



# Development Review Committee

## Approved Minutes

Development Application, #PL202000184

Mtg Date: October 13, 2020

WebEx Meeting

Bloomington Civic Plaza

1800 West Old Shakopee Road

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### Staff Present:

Brian Hansen (Engineering, Chair) 952-563-4543  
Laura McCarthy (Fire Prev) 952-563-8965  
Mike Thissen (Env. Health) 952-563-8981  
Tim Skusa (Bldg. & Insp) 952-563-8953  
Steve Segar (Utilities) 952-563-7214  
Suc Hults ScInnow (Engineering) 952-563-4628

Doug Junker (Licensing) 952-563-4923  
Jason Heitzinger (Assessing) 952-563-  
Erik Solie (Env. Health) 952-563-8978  
Michael Centinario (Planning) 952-563-8921  
Londell Pease (Planning) 952-563-8926  
Maureen O'Brien (Legal) 952-563-8781

### Project Information:

Project	Cherrywood Pointe restaurant
Site Address	5501 American Boulevard West
Plat Name	Jostens Addition
Project Description	Major revision to final development plans and conditional use permit for an accessory restaurant within the Cherrywood Pointe development
Application Type	Conditional Use Permit and Final Development Plan
Staff Contact	Mike Centinario – (952) 563-8921 or <a href="mailto:mcentinario@bloomingtonmn.gov">mcentinario@bloomingtonmn.gov</a>
Applicant Contact	Griffin Jameson - (612) 284-2059 or <a href="mailto:griffinj@kaaswilson.com">griffinj@kaaswilson.com</a>
PC	11/5/2020
CC (Tentative)	11/23/2020

**NOTE:** All documents and minutes related to this case can be viewed at [www.blm.mn/plcase](http://www.blm.mn/plcase), enter the permit number, “PL202000184” into the search box.

### Guests Present:

Name	Email
Dave Young, United Properties	
Griffin Jameson, Kaas Wilson Architects	<a href="mailto:griffinj@kaaswilson.com">griffinj@kaaswilson.com</a>
John Nord, Bolter Premier	

### Introduction: Mike Centinario (Planning)

This is a request for a Conditional Use Permit for an accessory restaurant within the Cherrywood Pointe development. This provides flexible dining options that include larger dining rooms as well as

smaller bistros and pubs. The restaurant area includes several areas, however, the areas where food can be ordered will be limited to the Pub, Diner and Dining Hall.

The restaurant will be open to the general public and the applicant anticipates little to no outside demand. For that reason, the applicant seeks a significant deviation to the City Code required parking.

**Discussion/Comments:**

**Please review the comment summary and plans for mark-up comments as all the comments are not discussed at the meeting.**

- Jason (Assessing):
  - No comment
- Erik Solie (Environmental Health):
  - Asked if this application is in addition to food service in the original application, or if it will simply take the place of original.
    - Applicant responded that this application will take over the original application. There are no deviations from the original food service application. This application is to seek approval as a path to obtain a liquor license.
  - Asked if the application had decided on a company who will actually take over the restaurant (such as an Applebee's, Olive Garden, etc.).
    - Applicant responded that the restaurant will be handled by their food provider who handles all the food service for residents and their guests, and in this case to the general public as well.
  - Submit application and drawings submitted by the building department.
  - Thissen asked if there will be an odor control system for the kitchen. Asked Mike Centinario if it is a requirement for this application.
    - Centinario responded that odor control would need to be incorporated into the kitchen design since this is a residential building.
  - Thissen also reminded the applicants of noise ordinances which prohibits food delivery, solid waste pickup, grease recycling, etc. before 7:00 AM in this residential area.
    - He noted that during construction there have been resident complaints logged regarding public nuisance noise at the site.
- Tim Skusa (Building and Inspection):
  - Provide a code analysis with plans
  - Must meet 2020 MN State Building code and 2020 MN Accessibility code
  - SAC review by Met Council will need to be completed again
- Laura McCarthy (Fire Prevention):
  - Ensure access to exterior doors, stairwells, and other required areas where fire protection systems are located.
    - As an example, McCarthy drew attention to the northwest corner of the drawing – stairwell A. It appears that changes may have affected access to the stand pipe. This, and other areas of the plan will need some additional review to ensure necessary access to critical systems has been maintained.
    - Also, noted that the hose valve access may be blocked by the door swing.

