



## Legislation Details (With Text)

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**Date:** April 19, 2018

**To:** Members of the Planning Commission

**From:** Scott Tempel, City Planner

Consideration of Conditional Use Permit for Drive-Through at 142 West 2<sup>nd</sup> Street

### Action Requested:

The Planning Commission is requested to pass a motion recommending approval of a Conditional Use Permit for a Drive-Through on Lots 4 and 5 of The Crossing.

### Summary Report:

Rebound Development Partners are proposing a coffee shop development on the vacant lots bounded to the west by Highway 3, to the east by the Marriott Fairfield Inn and Suites currently under construction, to the south by 2nd Street, and to the north by the Crossings commercial development. The project will be a single-story 2,000 SF building with a patio and drive through. Drive-throughs are permitted in the C1 district as a conditional use.

Conditional uses are those uses that because of special requirements or characteristics may be allowed in a particular zoning district only after a recommendation by the planning commission and a decision by the city council. In the approval of a conditional use permit, the city council may impose such conditions as necessary to make the use compatible with other uses allowed in the same district zone or vicinity. The approval criteria for Conditional Uses, set in Section 5.5.9, are as follows:

- (1) Criterion (a) below must be met and criteria (b) through (n) shall be considered in the review of conditional use permit applications:
  - (a) The proposed use is allowed as a conditional use in the district for which it is proposed as shown in Table 2.7-1;

- (b) The conditional use will be in accordance with the general objectives, or with any specific objective, of the city's comprehensive plan and this LDC;
- (c) The conditional use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- (d) The conditional use will not be hazardous or reasonably disturbing to existing or future neighboring uses;
- (e) The conditional use will be served adequately by essential public facilities and services such as, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools;
- (f) The benefits of the conditional use outweigh the potential negative effects to the surrounding area or community;
- (g) The conditional use will not create excessive additional requirements at public cost for public facilities and services;
- (h) The conditional use will not involve uses, activities, processes, materials, equipment and conditions or operations that will be detrimental to any persons, property, or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare, or odors;
- (i) The conditional use will not result in the destruction, loss or damage of natural, scenic, or historic features of major importance as may be established in the comprehensive plan or other city plans related to natural, scenic, or historic features.
- (j) The traffic and parking generated by the use will not lower the Levels of Services as described in the comprehensive transportation plan update of intersections within a quarter of a mile of the site.
- (k) In residential districts, the use is of a similar height, building orientation, massing, setback, and scale as to be compatible with surrounding uses in compliance with Section 3.5, Neighborhood Compatibility Standards.
- (l) In the Perimeter Transition Area (PTA) within the college development district (CD-S) that abut residential and commercial districts, height, building orientation, massing, setback and scale shall be considered in building renovation and/or new construction in order to maintain compatibility with surrounding areas as described in Section 3.5, Neighborhood Compatibility Standards. These neighborhood compatibility standards are to be administered in order to maintain a harmonious neighborhood environment and absolute compliance with these standards is not intended.
- (m) Impacts such as noise, hours of activity, and outdoor lighting have been sufficiently addressed to mitigate negative impacts on nearby uses.
- (n) Parking is adequately provided for the proposed conditional use, but an excessive number of parking spaces are not proposed. The following information shall be provided as part of the Conditional Use Permit application:

- (i) Number of customers, patients, visitors, or other patrons of the proposed use. Information should also be included detailing the expected parking behavior of these persons (i.e., how long a customer may be expected to be at the facility);
- (ii) Number of full time and part time employees;
- (iii) Number and approximate timing of deliveries.

## Findings

- a. The drive-through is allowed as a conditional use in the C1 district as shown in Table 2.7-1.
- b. The conditional use is in accordance with the general objectives of the city's comprehensive plan and this LDC.

