



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: December 4, 2023

Re: Fairview Marketplace PD Plan – Major Amendment (Case # 249-2023)

## Executive Summary

Approval of this request will result in an amendment to the 2005 Fairview Marketplace C-P Plan as well as acceptance of a site-wide UDC compliant Statement of Intent (SOI) that authorizes the existing drive-up facilities associated with the Starbucks Coffee restaurant located in the easternmost tenant space within the structure constructed on 'Outlot 1'. The requested revisions were precipitated by interior and exterior changes to the Starbucks Coffee restaurant and impact the parking lot adjoining the restaurant, vehicular circulation (i.e. drive-thru entry/queuing, and an outdoor seating area).

## Discussion

State Permits, Inc. (agent), on behalf of Broadway-Fairview Venture, LLC (owners), requests approval of a major amendment to the, "Fairview Marketplace C-P Plan," which was originally approved in October 2005 (Ord. 18731) The amendment would modify the parking area adjacent to the Starbucks Coffee restaurant, reconfigure vehicular circulation for their drive-thru facilities, and improve pedestrian safety for those entering the site from the intersection of Fairview Road and W. Broadway on foot across the drive-up lane.

At the request of staff, the applicants are also seeking approval of a statement of intent (SOI) governing the entire Fairview Marketplace C-P parcel. No SOI was submitted at the time the property was zoned C-P and the development plan were approved in 2005. The proposed SOI is consistent with the original zoning ordinance, its associated design parameters, and reflects all conditions that were included with the 2005 zoning approval. An updated use list, consistent with the current UDC, is also attached to the proposed SOI for clarity. The original zoning ordinance permitted all C-1 uses (consistent with current M-N zoning) with the exception of overnight parking for recreation vehicles, and 'fast-food' restaurants with drive-thru facilities.

The property was platted in March 2006 (Ord. 18943), creating 3 lots on the original parcel, with Lot 1 being zoned C-P and including the Wal-Mart and its inline shops as well as two additional 'outlot' buildings. Each 'outlot' building contains multiple commercial tenant spaces. The Starbucks Coffee restaurant is located on the east end of the building located on 'Outlot 1', as denoted on the C-P plan.

While the approved design parameters prohibited fast food restaurants with drive-thru facilities, the development plan included conflicting notations that implied drive-thru facilities were permitted in two locations; along the eastern wall of the building located on 'Outlot 1' as well as the western wall of the building located on 'Outlot 2'. A subsequent



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administrative revision of the development plan in March 2006 carried forward these notations. Given these discrepancies between the zoning ordinance and the governing development plan, as part of the requested plan revision staff sought the UDC compliant SOI in order to bring the development into compliance with its actual uses and to address the ambiguity in regards to drive-thru facilities.

The Starbucks Coffee drive-thru was constructed in accordance with the approved development plan and has now been in operation for a number of years. No requests have been submitted for amendments to the development plan since its 2005 approval; therefore, the current request is the City's first opportunity address these conflicting regulatory documents. The SOI directly addresses the existing drive-thru, permitting it to remain while striking the drive-thru use from the permitted use list as was the intent of the original zoning entitlement from January of 2005.

The proposed plan modifications are focused on the east end of the building located on 'Outlot 1'. The limits of disturbance are denoted by a bold dashed line on the proposed PD plan set. Modifications primarily impact vehicular circulation leading to the drive-thru queuing area, Starbucks' outdoor seating area, and the adjacent parking. Three parking stalls will be removed at the southeast corner of the parking lot to facilitate additional stacking spaces in the southern drive aisle. The existing island adjacent to these spaces is to be enlarged to encompass the lost parking spaces, which are unusable during peak drive-thru times given the cars stacked in the drive-thru queue. The enlarged island will be landscaped and will maintain the existing pedestrian connection from the Fairview/Broadway intersection across the parking lot to the businesses within the overall shopping center.

The removal of the outdoor seating area allows for one additional parking stall, for a net loss of two spaces, and a section of the improved pedestrian circulation route. Pedestrian traffic is from the intersection of Fairview/Broadway is directed across a raised crosswalk over the internal (northern) drive aisle. The raised crosswalk provides a visual/physical delineation of the crosswalk to improve pedestrian safety in this location and to calm traffic maneuvering into the drive-thru queue.

The Planning & Zoning Commission considered this request at their October 19, 2023 meeting. Staff presented their report and Commissioners asked for clarification about circulation of traffic at the northeast corner of the building, where the drive-thru and bypass lanes both exit back into the larger parking lot north of Starbucks. Staff indicated that both lanes were considered one-way, and directional markings are in place to inform motorists of this condition. One Commissioner requested additional signage be shown on the plan to denote the drive aisles as, "One-way. Do not enter." The plans have been updated to reflect this signage which is shown as a graphic inset on Sheet Number 0300.

The applicant did not have a representative present at the meeting, and no member of the public spoke on the request. After limited additional discussion, the Planning Commission moved to approve the major amendment pursuant to the inclusion of additional directional



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signage at the northeast corner of the building, marking the drive-thru and bypass lanes as exit-only, or one-way. The motion passed unanimously (8-0).

## Fiscal Impact

Short-Term Impact: None anticipated for the next two years.

Long-Term Impact: None anticipated beyond two years.

## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

Primary Impact: Safe Community, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Mobility, Connectivity, and Accessibility, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Livable & Sustainable Communities

## Legislative History

Date	Action
02/19/07	Approved amendment to the Fairview Marketplace development agreement with Broadway-Fairview Venture, L.L.C. and Broadway-Fairview Transportation Development District (Ord. 19423)
03/07/06	Approved final Plat of Fairview Marketplace and a development agreement; granting a variance for roadway design standards for Ash Street curvature (Ord. 18943)
10/17/05	Approved C-P Development Plan/Preliminary Plat of Fairview Marketplace; granting a variance for roadway design standards on Ash Street (Ord. 18731)
01/03/05	Approved rezoning from districts R-1 and C-1 to C-P (Ord. 18359)

## Suggested Council Action

Approve the proposed major development plan amendment and statement of intent, as recommended by the Planning and Zoning Commission.