- Ensure the commercial kitchen has a UL listed fire suppression system connected to the building sprinkler system.
- Exterior access points must be maintained. If doors are being removed or changed on the west side, need to make sure that any doors removed are not required fire access doors.
- Brian Hansen (Engineering) provided the Public Works comments and noted the following:
  - No comments
- Steve Segar (Utilities):
  - Grease interceptor must be sized to meet any change or increase in fixtures and ensure that a maintenance plan agreement has been executed.
- Doug Junker (Licensing):
  - Asked if the area on the plan outlined in red indicated the liquor service area.
    - Applicant responded that that was the intent.
    - Include the liquor storage area in the area marked for liquor license area.
  - Liquor license application should be submitted no later than 12 weeks out from when applicant wants to have their “soft opening”.
    - Contact Junker about 14 weeks before-hand to begin working on application materials.
  - Include fencing or hedgerow barrier around the patio area as a visual barrier, to ensure that liquor service/consumption is not overflowing to the front sidewalk area.
  - Asked applicant if this request was for full liquor.
    - Applicant responded that the intent is just for beer and wine.
- Maureen O’Brien (Legal):
  - No comment
- Mike Centinario (Planning):
  - Requires a conditional use permit. The application is somewhat unique because of its residential setting, specifically a residential care facility. The property is zoned RM-50. As such the city allows accessory restaurants as a conditional use.
    - As the floor plan shows, the areas are shared spaces between general leisure / recreation, and dining or patio spaces that a person can also be served beer/wine or food outside of the dining plan. Because it would be open to the public, it necessitates the restaurant CUP.
  - No parking deviations for the development were required through the final development plan review, but the additional restaurant will generate parking demand from a City Code perspective. Staff is comfortable with the accessory restaurant and do not believe the restaurant itself will generate much parking demand. More likely, vehicles that were already creating demand may occupy spaces for a slightly longer period of time if they are patronizing the restaurant.
    - Staff will discuss this as there is no specific internal capture parking reduction established in City Code.
  - Staff would like to know from the applicant if any of these spaces will be rented out to unaffiliated third parties for events (i.e., corporate event, etc.) – rented to entities that are not associated with Cherrywood Pointe. This question is being raised because any third party rentals of this space *would* generate parking demand which has not been accounted for in the parking study.
    - Applicant responded that historically they do not rent out these spaces to outside third parties. The spaces are generally used full-time by the residents of the community.
  - As an accessory restaurant we do not want to create an exterior presence that would draw additional demand. As a result there can be no exterior signage. The public driving by shouldn’t be able to tell that there is a restaurant available at the facility.

- Staff and applicant are working to include this item at the November 5 Planning Commission meeting.
- Assuming Planning Commission takes action, the item would go to the November 23 City Council meeting as a Consent Agenda item.
- Applicant Questions (Griffin Jameson):
  - Asked for clarification regarding the need for another SAC review and reapplication for food service. Commented that really no changes were made from the original plans submitted and approved, other than they need to get the restaurant CUP because of the desire to pursue a liquor license. The actual footage and the fixtures/appliances didn't change from the original plan. As such, he wanted staff to clarify the need for these two items to be completed again.
    - Solie responded that if the footage design doesn't change from the original, there is no need for reapplication through Environmental Health division.
    - Skusa responded the SAC determination is not based on number of bathrooms, but the number of people using them. Since there is some question about the seating configuration being fully accounted for (i.e., patio portion included before, or not), staff asks that the SAC determination be made again. If it comes back as a net zero, then there is no additional cost to the applicant.



# Comment Summary

**Application #:** PL202000184

**Address:** 5501 AMERICAN BLVD W, BLOOMINGTON, MN 55437

**Request:** Major revision to final development plans and conditional use permit for an accessory restaurant within the Cherrywood Pointe development located at 5501 American Blvd. W.

