

GENERAL INFORMATION

Applicant: 1701 American Boulevard LLC (Owner)
Afrique Hospitality Group, LLC (User)

Location: 1701 American Boulevard East

Request: Conditional Use Permit for a cultural campus located within an existing office/warehouse building.

Existing Land Use and Zoning: Office and warehouse; zoned FD-2(AR-22)

Surrounding Land Use and Zoning: North and West – Hotel; zoned C-4(PD)(AR-22)
East – Office/warehouse; zoned FD-2(AR-22)
South – Four-plexes (multiple-family residential); zoned R-4(AR-22)

Comprehensive Plan Designation: Office

HISTORY

City Council Action: 06/14/2021 – Approved a City Code Amendment (Ordinance #2021-14) establishing and defining "Cultural Campus" as a use and adding as a conditional use in the FD-2 zoning district (Case #PL2021-99).

CHRONOLOGY

Planning Commission 01/13/2022 – Recommended approval (Vote: 5-0)

City Council 1/24/2022 – Consent Item

DEADLINE FOR AGENCY ACTION

Application Date: 12/07/2021
60 Days: 02/05/2022
120 Days: 04/06/2022
Applicable Deadline: 02/05/2022
Newspaper Notification: Confirmed (12/30/2021 Sun Current – 10 day notice)
Direct Mail Notification: Confirmed (500-foot buffer – 10 day notice)

STAFF CONTACT

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PROPOSAL

The application requests Conditional Use Permit (CUP) approval for a cultural campus in an approximately 28,000 square-foot space of an existing 55,000 square-foot office/warehouse building. The multiple use facility would include a small-business training and incubator center, restaurant, event center, offices including medical services, limited retail shops and a multipurpose space. No exterior site modifications are currently proposed as part of the subject application. Per the applicant's project description, a key focus of the proposed cultural campus is to provide business training services and incubator space serving African and African diaspora entrepreneurs.

BACKGROUND

The applicant previously submitted a privately initiated City Code amendment to establish and define the cultural campus use (Case #PL2021-99). The use was established as a conditional use in the FD-2 zoning district. The City Code amendment was submitted with the intention of subsequently establishing a cultural campus located at the subject property. The City Council approved the privately initiated City Code amendment on June 14, 2021 (Ordinance #2021-14), allowing for submission of the subject Conditional Use Permit application.

The applicant previously obtained a building permit to construct a restaurant and offices within the portion of the building proposed as a cultural campus. The building permit was issued because a stand-alone restaurant and offices are permitted uses in the FD-2 zoning district. Demolition and construction work associated with the building permit has begun.

To create a new entrance area located at the southwest portion of the building, exterior alterations were previously approved administratively as part of a separate development application (Minor Revision to Final Site and Building Plans - Case #PL2021-174). The new building entrance, currently under construction, will serve the restaurant and office uses also currently under construction, as well as the proposed cultural campus if approved.

ANALYSIS

Land Use

A cultural campus is a conditional use in the FD-2 zoning district; hence the approval of a conditional use permit is required prior to occupancy and operation. Per the approved privately initiated City Code amendment establishing the use, the definition of Cultural Campus is as follows:

CULTURAL CAMPUS. *An interrelated collection of at least three of the following uses on one site that assist in cultural development with no one use occupying more than 50 percent of the floor area within the cultural campus use: community center, arts center, office, place of assembly, event center, indoor recreation and entertainment, university, makerspace, business incubator with shops and production space, restaurant, library, museum, and social service distribution facility. A cultural campus use may cross property lines and include multiple buildings provided the properties are contiguous.*

The use mix of the proposed cultural campus is identified in Table 1, demonstrating compliance with the use definition. No single use within the campus exceeds 50 percent of the gross floor area of the campus. The following review focuses on ensuring compliance with the cultural campus definition, the specific performance standards for the subject uses proposed within the campus, and other related areas of required compliance. A Conditional Use Permit for a cultural campus use must be approved by the City Council.