The project is in harmony with the general purposes and intent of the LDC. The proposed use is consistent with the general goals for the C1 zone district by providing a compact service development with an intimate outdoor gathering space. The Land Development Code was adopted to protect and promote the public health, safety, morals, and general welfare of the city. More specifically, the purpose of these regulations is to:

- 1.1.1 Maintain and enhance the community's distinct small town character.
- 1.1.2 Preserve and protect the area's natural, historic, and cultural resources while providing for improved methods of integrating these resources in the community.
- 1.1.3 Encourage growth in infill locations as the desired location of development with expansion on the edge of the city a secondary priority.
- 1.1.4 Create residential community areas with strong neighborhood qualities including pedestrian-friendly streets, community gathering spaces, and basic commercial needs within walking distance.
- 1.1.5 Encourage the development of neighborhoods that incorporate a variety of housing types to serve the needs of a diverse population.
- 1.1.6 Allow for places with a mixture of uses that are distinctive and contribute to the city's overall vitality.
- 1.1.7 Provide standards and guidelines for continuing strategic growth and sustainable development.
- 1.1.8 Provide for the expansion and diversification of the economic base to assure a strong economy.
- 1.1.9 Promote an ethic of sustainability in all activities to ensure that proposed development and redevelopment will, at a minimum, conserve energy and natural resources.
- 1.1.10 Improve and promote connectivity to better serve residents and to improve the function of the overall street network.
- 1.1.11 Ensure that proposed development is of human scale, primarily pedestrian-oriented to the extent appropriate, and designed to create exceptional streetscapes and pedestrian spaces.
- 1.1.12 Minimize vehicle traffic by providing for a mixture of land uses, pedestrian-oriented development, compact community form, safe and effective multi-modal traffic circulation (e.g., pedestrian, bicycle, and vehicular), and adequate on- and off-street parking facilities.
- 1.1.13 Protect the rural character of certain areas of the community as identified in the comprehensive plan.

- 1.1.14 Encourage vibrancy in the downtown core and fringe areas.
- 1.1.15 Ensure compatibility between different types of development and land uses.
- 1.1.16 Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities.

The proposal meets the following purposes:

- 1.1.3: The project is proposed on an infill site that has been vacant for over 10 years, and will result in a successful expansion of land development at this important corner of Northfield.
- 1.1.6: The project will provide a distinctive use and will contribute to the city's overall vitality.
- 1.1.7: The project will result in introducing a business to this location with a strong focus on strategic growth and sustainable development/business practices.
- 1.1.10: The project will result in connecting development from the north to the downtown core through completion of parking and pedestrian access
- 1.1.11 The project will be of human scale via the single story design, with connective pedestrian walkways to the north and to the south, and will provide a completed streetscape to its Hwy 3, and 2<sup>nd</sup> street boundaries.
- 1.1.12: The project design utilizes current primary access points from Highway 3 and 2<sup>nd</sup> Street, and therefore maintains flow and function. The project incorporates pedestrian walkways, and finishes many of the connection points that have been left vacant during the period the site has remained undeveloped. The project provides for adequate off street parking through the use of both parcels. Off-street parking in this area is in short supply, so by developing this area for a single building user it will improve general parking accommodation for the buildings customers, w/o putting further strain on adjoining properties. The area provides no on-street parking opportunities.
- 1.1.14: The project will be an asset to this location, and encourage a vibrancy to the downtown core.
- 1.1.15: The project ensures compatibility to the surrounding properties including residential, commercial and hospitality.

The use is consistent with the Comprehensive Plan. The Land Use chapter of the Comprehensive Plan will be consulted for any development proposal based on the following steps. If a proposal is not consistent with recommendations of any one of these steps, the proponent should re-evaluate and make adjustments (or provide justification for deviation) if the proposal is not aligned with the following three aspects:

1. **Intent:** Development proposals will reflect the spirit and values expressed in the 12 **principles** (statements of intent) (pages 4.9 to 4.13).
2. **Location:** Development proposals will be consistent with the **Conservation and Development Map** (page 4.18) and location descriptions (pages 4.14 to 4.15).
3. **Character:** Development proposals will be consistent with the **Framework Map** (page 4.19) and recommendations and context descriptions (pages 4.15 to 4.17).

