

**TO:** Planning Commission  
**FROM:** Ben Boike, Assistant Comm. Dev. Dir.  
**DATE:** December 19, 2017  
**SUBJECT:** Development of new Outlot at 1660 Robert St.



---

**SUBJECT:**

CASE #17-19 Applications for the development of a new outlot at 1660 Robert St.:

- 1) Rezoning from B4, Shopping Center to PD, Planned Development with B4 underlying zoning
- 2) Site Plan Approval
- 3) Conditional Use Permit to allow a Drive-through Lane and Outdoor Seating
- 4) Preliminary/Final Plat

---

**REQUEST**

Pebb St. Paul, LLC is requesting multiple applications for the development of new Outlot building at 1660 Robert St. (fronting Hobby Lobby). The applicant is proposing to construct a 4,348 sq. ft. two-tenant commercial building with a drive-through and outdoor seating. In addition, the applicant is proposing to modify the existing Hobby Lobby parking lot to accommodate the new development, as well as Plat the property in order to subdivide the new outlot from the Hobby Lobby parcel.

***Attachments:***

Memos from the Env. Comm., the City Civil Engineer, & MnDOT  
Applications/Notice  
Copies of submitted Civil and Architectural plans



## **EXISTING LAND USES**

The subject property consists of an existing big box retail building (Hobby Lobby) and parking lot. Adjacent properties to the north, south, east and west consist of commercial uses.

## **ZONING**

The subject property is currently zoned B4, Shopping Center. Adjacent properties to the north and south are zoned B3, General Business and B4, Shopping Center. Adjacent properties to the east and west are zoned B3, General Business.

## **PROPERTY BACKGROUND**

The applicant owns the subject property and leases the existing big box building to Jerry's Foods who subleases the building to Hobby Lobby. The applicant is proposing to develop the new 4,348 sq. ft. outlot building and lease the building to two commercial tenants.

### **1) REZONING ANALYSIS**

In order to provide the necessary flexibility to maximize the most efficient use of the land, the applicant is proposing to rezone the property from B4, Shopping Center to PD, Planned Development with B4, Shopping Center underlying zoning.

Specifically the amended Planned Development will allow flexibility for the following items:

- Rear Yard Parking Lot Setback
- Parking Stall Dimensions
- Minimum Parking Requirements
- Drive-through in the Front Yard and no bypass lane

These items will be discussed further in the Site Plan analysis. The submitted plans meet all other the requirements of the Zoning Ordinance unless otherwise noted.

### **2) SITE PLAN ANALYSIS**

#### **Exterior Building Materials**

The applicant is proposing a combination of brick, glass, lap siding, and EIFS for the building façade (see plan DD-01). Section 153.032(F) of the Zoning Ordinance requires that 60 percent of all new buildings in commercial zoning districts be constructed with primary materials that are maintenance free: brick, stone, stucco and glass. The proposed elevations meet this requirement.

#### **Window Coverage**

Window Coverage is not required in the B4 District, however the proposed plans provide significant window coverage. Since the ordinance requires that the building

be placed toward the front property line, the “back of store” operations for the building front Robert St. As a result, in order to include window coverage on the west elevation facing Robert St. (code requires that all sides be equally attractive), the applicant is proposing spandrel glass for both set of windows.

Staff is recommending a condition of approval to add storefront windows to the south elevation, specifically in the area between the proposed storefront windows and the pick-up window. Staff feels that this elevation, as proposed, is not as equally attractive.

### **Visual Relief**

The proposed building meets the visual relief requirements by providing different building materials and by providing vertical offsets to the roofline.

### **Rooftop Mechanicals**

The submitted plans do not address rooftop mechanicals. Staff is recommending a condition of approval requiring that the applicant adhere to Section 153.032(F)(5) so that all rooftop mechanicals are adequately screened.

### **Trash Enclosure**

The submitted plans include an exterior trash enclosure to be located at the southeast corner of the outlot parcel. However, the plans do not include elevations of the proposed enclosure. Staff is recommending a condition of approval that the applicant include elevations of the enclosure upon application of a building permit. Said elevations must adhere to Section 153.032(F)(6).

### **Building Setbacks**

The proposed building for the outlot development meets all required building setbacks.

