Motion By: Bottema

Seconded By: Thomas

APPROVAL OF A SITE PLAN, CONDITIONAL USE PERMIT AND VARIANCE FOR THE PROPERTY LOCATED AT 19905 75TH AVENUE NORTH (PID 26-119-23-11-0040) (CITY FILE NO. 21-004)

WHEREAS, Kinghorn Construction ("the applicant") is requesting approval of a site plan, conditional use permit and variance to allow automobile retail in the C-1 (neighborhood commercial) district and a setback variance on property legally described as follows:

Lot 2, Block 3, Countryside Plaza 2nd Addition

WHEREAS, the Planning Commission has reviewed the site plan, conditional use permit and variance at a duly called public hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORCORAN, MINNESOTA, that it should and hereby does approve the request, subject to the following findings and conditions:

- 1. A site plan and conditional use permit are approved to allow for the construction of a 12,800 sq. ft. building addition as shown on application and plans received by the City on January 19, 2021, additional information received on March 8, 2021, March 18, 2021, and March 25, 2021, and revisions received May 6, 2021, except as amended by this resolution.
- 2. No approvals are granted for the phase 2 building or the drive-through. Drive-through businesses require a separate conditional use permit. A new application for a site plan amendment will be required prior to issuance of building permits for that tenant space and a new conditional use permit will be required if a drive-through is proposed.
- The applicant must comply with all conditions in the City Engineer's memo dated May 17, 2021.
- 4. The applicant must comply with the Public Safety Plan Review comments dated February 4, 2021:
 - a. Show off site hydrant locations.
 - b. Work with fire department for FDC connection prior to construction.
- 5. The variance for a 16-foot setback where 100 feet is required from County Road 116 is approved based on the following findings:
 - a. There are practical difficulties in complying with the ordinance with the proposed building on this 1.51-acre site. The applicant has reduced the building size 6 feet in depth from the original submittal to try to reduce the impact of the variance. The size of this site with two street frontages does limit the developable area on site

- b. The conditions upon which a petition for a variation is based are unique to the parcel of land for which the variance is sought and were not created by the landowner. The site is a corner lot with two front yards. If the east lot line were a side lot line instead of a front lot line a 10-foot setback would be required.
- c. Granting the setback variance will not alter the essential character of the locality. All of the lots between this site and County Road 10 appear to be non-conforming regarding setbacks to County Road 116.
- d. The proposed variance would be in harmony with the general purposes and intent of the Ordinance. The proposed setback variance would be similar to the properties to the north.
- e. The variance is consistent with the Comprehensive Plan. The variance would allow development that is consistent with the commercial uses anticipated in the comprehensive plan. Additionally, it supports Goal 2, Policy 1, in the Economic Competitiveness chapter of the Comprehensive Plan to "Support efforts to retain existing businesses and facilitate their expansion".
- 6. A conditional use permit is approved, subject to the finding that the applicable criteria as outlined in Section 1070.020 (Conditional Use Permits) of the Corcoran Zoning Ordinance have been met. Specifically:
 - a. The proposed use complies with the Comprehensive Plan. The proposed auto retail use is consistent with the commercial uses anticipated on this site by the Comprehensive Plan. It will also be consistent with Goal 1, Policy 1 of the Economic Competitiveness chapter of the Comprehensive Plan to "Support efforts to retain existing businesses and facilitate their expansion".
 - b. The establishment of the conditional use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort of the community. The use is allowed within the C-1 district.
 - c. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The new business is a conditional use in the C-1 district and conditions have been proposed to ensure compliance with ordinance standards.
 - d. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - e. Adequate public facilities and services are available or can be reasonably provided to accommodate the proposed use. Municipal sewer and water are available to the site.
 - f. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located. Staff has proposed draft conditions to ensure compliance with the Zoning Ordinance regulations.

