

GENERAL INFORMATION

Applicant: Osborne Properties (owner)
Kids Empire (user)

Location: 10520 France Avenue South

Request: Conditional Use Permit for an indoor entertainment and recreation use in an existing multi-tenant shopping center.

Existing Land Use and Zoning: Valley West Shopping Center, zoned B-2(PD)

Surrounding Land Use and Zoning: North – railroad and retail; zoned B-2
East – retail and single family residential; zoned B-4(PD) and R-1
South – Multiple family residential, financial institution and retail; zoned R-4, B-2 and B-4(PD)
West – Offices; zoned B-2(PD)

Comprehensive Plan Designation: Community Commercial

HISTORY

Planning Commission Action: 11/19/2020 – Conditional use permit for a drive-through and a sit down restaurant with outdoor seating. (Case PL202-190).

Administrative Action: 12/03/2020 - Redevelopment of the south end of the Valley West Shopping Center/demo of Goodyear building/parking lot changes. (Case PL2020-191).

CHRONOLOGY

Planning Commission 12/16/2021 Public Hearing scheduled.

DEADLINE FOR AGENCY ACTION

Application Date: 11/09/2021
60 Days: 01/07/2022
Extension Letter Mailed: No
120 Days: 03/08/2022
Applicable Deadline: 01/07/2022
Newspaper Notification: Confirmed – (12/02/2021 Sun Current – 10 day notice)
Direct Mail Notification: Confirmed – (500 buffer – 10 day notice)

STAFF CONTACT

Liz O'Day

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PROPOSAL

The applicant proposes a conditional use permit for an indoor entertainment and recreation facility at Valley West Shopping Center located at 10520 France Avenue. Kids Empire is an indoor play center for kids. Their website lists multiple locations around the United States but the proposed location would be its first location in Minnesota. Kids Empire would occupy the southern-most tenant space at Valley West Shopping Center. The tenant space was previously Planet Fitness, which relocated to a larger tenant space within the same shopping center. The newly created tenant spaces include Dunkin Donuts (see Planning Case File PL2020-190) and two other retail storefronts. Following that application, Kraus Anderson applied for an administrative application to demolish Goodyear and to modify site characteristics including parking. Kids Empire would occupy both of the remaining retail spaces. The proposed tenant space square footage totals 10,300 square feet.

ANALYSIS

Indoor entertainment and recreation facilities are conditional uses in the B-2 zoning district. Kids Empire would provide play for children. The spaces would have multi-tiered play apparatuses, as well as ball pits and slides. There are also dance rooms. The pantry space identified on their floor plan would be used to store party decorations, pre-packaged food and supplies. All food sold on the premises would be pre-packaged including cookies, chips and soda. Customers can order outside food from a local shop. No cooking or food preparation would be conducted on-site.

As part of the redevelopment of the southern end-cap (Cases PL2020-190 and PL2020-191), the applicant identified a restaurant and small retail sales as the remaining two tenants. Therefore, to calculate parking requirements, the remaining spaces were assumed to be retail uses. Indoor entertainment and recreation facilities have a lower parking requirement than retail uses. Furthermore, the applicant added 21 parking spaces above what Code required. The parking surplus is adequate to accommodate the proposed use and staff is not concerned about inadequate parking.

Because the site was recently modified, the exterior lighting and landscaping upgrades have not been completed. Staff is working with the applicant to complete these items. Once the landscaping and lighting have been approved, they would be compliant.

An indoor trash room has been identified on the floor plans. Continued compliance on indoor trash and recycling must be maintained.

Code Enforcement

There are no open Code violations for this site.

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.	Finding Made – The proposed use is not in conflict with the Comprehensive Plan. The site is guided Community Commercial in the Comprehensive Plan. The Community Commercial designation allows for a general business activities including retail uses. The proposed indoor entertainment and recreational use is compatible with the surrounding retail and restaurant uses.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	Finding Made – The property is not located in an area with an adopted District Plan.
(3) The proposed use is not in conflict with City Code provisions.	Finding Made – Subject to the conditions of approval, the proposed use is not in conflict 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.	Finding Made – The proposed use is not of a scale, nature or intensity that will create an excessive burden on parks, schools, streets, and other public facilities and utilities. The proposed use is adjacent to an arterial roadway that provides access to the property.
(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 facility is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare. The use will accommodate the need for indoor play and recreation opportunities for children.

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 December 21st.

Staff recommends the following motion:

In Case PL2021-216, having been able to make the required findings, I move to adopt a resolution approving a conditional use permit for an indoor entertainment and recreation use in an existing multi-tenant shopping center at 10520 France Avenue South, subject to the conditions and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL2021-216

Project Description: Conditional Use Permit for an indoor entertainment and recreation use in an existing multi-tenant shopping center.

Address: 10520 France Avenue South

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.

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| 1. | Prior to Permit | A building permit for all required changes to accommodate the proposed use be obtained. |
| 2. | Prior to Permit | Sewer Availability Charges (SAC) must be satisfied. |
| 3. | Prior to Permit | Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer. |
| 4. | Prior to C/O | The landscaping and lighting must continue to be maintained in accordance with Planning Case File PL2020-191. |
| 5. | Ongoing | All trash and recyclable materials must be stored inside the principal building (Sec. 21.301.17). |
| 6. | Ongoing | Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan. |