### **Parking Lot Setbacks**

The proposed parking lot for the outlot development meets all required parking lot setbacks with the exception of the rear yard parking setback. The zoning ordinance requires a 10-foot rear yard parking setback. The proposed plans call for a 7-foot setback.

The reduction in rear yard parking setback does not require a variance since the property is being developed as a Planned Development.

### **Drive Aisles**

All proposed two-way drive aisles for both the new outlot and the modified existing parking lot (more on this later) meet the minimum width requirement of 22 feet. The proposed drive-through lane ranges from 11.5 feet wide (at entry) to 14 feet wide at the exit, with the majority of the drive-through lane measuring 12 feet wide. The zoning ordinance requires a minimum one-way drive aisle width of 15 ft. However, the ordinance allows for a deviation in drive aisle width through the site plan process. Staff is comfortable with the proposed widths as 12-foot is a typical width for drive-

through lanes. In addition, South Metro Fire reviewed the plans and has no issue with the proposed width.

### **Parking Stall Dimensions**

Outlot - all proposed parking stalls in the new outlot meet the minimum width requirement of 9 ft. However, the applicant is proposing reduced parking stall depths of 18 ft. (code requires 20 ft.). Council has allowed this in the past, as parking stalls fronting curbs allows for the overhang of front bumpers, specifically for larger vehicles.

Existing Parcel - Staff is recommending a condition of approval requiring that the applicant revise the site plan by including parking stall dimensions for the stalls in the existing parking lot.

The reduced parking stall depths for the outlot do not require a variance since the property is being developed as a Planned Development.

### **Parking**

Outlot - the proposed site plan includes a total of 23 parking stalls for the proposed outlot. Per code, the proposed building requires a total of 42 stalls: 13 stalls for the proposed 2,200 sq. ft. coffee shop, 20 stalls for the proposed 2,148 sq. ft. fast casual restaurant, and 9 stalls for the proposed outdoor seating.

The two tenants are anticipated to have different peak rush times with the coffee shop having peak traffic in the morning hours and the fast casual restaurant having peak traffic at lunch and dinner times. In addition, a large percentage of business for the coffee shop will be via the drive-through. The applicant is also proposing to record a parking agreement to allow overflow parking for the outlot tenants in the Hobby Lobby parking lot.

Existing Parcel - the proposed site plan includes a total of 117 parking stalls for the remainder of the big box parking lot. Per code, the 63,000 sq. ft. retail building requires a total of 262 parking stalls.

Despite the significant reduction in parking, Staff is comfortable recommending approval of the plan as the existing big box parcel has a mutual non-exclusive access and shared parking agreement with both the MGM Liquor property to the south and the Robert Square property to the south. As such, all three properties allow for shared parking.

With that said, in case parking does become an issue in the future, Staff is recommending a condition of approval that the applicant, upon application of a building permit, revise the site plan by showing proof of parking behind the Hobby Lobby building. Should this parking be needed it can be used for employee parking.

The reduction in parking does not require a variance since the property is being developed as a Planned Development.

**Access**

The applicant is not proposing any modifications to the existing access to the Hobby Lobby parcel/new outlot from Robert St. Access to the proposed outlot will be provided through the Hobby Lobby parcel, specifically via drive aisles to the north and south of the outlot both of which provide access to Robert St. In addition, cross access to the Hobby Lobby parcel/outlot is provided through the shopping centers to the north and south.

Staff is recommending a condition of approval requiring that the applicant record a cross access easement through the Hobby Lobby parking lot on behalf of the new outlot.

**Burger King Connection**

As part of the Robert St. project, the City negotiated access for Burger King through the Hobby Lobby parking lot. As a result, the project includes a driveway connection between the two parcels. This will allow southbound traffic on Robert St. the ability to turn into the Hobby Lobby parking lot in order to access Burger King through the new driveway connection.

**Sidewalk Connection**

The submitted site plan does not include a pedestrian connection from the Robert St. sidewalk to the proposed outlot building. As a result, Staff is recommending a condition of approval requiring that the applicant, upon application of building permit, revise the site plan to include a sidewalk connection from the public sidewalk on Robert St. to the sidewalk adjacent to the north of the proposed building. Said connection shall include a striped crosswalk through the drive-through lane with signage.

