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STATE OF MINNESOTA

COUNTY OF HENNEPIN

CITY OF BLOOMINGTON

The undersigned duly qualified and acting City Clerk of the City of Bloomington hereby certifies that attached hereto is a true and correct copy of the original Planning Commission Resolution No. 2020-11, a resolution approving a conditional use permit for a drive-through restaurant with outdoor seating at an existing retail shopping center located at 10520 France Avenue South, Bloomington, Minnesota. Passed and adopted November 19, 2020. This resolution is on file in the office of the City Clerk, City of Bloomington, Minnesota.



Kim L. Engberg, CMC, Deputy City Clerk



Dated this 25th day of November, 2020.

PLANNING COMMISSION RESOLUTION NO. 2020- 11

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A DRIVE-THROUGH RESTAURANT WITH OUTDOOR SEATING AT AN EXISTING RETAIL SHOPPING CENTER LOCATED AT 10520 FRANCE AVENUE SOUTH, BLOOMINGTON, MINNESOTA.

WHEREAS, the Bloomington Planning Commission is empowered under State Law and the Bloomington City Code to act upon certain types of conditional use permits; and

WHEREAS, the City received an application for a Conditional Use Permit for a drive-through restaurant with outdoor seating in an existing retail shopping center on behalf of Osborne Properties, owner of the premises located at 10520 France Avenue South (hereinafter the "Property"), and legally described as:

Lot 3, Block 1, VALLEY WEST SHOP CENTER 2ND ADDITION

WHEREAS, the Planning Commission has reviewed said request at duly called public meeting on November 19th, 2020 and has considered the report of City staff, all information provided in the agenda materials, any comments of persons speaking regarding the proposed Conditional Use Permit, and the requirements in Bloomington City Code.

WHEREAS, City Code Section 21.501.04(e) – Conditional Use Permits may only be permitted when:

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan.	Finding Made – The site is guided Community Commercial in the Comprehensive Plan. Community Commercial allows general business activities, larger scale service and retail uses that require larger parcels such as supermarkets and restaurants. This designation excludes regionally oriented retail and services uses that demand easy access from the freeway system but is an appropriate designation when adjacent to arterial or collector streets. A drive-through restaurant or coffee shop with outdoor seating is not in conflict with the guidance of the Comprehensive Plan.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	Finding Made – The site is not located in an area subject to a District Plan.
(3) The proposed use is not in conflict with City Code provisions.	Finding Made – The application includes development plans that are not in conflict with City Code provisions. Subject to recommended conditions of approval and the future review of formal Final Development Plans, the proposed use is not in conflict with the City Code.
(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.	Finding Made – The retail shopping center is directly served by two arterial roadways. Existing access to the site is proposed to remain unchanged. To protect the City's sanitary sewer system, the restaurant must install an external grease interceptor should the cooking equipment necessitate such intervention. The proposed use is not anticipated to create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve the planned development.
(5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	Finding Made – The proposed drive-through restaurant with outdoor seating is not located close enough to residential uses to necessitate screening or other operational restrictions. A coffee shop is a typical use in a retail shopping center. The proposed use is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BLOOMINGTON IN REGULAR MEETING ASSEMBLED:

- A. That the affirmative findings of the City Staff are adopted by the Planning Commission;
- B. That the conditional use permit shall expire if not used or applied in accordance with the provisions of City Code Section 21.501.04(g);

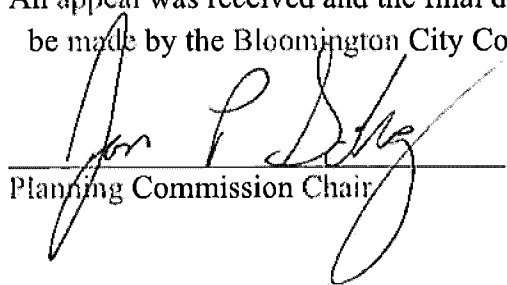
- C. That the conditional use permit may be suspended or revoked in accordance with the provisions of City Code Section 21.501.04(h);
- D. That the requested conditional use permit is approved, subject to the following conditions of approval:
1. Prior to Permit Exterior building and site improvements require the approval of administrative Final Development Plans as specified in Section 21.501.03 of the City Code.
 2. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
 3. Prior to Permit Food service plans must be approved by the Environmental Health Division (City Code Sec. 14.360).
 4. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
 5. Ongoing The proposed restaurant drive-through and outdoor seating area is limited to as shown in the approved plans in Case #PL2020-190.
 6. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 21.301.17).
 7. Ongoing Signage must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Sign Design (USD) of the shopping center.
 8. Ongoing Outdoor dining area must comply with noise source requirements of Section 10.29.02 of the City Code.

Passed and adopted this 19th day of November, 2020.

The three day period to appeal the Planning Commission's decision to the City Council expired on November 25th, 2020.

☒ An appeal was not received and the conditional use permit is now in effect.

☐ An appeal was received and the final decision on the conditional use permit will therefore be made by the Bloomington City Council.




Planning Commission Chair

Nov 19 2020

Date

ATTEST:



Planning Commission Secretary

November 25, 2020

Date