

## GENERAL INFORMATION

Applicant: Oblivious Monkey Gaming (user)  
Morgan Circle LLC (owner)

Location: 8050 Morgan Circle

Request: Conditional Use Permit for an indoor recreation and entertainment use associated with a retail store within an existing multi-tenant shopping center

Existing Land Use and Zoning: C-5 (PD); Freeway Mixed Use (Planned Development)

Surrounding Land Use and Zoning: North – Restaurant; zoned C-5 (PD)  
East – Multi-family residential; zoned C-5 (PD)  
South – Water Reservoir; zoned R-1  
West – Mixed use; zoned C-5 (PD)

Comprehensive Plan Designation: Community Commercial

## CHRONOLOGY

Planning Commission 04/23/2020 Public Hearing scheduled.

## DEADLINE FOR AGENCY ACTION

Application Date: 03/18/2020  
60 Days: 05/17/2020  
Extension Letter Mailed: Yes  
120 Days: 07/16/2020  
**Applicable Deadline: 07/16/2020**  
Newspaper Notification: Confirmed – (04/09/2020 Sun Current – 10 day notice)  
Direct Mail Notification: Confirmed – (500 buffer – 10 day notice)

## STAFF CONTACT

Liz O'Day  
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## **PROPOSAL**

Oblivious Monkey Gaming is requesting a conditional use permit for an indoor recreation and entertainment use associated with a retail store within an existing multi-tenant shopping center. The tenant space is currently unoccupied and would be located in the middle of the Morgan Circle Shoppes building. The tenant space is 5,833 square feet and would provide table game retail with a small portion used for testing the games and hosting game tournaments a few days a week. The applicant's project description states that pre-packaged foods will be provided. An Environmental Health Plan Application must be submitted for review of the pre-packaged foods. Anticipated hours of operation are Monday through Friday from 10 am to 11 pm, Saturdays from 10 am to 1 am and Sundays from 1 pm to 11 pm.

## **ANALYSIS**

Oblivious Monkey Gaming is in part an indoor entertainment and recreation use. Indoor entertainment and recreation is allowed in the C-5 Zoning District as a conditional use. Because retail is a permitted use in the C-5 zoning district, the Conditional Use Permit is required only for the small entertainment and recreational space dedicated to tournaments and testing the games. A majority of the tenant space is retail with sales of high-end board games. A small portion (about 12% of the overall tenant space) is dedicated to testing out the board games and for tournaments. There will be three long tables with a total of 36 seats for playing. There are office and storage areas in the rear of the tenant space.

To ensure that the entertainment and recreation use will meet City parking requirements, the number of seats utilized for the gaming and tournaments is proposed to be limited to the 36 seats identified on the submitted plans. If the applicant desires to grow beyond 36 seats, further review and evaluation would be required to evaluate the parking supply of Morgan Circle Shoppes. An amendment to the conditional use permit and parking review may be required depending on the level of growth.

A Code compliant trash room is required. The applicant must identify the existing trash room on a plan or construct a trash room within the Oblivious Monkey Gaming tenant space.

The parking lot lighting is Code compliant. The parking lot lighting must continue to be maintained according to the approved photometric plan on file.

While new landscaping material is not required, the approved landscaping plan must be maintained. It appears several trees and shrubs have been removed from the site. The missing material must be replanted as part of the conditional use permit process. The applicant must provide a revised plan for approval or verify the missing material on the approved plan would be replaced prior to building permit. The material must be planted before the issuance of a Certificate of Occupancy for the use.

## FINDINGS

### Required Conditional Use Permit Findings - Section 21.501.04 (e) (1)

| Required Finding   | Finding Outcome/Discussion  |
|--|---|
| (1) The proposed use is not in conflict with the Comprehensive Plan.   | <b>Finding Made</b> - The property is guided as Community Commercial. This designation allows for general retail uses. The proposed use would occupy a portion of the retail center and is generally compatible with neighboring tenant uses. The use is not in conflict with the Comprehensive Plan.   |
| (2) The proposed use is not in conflict with any adopted District Plan for the area.   | <b>Finding Made</b> – The property is located in the Penn American District Plan. The Penn American District Plan supports a mix of uses. The retail, entertainment and indoor recreational use is compatible with the existing uses in the Penn American District.   |
| (3) The proposed use is not in conflict with City Code provisions.   | <b>Finding Made</b> – Indoor recreation and entertainment uses are conditional uses in the C-5 Zoning District. The recommended conditions of approval address compliance with City Code provisions.  |
| (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. | <b>Finding Made</b> – The proposed use is mostly a retail store with a small portion of the space dedicated to testing out board games and tournaments with a limit of 36 seats. The use is not of a scale and nature to create an excessive burden on parks, schools, streets and other public facilities and utilities. With the limit of 36 seats, the use is not anticipated to create an excessive burden on adjacent streets and neighbors. |
| (5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.  | <b>Finding Made</b> – The proposed use would provide entertainment for children and adults and will provide a space for gamers in Bloomington. The proposed facility is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.  |

## 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 April 28<sup>th</sup>.**

Staff recommends approval using the following motion:

In Case PL2020-54, having been able to make the required findings, I move to adopt a resolution approving a Conditional Use Permit for an indoor recreation and entertainment use associated with a retail store within an existing multi-tenant shopping center at 8050 Morgan Circle, subject to the conditions and Code requirements attached to the staff report.

## RECOMMENDED CONDITIONS OF APPROVAL

Case PL202000054

**Project Description:** Conditional Use Permit for an indoor recreation and entertainment use associated with a retail store within an existing multi-tenant shopping center.

**Address:** 8050 MORGAN CIR

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Permit Bicycle parking spaces must be provided and located on-site as approved by the City Engineer.
2. Prior to Permit An updated landscaping plan must be approved by the Planning Manager (Sec 19.52).
3. Prior to Permit A plan must be submitted to identify existing trash facilities at the building or a compliant trash room must be built within the tenant space. (Sec. 19.51).
4. Prior to Permit An Environmental Health Plan Review Application must be submitted and approved by the Environmental Health Division.
5. Ongoing The indoor recreation and entertainment must be as shown on the approved plans in Case File #PL20200054.
6. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.