



Development Review Committee

Approved Minutes

Pre-Application, PL202200038
Meeting Date: February 22, 2022
Web-Ex

Staff Present:

Brian Hansen (Eng., Chair) 952-563-4543
Kris Kaiser (Fire Prev) 952-563-8968
Kelly Beyer (Bldg & Insp) 952-563-4519
Tim Kampa (Utilities) 952-563-8776
Kevin Toskey (Legal) 952-563-4889
Rena Clark (Park & Rec) (952) 563-8890
Doug Junker (Licensing) 952-563-4923

Kent Smith (Assessing) 952-563-8707
Erik Solie (Env. Health) 952-563-8978
Mike Thissen (Env. Health) 952-563-8981
Londell Pease (Planning) 952-563-8926
Elizabeth Bushaw (Bldg & Insp) 952-563-4703
Shelagh Stoerzinger (Assessing) 952-563-4644

Project Information:

Project	Restaurant expansion
Site Address	415 and 431 E 78 th Street
Plat Name	A G Bogens Portland Avenue Addition and 03 027 24
Project Description	Conditional Use Permit for a restaurant with an outdoor patio
Application Type	Conditional Use Permit
Staff Contact	Elizabeth O'Day – eoday@bloomingtonmn.gov (952) 563-8919
Applicant Contact	Kari Kendall – kkendall@kendallcommercial.com (952) 220-5024
Post Application DRC	NO

NOTE: To view all documents and minutes related to this review, please go to www.blm.mn/please and enter "PL202200038" into the search box.

Guests Present:

Name	Email
Hector Hernandez Solis	taqueriacuatomilpas@gmail.com
Kari Kendall	kkendall@kendallcommercial.com
Tom Kendall	tkendall@kendallcommercial.com
Jerry Walsh	
James Barger	
Jose Becerra	

INTRODUCTION –Liz O’Day (Planning):

Taqueria Las Cuatro Milpas currently operates a restaurant at 415 E 78th Street and plan to expand their restaurant into the vacant Erik’s Bike Shop building at 431 E 78th Street. The two buildings would be connected via an enclosed walkway. There would be approximately 120 indoor seats and 50 outdoor seats. The proposed patio is in the area south of the connection, between the two buildings. A 2nd bar, bathrooms, office space and storage are proposed in the 431 E 78th Street building. Anticipated hours of operation are 10am-11pm.

Discussion/Comments:

PLEASE NOTE: Below is not a complete list of comments. Please read the comment summary and review plan mark-ups for a full list of comments.

- Renae Clark (Park and Recreation):
 - No Comment
- Todd Angus (Assessing):
 - Project will require platting, which triggers park dedication fees, after credit for existing building, the preliminary calculation is \$13,104.
- Erik Solie (Environmental Health):
 - Separate food permit application required.
- Kelly Beyer (Building and Inspection):
 - Make sure that the code analysis on architectural plans shows what the area of the buildings are, and SAC review by MCES will also be required.
- Kris Kaiser (Fire Prevention):
 - See plan for comments.
- Eric Norling (Police):
 - No Comment
- Brian Hanson (Engineering):
 - If you are disturbing more than 5000 square feet or 50 cubic yards of new or fully reconstructed impervious surface that would trigger additional storm water treatment requirements.
 - Platting would require a dedication of bike/sidewalk easement along the north side of the 415 parcel. Modification of the frontage road with the future MnDOT project on I-494 has 78th street terminating at 5th Avenue, no longer connecting to Portland Avenue.
 - Also, include bike rack’s location if there are any currently on place, if not, identify on the plan where they will be installed.
- Tim Kampa (Utilities):
 - Control of the grease that is being produce from the extended bar is needed. Any grease laden fixture waste line needs to be routed to a grease interceptor, there might be some way to get it over to the existing grease interceptor that you have with the initial restaurant.
- Kate Ebert (Public Health):

- No Comment
- Kevin Tosky (Legal):
 - No comment
- Doug Junker (Business Licensing):
 - Amend existing liquor license to include the new space.
- Londell Pease (planning)
 - Asked what warehouse space near existing seating will be used for, if being used for event space, parking will become an issue
 - Jose Becerra said they don't have a plan for that area, they will not be having events in that area, they will keep the use as a restaurant space.
- Liz O'Day (Planning):
 - The restaurant is a permitted use and would only require administrative Final Site and Building Plans for the connection. The outdoor patio requires a Conditional Use Permit and a Public Hearing before Planning Commission.
 - Paved area in northeast corner must be removed and returned to turf or landscaping. With the expansion, indoor trash will be required and parking lot lighting for the expanded site must meet minimum light levels.

Additional Questions/Comments:

Jose asked about the trash enclosure location – thinking about eliminating central door of the loading dock and turning it into a trash room, is that doable?

Liz O'Day stated that more detail will be required for that.

Kari asked about the storm water treatment cost approximately.

Brian said that he does not have a cost, but they can get more detail about that later. It will only be required to treat that new area.

Londell Pease asked about removing the paving in the blvd – will that count toward the 5000 square feet?

Brian stated if it is an impervious surface then they will have to look at what the construction looks like, but if it is considered just a repair or replacement then that would not count towards the 5000 square foot. Brian can discuss later in more detail.

Kari asked about the new sidewalks and if it will take up any parking.

Brian said that it will not impact parking.

Londell Pease stated that the outdoor patio is the only thing that needs the CUP, everything else is a permitted use.

Kari asked if there is any problem with the setup of the new restrooms

Kelly Beyer from B&I stated that she will need to look more closely at the building code and get back with her.