**Intent:**

1. **The small town character will be enhanced.**  
LU 1.4 The project provides appropriately-scaled places for structured and casual interaction and is also pedestrian and bicycle friendly given its location, bike racks, and sidewalk enhancements.
2. **The natural environment will be protected, enhanced and better integrated in the community.**

The overall project is connected to the Cannon River. Landscaped plantings along the perimeter of the development and around the parking lot will help integrate the project into the community.

3. **The preference for accommodating future growth is in infill locations, then redevelopment/land intensification opportunities, and then on the edge of existing developed areas.**

This is an infill project on a priority redevelopment site.

4. **New and redeveloped residential communities (areas) will have strong neighborhood qualities.**

n/a

5. **Environmentally-sensitive and sustainable practices will be integrated into new developments and redeveloped areas.**

Stormwater and erosion control measures meeting current state and local standards are in place.

6. **Places with a mix of uses that are distinctive and contribute to increasing the city's overall vitality are preferred.**

The project is part of a mixed-use development. The Crossing contains a residential condominium, a hotel, and a mix of service and retail uses.

7. **Neighborhood-serving commercial will be small scale and integrated with the residential context.**

n/a

8. **A wider range of housing choices will be encouraged - in the community as well as in neighborhoods.**

n/a

9. **Rural character of certain areas of the community will be protected.**

n/a

10. **Streets will create an attractive public realm and be exceptional places for people.**

n/a - no public streets to be constructed. An attractive streetscape is provide with extensive landscaping along Highway 3 and around the parking lot. There is a patio provided for customers and a public art project is being considered for the corner of the project to add to the public realm.

11. **Places will be better connected, in part to improve the function of the street network and also to better serve neighborhoods.**

The project is well connected to the street network. There are internal sidewalk connections for the project and these also link with the existing city network.

12. **Opportunities will be created to walk and bike throughout the community.**

The project is designed to encourage pedestrian and bicycle movement through features such as sidewalks and high quality planter and buffer strips to protect the pedestrian.

Sidewalks are connected to the public network.

Biking and other alternate forms of transportation are accommodated.

#### **Location:**

The project is located appropriately in the Core Enhancement Area of the Conservation and Development map which is designated for continued infill as a mixed-use center.

#### **Character:**

The project is located appropriately in the Core area of the Framework Map as a mixed-use, compact development.

The project will also result in the completion of numerous objectives in the Comp Plan. Land use

objectives include 'building inward and making more efficient use of land.' The site has been vacant and underutilized for years, and the proposed project will provide a development that fits The Crossing development plan. The site is already served with infrastructure which results in a more sustainable pattern that the 'community of Northfield has indicated as a preference'.

The project will contribute to the continued expansion of economic development. The comp plan identifies a desire for commercial expansion and this project will be a contributor. The project will provide 'employment opportunities, increased tax base and an ancillary business that support other businesses'.

- c. The conditional use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

The proposed building and use will provide a great amenity for the neighborhood. The building is designed to blend and enhance the character of the surrounding properties including brick, stone and stucco/EFIS. The building design follows the approved PUD concept plans and also pulls in design elements from the condominium and hotel. The business will provide an attractive service addition as it is complimentary to the diversified businesses and services in the area, including the residents at The Crossing Condominiums and guests at the Marriott Fairfield Inn and Suites.

When The Crossing concept plan was approved, significant review went into analyzing the impact of the project on neighborhood character. Resolution #2005 -060 on the PUD Conceptual Development Plan for The Crossing of Northfield was approved on August 15, 2005. The findings were:

1. Adequate property control is established and provided to ensure compliance with the approved development plan and to define legal responsibilities for maintenance.
2. The interior circulation plan plus access from and onto public right -of -way does not create congestion or dangers and is adequate for the safety of project residents and the general public.
3. Nearby streets are sufficiently constructed so that development of the proposed PUD will not create undue demands for off -site transportation improvements by others.
4. Open space is provided to protect significant natural environments and/or serve recreational needs generated by the development. Such open space shall be either held in common ownership by all owners in the PUD or dedicated for public use upon approval by the City Council.
5. The architectural design of the project is reasonably compatible with structures and uses in the area within 350 feet of the boundaries of the proposed project, including but not limited to exterior materials, height and building style. The preliminary drainage and utility system plans have been approved by the Public Works Director /City Engineer.