**Bike Rack**

Staff is recommending a condition of approval that the site plan be revised to include a small bike rack near the front entry of the building.

**Landscaping/Screening**

The proposal includes the removal of 8 trees currently located in landscaped islands in the parking lot (impacted by the new development), however, the submitted plans include the addition of several new landscaped islands in the Hobby Lobby Parking lot. Per the attached landscape plan, a total of 3 new over-story trees and 14 ornamental trees are proposed along with 40 shrubs and 374 perennials.

The proposed landscape plan also includes screening of the proposed drive-through lane. As previously discussed, the “back of store” areas of the proposed building front Robert St. along with the drive-through lane. In order to mitigate the visual impact of the drive-through lane facing Robert St., the applicant is proposing a combination of fencing and hedging to screen vehicles in the drive-through.

### **Irrigation**

The submitted plans state that irrigation will be provided to all planted areas. Staff is recommending a condition of approval that upon submittal of a building permit the applicant submit an irrigation plan which adheres to Section 153.032(E)(2-3).

### **Environmental Committee**

The Environmental Committee reviewed the proposed Landscape Plan at their December 6, 2017 meeting (see attached memo). Members are proposing the following recommendations as conditions for approval of the plans:

- The 3 proposed overstory trees should be native trees instead of Ginkgos;
- The 14 proposed ornamental trees should stay the same with the exception of those in the 3 islands listed below;
  - The 3 islands between the new building and Hobby Lobby be converted to rain gardens that include native “pollinator friendly” plantings, instead of trees;
- That an ornamental fence, similar to the rest of Robert St, be installed behind the sidewalk along the entire property;
- That a native evergreen hedge be planted between the fence and the proposed drive-thru; and
- They strongly encourage the developer to use “pollinator friendly” native plants that were not treated with “neonicotinoids”.

Staff is recommending a condition of approval that the applicant adhere to the recommendations of the Environmental committee per the memo dated December 12, 2017.

### **Lighting**

The applicant is proposing a variety of new lighting for the property:

- 9 40-foot tall LED light poles (17 lights in total) for the Hobby Lobby parking lot
- 8 wall mounted LED lights on the proposed building

### **Signage**

The applicant is proposing a new monument sign in the northwest corner of the proposed outlot as well as wall signage on the new building. Staff is recommending a condition of approval that all proposed signage adhere to Section 153.430 of the Zoning Ordinance.

### **Engineer’s Recommendation**

The City’s Civil Engineer has provided a memo with twelve (12) recommended conditions pertaining to the Site Plan. Staff is recommending a condition of approval requiring the applicant to adhere to the recommendations of the City Engineer per the attached memo dated December 12, 2017

## **MnDOT Review**

Since the subject property abuts Robert St., which is a State Road, MnDOT requires that all site plans/plats be reviewed. Staff is recommending a condition of approval requiring the applicant to adhere to the recommendations of MnDOT per the attached letter dated December 13, 2017.

## **3) CONDITIONAL USE PERMIT ANALYSIS**

### **Zoning Code**

The Zoning Code requires a Conditional Use Permit to allow a Drive-through Lane and Outdoor Seating.

### **Analysis**

The applicant is proposing a Drive-through Lane for the southern tenant space (coffee shop). The proposed drive-through lane wraps around the west side of the outlot building, with the pick-up window on the south side of the building. In addition, similar to other recent developments, the proposal also includes two outdoor seating areas, one for each tenant, in the sidewalk/curbed islands in front of the building. Both seating areas will be surrounded with decorative fencing.

### **Drive-through Lane**

With the exception of two items (location in the front yard of the building and the exclusion of a by-pass lane), the proposed drive-through lane meets the requirements outlined in Section 153.156(D) of the Zoning Ordinance.

In order to adhere to the front yard building setback, provide optimal traffic flow within the site, and allow for adequate drive-through stacking for the coffee user, there are limited options for the location of the drive-through lane on-site. In early discussions with the applicant, Staff requested that some thought be given on potential layouts that could avoid requiring a drive-through lane in front of the building. The applicant produced a couple concept plans that met the requirement, however the concept plans led to other site issues as noted above. As a result, in order to mitigate the impact of having a drive-through lane in front of the building, Staff requested that adequate/aesthetically pleasing screening be provided between Robert St. and the drive-through lane. In addition, Staff also requested improvements to the west elevation of the building in order to mimic the east elevation/true front of store.