Table 1: Cultural Campus Use Mix

Use	Floor Area	Proportion of Use
Total Cultural Campus	28,444 sq. ft.	100%
Office	3,595 sq. ft.	12.6%
Restaurant (including cafe, kitchen and accessory play space)	6,610 sq. ft.	23.2%
Event Center	4,558 sq. ft.	16.0%
Makerspace/Business Incubator	6,666 sq. ft.	23.4%
Common/Support Space	7,015 sq. ft.	24.7%

Code Compliance

Compliance with general Zoning Code performance standards including, but not limited to, off-street parking, trash collection and storage and signage is required. Table 2 provides an analysis of City Code compliance. Additional information and analysis about specific City Code requirements is provided in subsequent staff report sections.

Table 2: City Code Analysis – Site and Building Characteristics in Compliance

Standard and Code Standard	Proposed
Minimum Site Area – 40,000 sq. ft. (Sec. 21.301.01(d))	178,305 square feet
Minimum Total Parking Spaces – 203 spaces (see Tables 3 and 4 – shared parking proposed) (Sec. 21.301.06(d) and (e)(2))	205 spaces
Trash and Recycling Storage – 142 sq. ft. (Section 21.301.17)	319 sq. ft. with appropriate finish schedule
Odor Control – Required for food establishments within 250 feet of residential properties (Sec. 10.24)	Captiveaire odor system provided
Grease Interceptor – Required for restaurants (Sec. 21.302.19(b))	Interceptor design approved (separate bldg. permit)

Access, Circulation, Sidewalks and Parking

A drive aisle provides primary site access to American Boulevard East at the site's northeast corner. The driveway is a shared access with the abutting office/warehouse building to the east (1801 American Boulevard East). There is also a shared access with the hotel site at the southwest property corner. Both of these shared drives are provided via access easements. Full circulation is provided around the office/warehouse building where the campus is proposed.

A Code complying public sidewalk exists along American Boulevard East. The existing property condition does not include a private sidewalk connection to the primary building entrances. The property is legally nonconforming to the City's sidewalk requirements (Sec. 21.301.04), as the site was developed prior to the requirement. Staff anticipates that the proposed cultural campus will generate increased pedestrian or bicycle trips or activity relative to the existing condition (office/warehouse use). Without an existing sidewalk connection, staff is concerned that pedestrians would need to utilize the vehicle driveway to enter the site, especially in the winter months. As a result, staff recommends a sidewalk connection into the property be provided to ensure that pedestrians do not enter the site within the driveway to American Boulevard East. The sidewalk connection could be provided west of the existing driveway without significant site disruption. The traffic volumes of American Boulevard East in this area, particularly during peak hours, warrant a separated pedestrian facility to reduce the chance of a conflict or accident when vehicles are turning into the site. Entities taking action on a Conditional Use Permit have the authority to attach conditions of approval that enhance the public health, safety and welfare (Sec. 21.501.04(d)(3)).

The existing off-street parking supply of the property is 205 parking stalls. To efficiently utilize and manage the off-street parking supply of the property, the applicant is proposing a shared

parking solution for the property as outlined in Section 21.301.06(e)(2) of the City Code. Shared parking is an effective solution to reduce excessive quantities of parking when multiple uses within a single site have different operating hours or peak parking demands. In this case, the applicant has presented two different parking scenarios for the site:

- Parking Scenario #1 – Typical daytime use, Monday through Friday, 8:00 a.m. – 5:00 p.m.
- Parking Scenarios #2 – Evenings and weekends

As part of an exhibit attached to the application project description, the applicant has provided a list of all building occupants or tenants and their associated operating hours. The information provided demonstrates the other tenants or businesses occupying the remaining building conduct their business activities during typical weekday hours. In addition, the project description notes that the proposed event center use, the largest single source of potential parking demand, may only operate during nights and weekends. Tables 3 and 4 outline the off-street parking requirements associated with these two parking scenarios. The areas included in the parking table include adjacent or associated common areas (bathrooms, hallways, etc.), as the City's parking requirements are based on gross floor area. In addition, staff is utilizing the retail parking requirement or ratio for the business incubator space, as the definition of a cultural campus allows retail activities within the business incubator space. Utilizing the retail parking requirement provides adequate parking for retail activities within the business incubator. Staff considers a business incubator to be startups or businesses in the infancy or early phase of their operation. The business incubator space could not be permanently occupied as a full-scale, long-established retail use. Such an occupancy would transform the space into permanent retail sales and services, which is not permitted in the FD-2 zoning district.

