recommended to run along the west side of the grocery store between the access drive and large pond area. The purpose of this extension is to provide a solid barrier to block headlights from cars and trucks (for the benefit of the homes across the ponds) that are circulating or parking on the west side of the store. This would be a continuation of the six-foot solid vinyl fence.

The City Council would like to see each PBD site and conditional use permit to include the standards of the Highway 65 Overlay District as that district has increased standards for landscaping and exterior materials. These two lots will need to meet these requirements

The landscape plan that has been submitted does not meet the required number of plantings as required by ordinance, including the Highway 65 Overlay requirements (1.5 times the amount of required trees). The following number of trees are required over Lots 1 and 2:

- Overstory Trees - 92
- Conifer Trees - 92
- Ornamental Trees - 79

The landscape plan will need to be adjusted to show that 25% of the landscaping materials are oversized according to the Highway 65 Overlay District requirements. Overstory trees must be oversized to 3 inch caliper and conifer trees must be oversized to 8 feet in height. Oversizing is not recommended for ornamental trees. The landscape plan must be revised during as part of the site plan approval process. The plans must also state that underground irrigation will be provided on site.

Signage will be issued under a separate permit for the site.

The proposed light standards within the main parking area are 33 feet in height which are allowed through the conditional use permit. This height is typical for this site as other commercial sites of this nature have similar heights for their light standards.

The building elevations need to meet the Highway 65 Overlay District requirements in terms of materials used on the building. Brick, EIFS and glass are used on all buildings and these are acceptable materials according to the Zoning Ordinance. In addition, the gas pumps have masonry on the canopy poles to meet the same requirements as other recently approved gas canopies in Blaine.

There shall be no outdoor storage or display of product at any time on site, and this includes the areas on the sidewalk in front of the building. Carts shall not be stored outside at any time other than in the cart corrals provided in the parking lot.

Some large retailers sometimes have operational issues relating to using semi-trailers for temporary product storage and use of local streets by delivery trucks. All of these practices are inconsistent with city code and policy and are addressed in the recommended CUP conditions.

A shared access agreement will need to be put into place as the two lots will share parking and accesses with the future outlots. This will be required with future development.

A concrete sidewalk has been placed on the west side of Jefferson Street and interior sidewalks are located on the south edge of Lot 1 and immediately adjacent to the grocery store. The sidewalk that is on the south side of Lot 1 continues to the west to serve any potential residential project that may be presented. Also of note is the trail connection to the neighborhood on the west side of Outlot B, behind the potential residential project. This trail will connect to 124th Lane giving residents the ability to get to the store via a pedestrian walkway.

The store parking lot next to the future multi-family should take into account the possible south driveway location and remove 4-6 stalls and place a landscape island at that location to remove the conflict between the apartment drivers and cars backing from the grocery stalls.

#### Recommendation

In Planning Case File No. 18-0049 it is recommended that the Planning Commission recommend approval of a rezoning from B-2 (Community Commercial), FR (Farm Residential) and DF (Development Flex) to PBD (Planned Business District) for 39.24 acres based on the following rationale:

1. The proposed rezoning would be consistent with the HDR(High Density Residential)/PC (Planned Commercial) land use of the property.
2. The zoning being proposed is consistent with the type of development being considered.

In Planning Case File No. 18-0049 it is recommended that the Planning Commission recommend approval of a Preliminary Plat to subdivide 39.24 acres into two (2) lots and three (3) outlots based on the following conditions:

1. Park dedication will need to be paid on the two lots being platted at this time. The 2018 park dedication rate for commercial property is \$8,704 per acre. The total acreage for Lots 1 and 2 is 17.2 acres so the total fee would be \$149,709. This fee must be paid prior to release of the final plat mylars by the City for recording purposes at Anoka County. Park dedication will be required on the outlots when they are re-platted and developed. If the property is final platted in 2019, the park dedication rate could possibly increase.
2. The Mayor, City Clerk and City Manager are hereby authorized to execute any and all necessary documents, agreements and releases related to the approval, recording or administration of the plat.
3. The plat to dedicate necessary right-of-way for extension and modifications of Jefferson Street.
4. Developer to construct the extension and modifications to Jefferson Street as directed and approved by the City. All of the Jefferson Street improvements are to be completed by the developer at their sole cost and prior to seeking a Certificate of Occupancy for any building space within the plat.