Including a by-pass lane would require a great front yard building setback as well as a reduction in overall parking for the site. Since most drive-through lanes operate without a by-pass lane and parking on-site is already limited, Staff is comfortable recommending approval of the site plan without one.

Allowing the drive-through lane in the front yard and exclusion of a by-pass lane does not require a variance since the property is being developed as a Planned Development.

### Outdoor Seating

The proposed outdoor seating areas meet the requirements outlined in Section 153.156(G) of the Zoning Ordinance. Staff is recommending a condition of approval requiring that the furniture consist of maintenance free materials.

## **4) PRELIMINARY/FINAL PLAT ANALYSIS**

### **Proposal**

Per the attached Final Plat drawing, the applicant is proposing to split the existing 4.07-acre parcel into two lots, one for the proposed outlot, and one for the remainder of the existing parcel (Hobby Lobby).

Lot 1, Block 1 = 25,663 SF or 0.589 acres (new outlot)

Lot 2, Block 1 = 181,044 SF or 4.156 acres (remaining Hobby Lobby lot)

Staff is recommending a condition of approval requiring that the plat be recorded at the County prior within one year and prior to the submittal of a building permit.

### **STAFF RECOMMENDATION**

**Staff recommends APPROVAL of the REZONING of the property from B4, Shopping Center District to PD, Planned Development with B4, Shopping Center District underlying zoning subject to the following conditions:**

1. Council approval of the corresponding Site Plan, Conditional Use Permits, and Plat applications.

**Staff recommends APPROVAL of the SITE PLAN subject to the following conditions:**

1. Council approval of the corresponding Planned Development Amendment, Conditional Use Permit, and Plat applications.
2. The applicant shall apply for all applicable building and sign permits.
3. Upon application of a building permit, the applicant shall revise the site plan as follows:
  - a. Add proof of parking behind the big box building.
  - b. Add a sidewalk connection from the public sidewalk on Robert St. to the sidewalk adjacent to the north side of the proposed building. Said connection shall include a crosswalk through the drive-through lane with signage.
  - c. Add a small bike rack adjacent the proposed building.
4. Upon application of a building permit, the applicant shall revise the architectural plans as follows:



- a. Add storefront windows to the south elevation, specifically between the proposed storefront windows and the pick-up window.
  - b. Include elevations for the proposed trash enclosure. The trash enclosure shall meet the requirements of Section 153.032(F)(6).
5. All rooftop mechanicals shall be property screened according to Section 153.032(F)(5).
6. The applicant shall record parking and access easements on the Hobby Lobby property (Lot 2) on behalf of the new outlot (Lot 1).
7. The Site Plan/Landscape Plan shall be revised according to the recommendations of the Environmental Committee per the attached memo dated December 12, 2017. In addition, upon application of a building permit, the applicant shall submit an irrigation plan. All landscaped areas are required to be irrigated.
8. The applicant shall adhere to the recommendations of the City Civil Engineer per the attached memo dated December 12, 2017.
9. The applicant shall adhere to the recommendations provided by MnDOT per the attached letter dated December 13, 2017.

**Staff recommends APPROVAL of the CONDITIONAL USE PERMIT to allow a DRIVE-THROUGH LANE subject to the following conditions:**

1. Council approval of the corresponding Planned Development Amendment, Site Plan, and Plat applications.

**Staff recommends APPROVAL of the CONDITIONAL USE PERMIT to allow OUTDOOR SEATING subject to the following conditions:**

1. Council approval of the corresponding Planned Development Amendment, Site Plan, and Plat applications.
2. All outdoor seating furniture and fencing shall consist of maintenance free materials as approved by the City Planner.

**Staff recommends APPROVAL of the PRELIMINARY/FINAL PLAT subject to the following conditions:**

1. Council approval of the corresponding Planned Development Amendment, Site Plan, and Conditional Use Permit applications.
2. The plat shall be recorded at the County within one year and prior to the submittal of a building permit.