Table 3: Parking Quantity Analysis – Scenario #1 – Weekday Daytime Use

Use	Standard	# of Units/Area	Parking Spaces Required
Other Building Tenants (office/warehouse use)	Office – One space per 285 sq. ft. Warehouse – One space per 1,000 sq. ft.	Office – 19,559 sq. ft. Warehouse – 6,278 sq. ft.	74.8
Office	One space per 285 sq. ft.	3,868 sq. ft.	13.6
Restaurant	One space per three restaurant seats	150 seats	50.0
Business incubator/makerspace	One space per 180 sq. ft.	7,056 sq. ft.	39.2
Warehouse/storage	One space per 1,000 sq. ft.	1,060 sq. ft.	1.0
Parking Requirement			179 spaces
Parking Proposed			205 spaces

Table 4: Parking Quantity Analysis – Scenario #2 – Evening and Weekend Use

Use	Standard	# of Units/Area	Parking Spaces Required
Office	One space per 285 sq. ft.	3,868 sq. ft.	13.6
Restaurant	One space per three restaurant seats	150 seats	50
Business incubator/makerspace	One space per 180 sq. ft.	7,056 sq. ft.	39.2
Event center/multi-purpose room	One space per three seats	296 seats	98.7
Warehouse/storage	One space per 1,000 sq. ft.	1,060 sq. ft.	1.0
Parking Requirement			203 spaces
Parking Proposed			205 spaces

The highest parking requirement calculated is during evenings and weekends (Scenario #2), with 203 parking spaces. Given that the parking supply is 205 parking spaces, there is some excess parking available during daytime, weekday hours that should allow for a smooth transition from daytime to evening use on the property. Based on the required levels of parking in Scenarios #1 and #2 and the available parking supply, staff is supportive of a shared parking solution in this case. To ensure adequate parking supply during the typical daytime, weekday (Monday-Friday) business hours, use of the multi-purpose room or event hall space during this time for events or gatherings must be restricted. Staff is recommending a condition of approval limiting the use of the event hall or multi-purpose space during weekday daytime hours for this reason. To memorialize the conditions associated with a shared parking solution, the City Code requires that a shared parking agreement be recorded against the property (Sec. 21.301.06(e)(2)(C)). The required agreement is also included as a recommended condition of approval. Finally, any future changes to overall building occupancy that increases evening or weekend parking demand must be reviewed by the City for conformance to parking requirements. A condition of approval is recommended related to future changes in overall occupancy or operations for the purposes of managing future parking supply.

Landscaping, Screening and Lighting

As part of the Conditional Use Permit review process, the portion of the site in proximity to the proposed use is reviewed for compliance with the approved landscape plan of record for the property. A review of the approved plan reveals a modest amount of trees are potentially missing from the southern portion of the site. Staff recommends a condition that landscape material

confirmed to be missing be replaced prior to issuing a Certificate of Occupancy (C/O) for the campus.

The exterior lighting for the property must be upgraded to meet Section 21.301.07 of the City Code. The parking stalls required by Code to serve the subject property must meet minimum light levels (2.0 foot-candles or 1.0 foot-candle along parking lot perimeter). Primary and secondary building entrances must also meet minimum light levels. The applicant must submit a lighting plan prepared by a qualified professional demonstrating compliance with City Code, as noted in the staff recommendation of approval.

Utilities

The property is served by both City sanitary sewer and water service. As part of the building permit review for the proposed restaurant that is under construction, a sanitary sewer external grease interceptor was required to be installed to serve the associated kitchen. The design and location of the grease interceptor have been reviewed and approved. The grease interceptor must be installed prior to the operation of the restaurant use. Should the proposed teaching kitchen located within the business incubator include cooking activities that would expel fats, oils or grease into the public wastewater system, the teaching kitchen will need to be connected or served by a grease interceptor. Staff is recommending a condition of approval to this effect.