**Meeting:** Post Application DRC - October 13, 2020  
Planning Commission - November 05, 2020  
City Council (anticipated) - November 23, 2020

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**NOTE: All comments are not listed below.**  
**Please review all plans for additional or repeated comments.**

**Planning Review Contact:** Mike Centinario at [mcentinario@BloomingtonMN.gov](mailto:mcentinario@BloomingtonMN.gov), (952) 563-8921

- 1) Interior trash and recycling must be provided.
- 2) Cherrywood Pointe and The Pointe are two multi-family developments that have been previously approved. Both properties are zoned RM-50 and restaurants are conditional accessory uses.
- 3) No parking deviations for the development were required through the final development plan review, but the additional restaurant will generate parking demand from a City Code perspective. Staff is comfortable with the accessory restaurant and do not believe the restaurant itself will generate much parking demand. More likely, vehicles that were already creating demand may occupy spaces for a slightly longer period of time if they are patronizing the restaurant.
- 4) To maintain the accessory nature of the restaurant, and to limit the amount of parking demand created by the restaurant, the restaurant may not have any exterior signage. The application has confirmed there would be not exterior restaurant signage.

**Building Department Review Contact:** Duke Johnson at [djohnson@BloomingtonMN.gov](mailto:djohnson@BloomingtonMN.gov), (952) 563-8959

- 1) Must meet 2020 MN State Building Code
- 2) Must meet 2020 MN Accessibility Code
- 3) Provide a code analysis with the plans.
- 4) SAC review by MET council will be required.

**Environmental Health Review Contact:** Erik Solie at [esolie@BloomingtonMN.gov](mailto:esolie@BloomingtonMN.gov), (952) 563-8978

- 1) Provide an Environmental Health Plan Review Application filed separately from the Building permit application.
- 2) Garbage Enclosure Minimum Design Standards.

Refuse storage and handling facilities, other than those identified in Section 19.51(c)(1), shall have an exterior design using building materials consistent with the primary structure. The interior shall comply

with the following minimum requirements:

- (1) for all uses other than grocery stores, restaurants or other food service facilities:
  - (A) Doors shall be designed to function properly during periods of ice and snow.
  - (B) Bump rails or bollards are required to prevent penetration of the walls by the dumpster.
- (2) For grocery stores and food service facilities:
  - (A) Floors shall be covered with quarry tile or equivalent with integral sanitary cove base tile.
  - (B) Interior walls shall have a smooth non-absorbent material sealed or finished to withstand frequent cleaning.
  - (C) Bump rails or bollards are required to prevent penetration of the walls by the dumpster.
  - (D) Doors shall be designed to function properly during periods of ice and snow.
  - (E) Hose bib with back flow prevention shall be provided for cleaning the facility.
  - (F) Floor drains shall be connected to the sanitary sewer system.
  - (G) Ventilation (UMC) and heat source to maintain a temperature above a minimum of 55 degrees Fahrenheit.
- 3) Any additions or changes to food service must be approved by the Health Department prior to construction if required.

**Fire Department Review Contact:** Laura McCarthy at [lmccarthy@BloomingtonMN.gov](mailto:lmccarthy@BloomingtonMN.gov), (952) 563-8965

- 1) Insure access to exterior doors, stairwells and other required areas where fire protection systems are located.
- 2) Insure the commercial kitchen has a UL listed fire suppression system connected to the building sprinkler system.

**Utility Review Contact:** Brian Hansen at [bhansen@BloomingtonMN.gov](mailto:bhansen@BloomingtonMN.gov), (952) 563-4543

- 1) A grease interceptor was included with the approved Cherrywood Pointe civil plans dated 4/15/2020, verify sizing meets any change or increase in fixtures and maintenance agreement has been executed.

**Environmental Health Review Contact:** Mike Thissen at [mthissen@BloomingtonMN.gov](mailto:mthissen@BloomingtonMN.gov), (952) 563-8981

- 1)
  1. Odor control required
  2. Noise- food truck deliveries before 7am
  3. How late will restaurant be open? After 10p? Serving liquor?
  4. Interior storage of trash, recyclables, organics. What side of property will the garbage trucks enter to access trash for pick up? No garbage trucks can pick up trash before 7am
  5. Noise complaints received from the construction- indicator of sensitive folks living in apartments across street