5. Developer to obtain permit from Coon Creek Watershed prior to any site work.
6. Developer to obtain permit from Anoka County Highway Department for any work within county right-of-way and approval of the proposed access from 125th Avenue.
7. The existing 124th Lane in the Crescent Ponds addition will need to be properly abandoned and realigned, along with the walk extension into the proposed plat.
8. The walk extension from 124th Lane and connection thru the site to Jefferson Street will need to be incorporated into the first phase of site work.
9. The development will also be responsible to complete a water main loop with the connection from the stubbed water main on Jefferson Street (north end of Crescent Ponds) to the intersection of 125th Lane and Jefferson.
10. A development agreement which outlines all of the developer responsibilities for Developer Installed Public Improvements will be required prior to any work being performed on site.

In Planning Case File No. 18-0049 it is recommended that the Planning Commission recommend approval of a Conditional Use Permit to allow for the construction of a 84,997 square foot Hy-Vee grocery store(including a liquor store and restaurant/outdoor dining) associated convenience store (10,500 square feet) car wash, shared parking and drives and light poles exceeding 20 feet in height(36 feet) based on the following conditions:

1. The site and building must be constructed according to the plans submitted for the conditional use permit review, and according to any required conditions approved by the City Council.
2. Site Plan approval is required prior to any work being performed on site. This includes the submittal of a signed Site Improvement Performance Agreement and associated financial guarantees.
3. Light pole heights (main parking area only) are allowed to be no greater than 33 feet in height. A lighting plan must be submitted with the site plan approval process. All lighting to be down-lit and shielded as necessary to reduce off-site glare.
4. Signage to be issued under a separate permit.
5. The landscape plan that has been submitted does not meet the required number of plantings as required by ordinance, including the Highway 65 Overlay requirements (1.5 times the amount of required trees). The following number of trees are required over Lots 1 and 2:
  - Overstory Trees - 92

- Conifer Trees - 79
- Ornamental Trees - 79

6. The landscape plan will need to be adjusted to show that 25% of the landscaping materials are oversized according to the Highway 65 Overlay District requirements. Overstory trees must be oversized to 3 inch caliper and conifer trees must be oversized to 8 feet in height. Oversizing is not recommended for ornamental trees. The landscape plan must be revised during as part of the site plan approval process. The plans must also state that underground irrigation will be provided on site.
7. A 6-foot vinyl maintenance free fence is required to be placed on top of the 12-foot berm in the rear of the grocery store.
8. An additional fence section (about 340-feet in length) should be added to run along the west side of the grocery store between the access drive and large pond area. The purpose of this extension is to provide a solid barrier to block headlights from cars and trucks that are circulating or parking on the west side of the store. This would be for the benefit of the homes on the across the ponds to the west and would be a continuation of the six-foot solid vinyl fence.
9. There shall be no outdoor storage or display of product at any time on site, and this includes the areas on the sidewalk in front of the building and on gas pump islands. Carts shall not be stored outside at any time other than in the cart corrals provided in the parking lot.
10. Hy-Vee shall direct all delivery vehicles to use 125th Avenue and Jefferson Street for ingress and egress and to not utilize local streets to the west or south of the site.
11. Use of semi trailers for temporary or seasonal product storage is not permitted.
12. Separate building permits must be obtained prior to installation of any fencing on site.
13. When the outlots are developed in the future a shared access agreement will need to be put into place as the two outlots will use the main access to the site.
14. Applicant to install underground piping as part of the fueling stations for future Stage I vapor recovery system.
15. The use of any speaker system at the gas pumps must be limited in volume so as to not create any off-site impacts.
16. The gas and diesel canopies must have columns, to a height of five (5) feet, that are faced with brick that matches the building.
17. The carwash doors to be shut immediately after the vehicle has entered and exited the wash. Therefore, the carwash doors should be completely shut at

- all times except when vehicles are passing thru or exiting the wash.
18. 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.
  19. Outdoor dining areas 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.
  20. Plans for amplified music or a public address system for any proposed outdoor dining areas to be reviewed by the City prior to installation. Noise level of the music in the outdoor dining area to not exceed normal conversation level.
  21. No outdoor advertising on building or patio areas without obtaining a permit, including any signage on table umbrellas.
  22. The outdoor dining areas limited to the patio areas identified on the site plan presented for approval or based on future site plan approvals. The outdoor patio for the Market Grill is limited to not more than 40 seats. Formal Site Plan Approval is required for any outdoor patio area.
  23. The ability to operate outdoor dining is reliant upon the applicant's ability to adequately control litter and refuse as associated with the facility.
  24. Exit doors in any railing or fence in the outdoor dining areas shall be openable from the inside without the use of a key or any special knowledge or effort, per the Uniform Building Code.
  25. Provide manufacturing specifications and requirements for outside propane heater use and clearance to combustibles if they are to be used on site.
  26. Applicant must obtain a permit for any fencing around the outdoor dining areas. Fencing to be constructed as shown on the plans submitted for this application.
  27. Operation of an off-sale liquor store requires liquor sales license through City Clerk's office with approval by City Council.