Traffic Analysis

The subject property is served by American Boulevard East, a minor arterial roadway with adequate capacity for the proposed use. Transit service is provided by Route 5, which has a high level of Service. The D-Line is also under construction and will serve the campus in the future. No significant impacts to the adjacent traffic patterns due to the proposed cultural campus have been identified. The applicant must provide bicycle parking at the site as approved by the City Engineer.

Fire Prevention and Public Safety

The property and building address and building numbers must be clearly visible from the entry point into the property and from the emergency vehicle access road if the entry point serves multiple buildings. The property and or building(s) may require additional signage depending on size and location. Address shall be a minimum of four inches, be Arabic numbers or alphabetical letters with a minimum stroke width of .5 inches and contrasting to the background. Sizing may be required to be increased depending on the size of the structure and/or location.

All exterior doors that allow access to the interior of the building(s) must be numbered in a sequential order starting with the main entrance (public entrance) as number 1 and continuing in a clockwise manner. The numbering plan will be approved by the police and fire departments. The fire department will approve lockbox locations. Approved lock box companies include Dama Company and Knox Company. Ensure new landscaping doesn't interfere with access to the building and egress components.

Locations of fire alarm and annunciator panels to be determined by the Fire Department. The main entrance will require a panel. Multiple annunciator panels may be required depending on the configuration of the building. Alarm systems are required to meet the 2016 edition of NFPA 72.

Fire suppression systems are required to meet 2016 edition of NFPA 13. Appliances/cooking equipment producing grease laden vapors will require a hood (Type I or II) and a chemical suppression system connection to the building's suppression system.

Provide emergency responder radio coverage throughout the building per the requirements of Appendix P of the 2020 Minnesota State Fire Code.

Any changes made to the current plans, including access roads, water supply or addressing, shall be reviewed by the Fire Department to ensure continued compliance with the Fire Code.

Miscellaneous

As approved in the previously issued building permit for the restaurant, a trash and recycling storage facility internal to the building is proposed to be constructed. The storage area is accessed from within the building and 319 square feet in size, exceeding the minimum required size for the campus. The room finish schedule was also reviewed and found to be compliant for food service uses. Staff is recommending a condition that trash and recycling continue to be stored inside the building per the City Code requirement (Sec. 21.301.17).

Food establishments located within 250 feet of residential uses are required to provide odor suppression or control devices according to City Code (Sec. 10.24). As part of the prior building permit review for the interior buildout of the restaurant space, staff reviewed and approved an odor suppression system designed by a certified professional. The odor control requirement for the kitchen has been satisfied. Should the teaching kitchen also include cooking equipment or activities that require odor control as determined by City Code, the applicant will be required to provide odor suppression for this facility.

A food service plan may need to be approved for the teaching kitchen prior to occupancy depending on the intended use. If the teaching kitchen is utilized for educational purposes only, then a plan is likely not required. However, if it is used for any commercial purpose, a food service plan is required. Plans are reviewed and approved by the Environmental Health Division. Staff recommends a condition of approval noting the requirement. Environmental Health approval for the restaurant kitchen has already been obtained.

The subject property is subject to the Class IV Sign District standards (Sec. 19.113). In addition, the property is subject to an existing, approved Uniform Sign Design (USD) due to the multi-tenant occupancy of the building. Signage for the proposed campus must comply with the base provisions of the City Code and the approved USD of record (USD #114). Staff recommends a condition of

approval that the site comply with the City Code and approved USD of record with respect to signage.

Status of Enforcement Orders

The property is not currently subject to enforcement orders.

Public Correspondence

As of the publication date of the staff report, the City has received six emails of correspondence with attachments from one party. The correspondence expresses concerns about the adequacy of the proposed parking supply, as well as the evening use of the facility. All of the correspondence received is included in the packet.

Planning Commission Review

The Planning Commission held a public hearing on January 13, 2022. One member of the public provided testimony during the hearing, noting concerns about parking and evening use. Following the hearing, the Planning Commission unanimously recommended approval of the Conditional Use Permit application (Vote: 5-0). The full detail of the Planning Commission discussion can be found in the attached minutes.

