



ITEM NO. 8A

CITY OF TONKA BAY MEMORANDUM

To: City Council Members
Lindy Crawford, City Administrator

From: Erin Perdu, AICP, City Planner
Justin Messner, City Engineer

Date: July 6, 2016
City Council Regular Meeting for July 12, 2016

WSB Project No. 01987-580

Request: Request for approval of a conditional use permit for the proposed drive through on the property located at 5420 Manitou Road – C-2 zoning, Shoreland Overlay – PID: 33-117-23-12-0050

RECOMMENDATION

Staff believes that the Applicant has met the Statutory and City Criteria for approving of the requested conditional use permit. Staff has provided a template approval motion on Page 4 as well as findings of fact.

GENERAL INFORMATION

Applicant: John Studer, Kinghorn Construction

Owners: Matt Midboe, MJM Properties

Location: 5420 Manitou Rd.

Existing Land Use / Commercial/vacant; zoned C-2 Commercial with a Shoreland Zoning: Overlay

Surrounding Land Use / Zoning: North: Manitou Park; zoned P-Park District, Shoreland Overlay
West: Manitou Park; zoned P-Park District, Shoreland Overlay
South: Single-Family and Attached Residential; City of Shorewood
East: Commercial; zoned C-2 General Commercial, Shoreland Overlay

Comprehensive Plan: The Tonka Bay 2009-2030 Comprehensive Plan guides this lot for commercial use. The corresponding zoning assigned to this property (C-2) allows for most retail uses as a permitted use and limited warehouse/indoor storage as a conditional use

Deadline for Agency Action:	Application Date:	05-25-16
	60 Days:	07-24-16
	Extension Letter Mailed:	N/A
	120 Days:	09-22-16

CONSIDERATIONS RELATING TO THE REQUEST

1. Overview. The Applicants are proposing to construct a 4,100 square foot addition for retail purposes, including a coffee shop with a proposed drive through. The existing 4,912 square foot building will be used as a warehouse. At the June 28, 2016 City Council meeting, the following conditional use permits and variances were approved for the project:

- a. A **conditional use permit** for impervious surface proposed at 77 percent in the Shoreland District.
- b. A **conditional use permit** for the warehouse/indoor storage use.
- c. A **variance** for impervious surface proposed at 77 percent in the Shoreland District.
- d. A **variance** to allow for a zero foot setback for the parking lot along the south property line.
- e. A **variance** from the storm water treatment requirements.

The City Council tabled the request for a conditional use permit for the drive through due to concerns with stacking and traffic safety. The following is an update to the previous staff report with regard to the Conditional Use permit for the drive through use.

2. Ordinance Authority.

1024.03 Conditional Uses (in the C-2 District); subdivision 4 provides standards for accessory, enclosed retail, coffee house drive through, rental or service activity other than that allowed as a permitted use.

3. Conditional Use Permit Criteria

1. *The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the Comprehensive Plan.*

The Comprehensive Plan guides this area for Commercial use. The subject property is zoned C-2 Commercial. The proposed uses are all permitted or conditional uses in the C-2 district. Provided Council finds the other CUP criteria are met, staff finds the request is consistent with the goals and policies of the Comprehensive Plan. **Criteria met.**

2. *The proposed site is or will be compatible with present and future land uses of the area.*
The existing and future land use for the property is for commercial use. The CUP for the drive through is accessory to the coffee shop which is a permitted use. Staff believes that the requested conditional use permits are consistent with the present and future land use of the area. **Criteria met.**

3. *The proposed use conforms to all performance standards contained herein.*

The drive through facility is required to comply with the conditions outlined in 1024.03 Conditional Uses (in the C-2 District); subdivision 4, which requires that the city's standards for off-street parking, loading and signage be met. The proposed site plan appears to meet the off-street parking and loading requirements.

There are no ordinance requirements for the design of drive-through establishments, although the proposed site plan provides for up to eight stacking spaces within the parking lot without

impacting adjacent roads or parking spaces. The stacking design, including placement of the drive-through on the south end of the building, will avoid traffic backing up onto County Rd. 19 via the site's only vehicular access point. Staff finds the design reasonable for stacking given the proposed use.

Details on signage have not been provided but will be required to comply with city code or a separate variance will be required. **Criteria met.**

4. *The impact on character of the surrounding area.*

The requested conditional use permit should not have a negative impact on the character of the surrounding area. Redevelopment of the site will result in more commercial options for the neighborhood and add jobs to the community. The site has adequate off-street parking and space for cars to queue for the drive through without impacting adjacent roadways. **Criteria met.**

5. *The demonstrated need for such use.*

One of the tenants of the commercial building is to be a coffee shop. A drive through facility is a common request for a coffee shop and other fast food restaurants as it is a convenience to their customers. **Criteria met.**

6. *The proposed use will not tend to or actually depreciate the area in which it is proposed.*

The proposed redevelopment of the site for a coffee shop and retail use should provide additional commercial options to the area and not result in depreciation to the area. **Criteria met.**

7. *The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.*

Approval of the requested conditional use permit should not have any impact on public utilities. **Criteria met.**

4. **Resident concerns:** None reported to date.

5. **Engineering Considerations:** None.

6. **Other Considerations:** There are currently no dumpster enclosures on the site, which are required for new developments in the City. At a minimum, staff would recommend that the existing dumpsters be located at the rear of the building, in a location that is shielded from view from Manitou Rd. and the Lake Minnetonka Regional Trail.

POTENTIAL ACTION

- A) DIRECT STAFF TO PREPARE A RESOLUTION APPROVING THE REQUEST based on the Applicant's submittals and findings of fact.
- B) DIRECT STAFF TO PREPARE A RESOLUTION DENYING THE REQUEST based on the Applicant's submittals and findings of fact.
- C) TABLE THE ITEM and request additional information.

The 60-day review period for this application expires on July 24, 2016. If the Council fails to preliminarily approve or disapprove the request within the review period, the application is deemed preliminarily approved.

RECOMMENDATION

Based on the findings of fact in this report and compliance with the required conditional use permit criteria set forth in the Tonka Bay City Code, staff recommends approval of the requested conditional use permit as outlined in the template motion below.

“I move that we direct staff to prepare a resolution of approval of the requested conditional use permit for a drive through on the property located at 5420 Manitou Road based on the findings of fact listed in the report. Furthermore, the requests shall include the conditions listed within the staff report as may have been amended here tonight”.

- a. The proposed use of the property for commercial use is consistent with the City’s Comprehensive Plan.
- b. Granting the requested conditional use permit will not impair an adequate supply of light and air to adjacent parcels.
- c. Granting the conditional use permit will not unreasonably increase congestion in the public street.
- d. Granting the conditional use permit will not diminish or impair established property values in the neighborhood.
- e. Granting the conditional use permit will not alter the essential character of the locality.

Recommended conditions (if approved):

- 1. Adequate off-street parking and off-street loading in compliance with the requirements of Sections 1011.05 and 1011.06 of the Tonka Bay Zoning Ordinance is provided.
- 2. No more than 6 cars shall be stacked at the drive through at any given time. Additional stacked cars will be considered a violation of the off-street parking requirements of the zoning ordinance.
- 3. All signing and informational or visual communication devices shall be in compliance with Section 330 of the Tonka Bay City Code.
- 4. The provisions of Section 1003, Subd. 8 of the Tonka Bay Zoning Ordinance are considered and satisfactorily met.
- 5. The existing dumpsters shall be moved to the rear of the building, in a location that is shielded from view from Manitou Rd. and the Lake Minnetonka Regional Trail.