- d. The conditional use will not be hazardous or reasonably disturbing to existing or future neighboring uses.

The coffee shop is a complimentary use to the area. The site/building is being designed to be sensitive to access, traffic, flow, parking, pedestrian and bicycle traffic. Attention has been spent on providing adequate green space and landscaping to enhance the overall development.

- e. The conditional use will be served adequately by essential public facilities and services such as, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools.

The property is currently adequately served with all essential public facilities and services necessary to complete the project.

- f. The benefits of the conditional use outweigh the potential negative effects to the surrounding area or community.

The project will provide a business use to a lot that has stood vacant for over 10 years in its current layout and in an area that was underutilized and blighted for over 30 years. The use will be compatible with the surrounding businesses, and will be an enhancement to the community of Northfield.

This development will minimize traffic impacts as it does not wedge additional users into the area by over-developing the site which would create congestion with users in the roundabout and private roads within development looking for parking in the area. The two access points into this development were designed to handle the traffic capacity of this use.

- g. The conditional use will not create excessive additional requirements at public cost for public facilities and services.

No additional public costs are associated with this project.

- h. The conditional use will not involve uses, activities, processes, materials, equipment and conditions or operations that will be detrimental to any persons, property, or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare, or odors.

No detrimental uses are proposed.

- i. The conditional use will not result in the destruction, loss or damage of natural, scenic, or historic features of major importance as may be established in the comprehensive plan or other city plans related to natural, scenic, or historic features.

There will be no natural, scenic or historic features destroyed or damaged on this redevelopment site.

- j. The traffic and parking generated by the use will not lower the Levels of Services as described in the comprehensive transportation plan update of intersections within a quarter of a mile of the site.

The two access points into this development were designed to handle the traffic capacity of this use. This intersection is denoted as Periodically Congested. Roadways that are periodically congested (having a volume to capacity ratio between 0.5 and 0.75) are generally identified as providing an acceptable level of service.

- k. N/A

- l. N/A

- m. Impacts such as noise, hours of activity, and outdoor lighting have been sufficiently addressed to mitigate negative impacts on nearby uses.

The project will have business hours similar to other service businesses in the community. Hours are anticipated to be 6:00 am to 8:00 pm and will be complimentary to the hotel and other users in the development. The building design and greenspace help mitigate any noise and outdoors lighting impacts on the neighborhood. The intensity of outdoor lighting was reduced to meet the City's Outdoor Lighting standards.

- n. Parking is adequately provided for the proposed conditional use, but an excessive number of parking spaces are not proposed.

As the property is zoned C1-B, there are no minimum parking requirements. The LDC outlines minimum and maximum parking requirements to be between 8 and 17 spaces for retail/restaurant uses of the building size proposed for this project. The project is proposing to provide 20 parking spaces.

It should be noted that parking in this area is underserved. There is already a parking issue present at the Crossing Commercial building (Brick Oven). There will still be future development of Lot 3 which will only add to the parking problem in this area. The area lacks off-street parking with no room for it along Highway 3 or 2<sup>nd</sup> Street.

#### **Alternative Options:**

Conditional Uses are allowed uses subject to additional scrutiny to address potential negative impacts. If unaddressed negative impacts are identified, the proper course of action is to condition the approval to address the impact, rather than deny the permit.

#### **Financial Impacts:**

There are no direct financial impacts to the City of Northfield by approving the CUP.

#### **Tentative Timelines:**

Construction will begin the fall of 2018 with completion anticipated in the spring of 2019.