FINDINGS

Required Conditional Use Permit Findings - Section 21.501.04(e)(1)-(5)

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan.	Finding Made – The subject property is guided Office on the Comprehensive Plan. A cultural campus with a business incubator, offices, restaurant and event center is not in conflict with the Comprehensive Plan.
(2) The proposed use is not in conflict with any adopted district plan for the area.	Finding Made – The property is not located within an area subject to an adopted district plan.
(3) The proposed use is not in conflict with City Code provisions.	Finding Made – The proposed campus complies with off-street parking, refuse storage, odor suppression and utility requirements. Subject to compliance with the conditions of approval, the proposed use would not be in conflict with City Code provisions.

Required Finding	Finding Outcome/Discussion
(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 subject property is served by a minor arterial road with adequate capacity to serve the proposed use. The utilities that serve the building also have adequate capacity. The campus is required to install a grease interceptor to help protect City sanitary sewer systems. No negative impacts to parks or schools are anticipated as part of the proposed use. The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities that 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 property will be subject to a shared parking agreement restricting the hours of operation of the proposed event center as presented by the applicant to manage the parking supply on-site. The kitchen use(s) are required to install odor suppression systems due to proximity to residential uses. The property owner will be required to install Code-complaint exterior lighting for parking stalls and entrances serving the proposed campus. The proposed use is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

RECOMMENDATION

Planning Commission and staff recommend approval of the application through the following motion:

Motion made by _____, seconded by _____, in Case #PL2021-256, having been able to make the required findings, I move to adopt a resolution approving a Conditional Use Permit for a cultural campus within an existing office/warehouse building located at 1701 American Boulevard East, subject to the conditions and Code requirements listed in the resolution.

RECOMMENDED CONDITIONS OF APPROVAL

Case #PL2021-256

Project Description: Conditional Use Permit for a cultural campus located within an existing office/warehouse building.

Address: 1701 American Boulevard East

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 A site development agreement addressing conditions of approval and shared parking must be executed by the property owner and the City and must be properly recorded by the applicant with proof of recording provided to the Director of Community Development.
2. Prior to Permit A building permit for all required changes to accommodate the proposed use be obtained.
3. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
4. Prior to Permit A sidewalk connecting the site with the public sidewalk network along American Boulevard East must be provided to discourage pedestrian movements in the northern driveway.
5. Prior to Permit Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
6. Prior to Permit Parking lot and site security lighting plans must satisfy the requirements of City Code Section 21.301.07.
7. Prior to C/O Landscaping in proximity to the proposed use confirmed to be missing from the approved landscape plan of record for the property must be replaced.
8. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
9. Prior to C/O Buildings shall meet the requirements of the Minnesota State Fire Code Appendix L (Emergency Responder Radio Coverage) adopted through City Ordinance to have approved radio coverage for emergency responders based upon the existing coverage levels of the public safety communication systems.
10. Prior to C/O Food service plans for all associated kitchens must be approved by the Environmental Health Division (City Code Sec. 14.360). Odor suppression and a grease interceptor for the teaching kitchen may be required as determined the Environmental Health and Utilities Divisions (Sec. 10.24. and Sec. 11.31).
11. Ongoing The cultural campus is limited to as shown on the approved plans in Case File #PL2021-256.
12. Ongoing Per the applicant's project description dated 12/06/2021, the event center use must not operate Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.. Use of the multi-purpose space during weekday business hours (8:00 a.m. - 5:00 p.m.) is limited to activities that do not generate additional

- parking demand beyond what can be supported by the existing parking supply as determined in Section 21.301.06(d) of the City Code.
13. Ongoing Future changes to overall building occupancy or operations that generate increased evening or weekend parking demand must be reviewed and approved by the Planning Manager prior to occupancy to ensure compliance with Section 21.301.06(d) of the City Code.
 14. Ongoing All construction related pickup, drop-off, loading, unloading, staging and parking must occur on site and off public streets.
 15. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 21.301.17).
 16. Ongoing Signs must be in compliance with the requirements of the Class IV Sign District (Sec. 19.113) and the Uniform Sign Design of record (USD #114).
 17. Ongoing Development must comply with the Minnesota State Accessibility Code.