

GENERAL INFORMATION

Applicant: Mandarin Kitchen, Inc.

Location: 8800 Lyndale Avenue South

Request: Conditional Use Permit for a restaurant expansion

Existing Land Use and Zoning: Neighborhood Shopping Center; zoned General Commercial (B-2)

Surrounding Land Use and Zoning: North and South – Retail; zoned B-2
East – Industrial and bus storage; zoned I-3
West – Multi-family residential; zoned R-4

Comprehensive Plan Designation: General Business

HISTORY

City Council Action: 09/25/06 – Approved a Conditional Use Permit and Final Site and Building Plans for a restaurant at 8800 Lyndale Avenue (Case 8409AB-06).

CHRONOLOGY

Planning Commission Agenda: 02/25/16 – Public Hearing

DEADLINE FOR AGENCY ACTION

Application Date: 01/13/2016
60 Days: 03/13/2016
Extension Letter Mailed: No
120 Days: 05/12/2016

STAFF CONTACT

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PROPOSAL

Mandarin Kitchen is proposing to expand the restaurant's space by approximately 1,300 sq. ft. to accommodate a new freezer and storage room. No change to restaurant seating is proposed. The physical building footprint would not change; the expansion would occupy a vacated tenant space (formerly E-CIG). When the restaurant was approved in 2006, the approval limited the restaurant to 6,920 square feet and 128 seats. Since the restaurant is proposing to expand, albeit storage and freezer space, the Conditional Use Permit must be reapproved.

ANALYSIS

A parking analysis was not completed for this application as no additional seating is proposed. City Code requires one parking space for every 2.5 indoor seats or 5 outdoor seats. The proposed storage and freezer space expansion would not add any restaurants seats, so the parking requirement does not increase. The proposed expansion would occupy former retail floor area, thus slightly decreasing the total parking demand of the shopping center.

Due to Mandarin Kitchen's popularity on weekends, the 2006 approval required the applicant to procure an easement for additional parking to meet the increased parking demand during dim sum service. The applicant has a perpetual easement to use the parking lot immediately to the south, which continues to satisfy the 2006 Condition of Approval. The easement remains in place and does not require any amendment with the proposed storage and freezer addition.

FINDINGS

Section 21.501.04(e)(1-5) Conditional Use Permits

... The following findings must be made prior to the approval of a conditional use permit:

1. The proposed use is not in conflict with the Comprehensive Plan;

- The Comprehensive Plan recommends General Business for the property, which allows for restaurant uses. The proposed restaurant uses are consistent with the Comprehensive Land Use Plan.

2. The proposed use is not in conflict with any adopted District Plan for the area;

- The property is not within an adopted District Plan area.

3. The proposed use is not in conflict with City Code provisions;

- The proposed restaurant, with the conditions of approval, meets all applicable City Code requirements.
- 4. The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development; and**
- The proposed restaurant expansion is not of a nature, scale, or intensity to create an excessive burden on parks, schools, or other public facilities and utilities. The restaurant is existing and has not created an excessive burden on the public facilities and utilities in the past.
- 5. The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.**
- Injury to the surrounding neighborhood due to the restaurant expansion is not anticipated. The proposed restaurant expansion would not significantly affect existing restaurant operations.

RECOMMENDATION

Note the Planning Commission has final approval authority on this Conditional Use Permit application unless an appeal to the City Council is received by 4:30 p.m. on March 1, 2016.

Staff recommends the following motion:

In Case PL2016-5, having been able to make the required findings, I move to approve a Conditional Use Permit to allow expanded storage and freezer space for an existing restaurant with no change in total seating at 8800 Lyndale Avenue South, subject to the conditions and Code requirements listed in the staff report.

1. Conditional Use permit is limited to the tenant space as shown on the plans in Case File PL2016-5.
2. Sewer Availability Charges (SAC) must be satisfied.
3. The site must remain in compliance with all the conditions listed in Case 8409AB-06.