- g. The conditional use and site conforms to performance standards as specified by this Chapter. Staff has analyzed the performance standards of this Chapter and has included conditions to ensure compliance with the performance standards.
- 7. The plans shall be updated to provide colors for the accent band on the building.
- 8. The trash enclosure materials shall be consistent with the precast panels on the principal building. The plans shall be updated to provide the proposed precast color.
- 9. Mechanical equipment must be screened from view in a way that is integral to the architecture of the building. This equipment may not be located in the front yard. The plans must be revised to show compliance.
- 10. All parking and drive areas shall have a perimeter of poured, cast in place concrete curb. The plans shall be revised accordingly.
- 11. The western drive shall be exit only and shall be signed accordingly. The access width shall be limited as outlined in the City Engineer's memo.
- 12. The eastern access shall be relocated and sized as outlined in the City Engineer's memo.
- 13. Truck traffic shall be required to enter the site from the west and use the east access for entry.
- 14. All signage shall be revised to comply with the standards in Chapter 84.
 - a. The freestanding sign shall be located outside of sight visibility triangle and shall comply with the 10-foot setback from all property lines.
 - b. The freestanding sign does not comply with the design standard and must be revised as monument sign or a pylon sign that meets the base requirements, which requires pole structures to be wrapped with materials to match the building and equal 60% of the sign width.
 - c. Wall signage is only permitted on the east elevation. The proposed signage on the north and south elevation is not permitted.
 - d. Signage must show compliance with the lighting standards in Section 84.04, Subd. 8 of the sign ordinance.
 - e. All signs require a permit in order to be constructed and will be reviewed at the time of permit submittal.
- 15. A revised lighting plan is required to be submitted for review and approval by the City.
 - a. The plans shall be revised to show lighting fixtures that are limited to be either 30 ft. or the roofline of the principal building, whichever is less.

- b. Details about the light pole and base shall be provided to ensure compliance with height limits.
- c. Light poles shall be located outside of the parking areas by being placed behind the curb or in a landscaped island.
- 16. A revised landscape plan shall be submitted to show the following as required by Section 1060.070 of the Zoning Ordinance:
 - a. Irrigation is required for all non-residential development. An irrigation plan must be provided.
 - b. Landscaping on the east side of the property must be revised to provide shrub landscaping along the length of the parking area to screen vehicle headlights to a height of at least 3 feet.
 - c. Provide City of Corcoran Landscape details.
 - d. The area where phase 2 is planned must be landscaped for erosion control. The plans must be revised for City review and approval.
- 17. Trees, ponds, curb, retaining and other private improvements shall located outside of the public street easement and drainage and utility easement.
 - a. If the City determines that encroachments are necessary, the applicant will be required to enter into an encroachment agreement with the City.
 - b. The encroachment agreement must be recorded at Hennepin County.
- 18. Easements over the stormwater pond are required and must be provided to the City in recordable form.
- 19. A stormwater management agreement must be executed and recorded.
- 20. A building permit is required prior to beginning construction.
- 21. FURTHER, that the following conditions be met prior to issuance of building permits:
 - a. The applicant shall submit any and all necessary permits to the watershed and receive approval and shall provide proof of permits to the City.
 - b. The developer shall enter into a site improvement agreement and submit a financial guarantee for the proposed work as outlined in Section 1070.050, Subd. 9 of the Zoning Ordinance.
 - c. A complete set of revised plans shall be submitted showing compliance with the approval conditions in this resolution.
 - d. Record the approving resolution, the stormwater management agreement and stormwater easement at Hennepin County and provide proof of recording to the City.

- FURTHER, any request to inspect the required landscaping in order to reduce financial guarantees must be accompanied by recertification/verification of field inspection by the project landscape architect. A letter signed by the project landscape architect verifying plantings have been corrected and is in compliance with the plans and specifications will suffice.
- Approval shall expire within one year of the date of approval unless the applicant commences the authorized use and completes the required improvements.

VOTING AYE	VOTING NAY
McKee, Tom	McKee, Tom
🛛 Bottema, Jon	Bottema, Jon
Nichols, Jeremy	Nichols, Jeremy
Schultz, Alan	Schultz, Alan
🔀 Thomas, Manoj	Thomas, Manoj
Whereupon, said Resolution is hereby declared adopted o	n this 27 th day of May 2021.
ATTEST:	
Momalh	City Seal
Jessica Beise – Administrative Services Director	