Kari asked about the need for grease interceptor

Brian suggested Kari to reach out to Tim Kampa directly later.



Comment Summary

Application #: PL2022-38

Address: 415 and 431 E 78th Street

Request: Conditional Use Permit for a patio as part of restaurant expansion

Meeting: Pre-Application DRC - February 22, 2022

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

Building Department Contact: Duke Johnson at djohnson@BloomingtonMN.gov, (952) 563-8959

- 1) Building plans must be signed by a MN licensed architect.
- 2) Must meet 2020 MN State Building Code and 2020 MN Accessibility Code.
- 3) SAC review by MET council will be required.
- 4) What is the combined area of both buildings? Is this going to be re-platted or are these going to be separate lots?

Fire Department Contact: Laura McCarthy at lmccarthy@BloomingtonMN.gov, (952) 563-8965

- 1) Maintain emergency vehicle access and circulation throughout the properties.
- 2) Appliances/cooking producing grease laden vapors requires a hood and suppression system.
- 3) Fire alarm system will need to be upgraded in the new building for the new occupancy.
- 4) Entire space(s) must have fully Code complying sprinkler protection.
- 5) Building/property shall be adequately signed for emergency response.
- 6) Emergency responder radio coverage meeting the requirements of appendix L in the 2015 MSFC shall be provided throughout the property and within the structures.

Environmental Health Contact: Erik Solie at esolie@BloomingtonMN.gov, (952) 563-8978

- 1) Any additions or changes to food service must be approved by the Health Department prior to construction, if required.

Water Resources Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) If more than 5,000 SF of area is reconstructed, stormwater plan required.
- 2) Erosion control plan may be required.

Utility Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Any new or substantial remodel of a food service facility must provide an exterior grease interceptor and grease interceptor maintenance agreement. See Engineering Detail 412 for reference. Grease laden sewer fixtures must be routed to a grease interceptor. Suggest connecting to the grease interceptor at the restaurant.

PW Admin Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) A title opinion or title commitment that accurately reflects the state of the title of the property being platted, dated within 6 months of requesting City signatures, must be provided.
- 2) Consent to plat form is needed from any mortgage companies with property interest.
- 3) Public drainage/utility and easements must be provided on the plat.
- 4) See checklist of items that must be included on the preliminary plat per the Bloomington City Code, Chapter 22.
- 5) \$15 fee for certified copy of plat. Engineering staff will obtain a certified copy of the plat from Hennepin County.
- 6) A 10-foot sidewalk/bikeway easement shall be provided along all street frontages. Developer/owner shall provide legal description and Engineering staff will prepare easement document.
- 7) Property must be platted per Chapter 22 of the City Code and the approved plat recorded at Hennepin County prior to the issuance of a foundation or building permit. Platting required. See platting comments.
- 8) Current State plans show E 78th St eliminated from 5th Ave to Portland Ave.
- 9) Existing easements may be vacated. Contact Bruce Bunker at 952-563-4546 or bbunker@BloomingtonMN.gov for information regarding the Public Rights-of-Way Vacation Application. It is the responsibility of the developer to determine if private utilities exist in the easement prior to submitting the application. Developer/owner to provide legal description and Engineering staff will prepare vacation document.

Traffic Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Provide civil plans for the project. Plan sheets may include grading, drainage, utility, erosion control, traffic control, civil site, etc.
- 2) List the number of parking spaces required by city code and the spaces provided on the site plan.
- 3) Include on site plan the new parking spaces (parking lot modifications) that will be needed to meet the requirements for the additional 116 seats. Also, consider how traffic will circulate around the site - modifications needed on the south side of the lots to connect.
- 4) Show location of a bike rack and bike rack detail on the plan.
- 5) MnDOT project will modify the frontage road and the curve of frontage road at 5th Avenue. There will also be sidewalk added on 78th Street.
- 6) Show and label all property lines and easements on all plan sheets. Sidewalk easement may be needed along 78th Street if not already in place.
- 7) All construction and post-construction parking and storage of equipment and materials must be on-site. Use of public streets for private construction parking, loading/unloading, and storage will not be allowed.
- 8) Parking lot should have some separation from the sidewalk along 5th Avenue.

Utility Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Any new or substantial remodel of a food service facility must provide an exterior grease interceptor and grease interceptor maintenance agreement. See Engineering Detail 412 for reference. Grease laden sewer fixtures must be routed to a grease interceptor. Suggest connecting to the grease interceptor at the restaurant.

Assessing Contact: Kent Smith at ksmith@BloomingtonMN.gov, (952) 563-8707

- 1) Based on information from Planning, this project will require platting, which triggers park dedication. After credit for existing buildings our preliminary calculation is \$13,104.

Planning Contact: Elizabeth O'Day at eoday@BloomingtonMN.gov, (952) 563-8919

- 1) The use as a restaurant is a permitted use. A conditional use permit is required for the outdoor patio. The next deadline is March 9th at 2pm for a Planning Commission meeting on April 14th.
- 2) It appears the parking supply exceeds the Code required parking. Based on the number of seats provided (estimated 120 indoor and 50 outdoor), 54 spaces are required where over 60 spaces are provided.
- 3) Interior trash and recycling must be provided (see City Code Section 21.301.17).
- 4) Portions of the Boulevard and part of the required front yard (marked in red on the plan reviewed) must be restored to turf or landscaping as approved by the Planning Manager or City Engineer.
- 5) Parking lot and exterior security lighting for the new site must meet minimum light levels as required in Section 21.301.07. A minimum of 2 foot-candles is required on the parking surface (which may be reduced to 1 foot-candle for the 25-foot perimeter of the parking lot).
- 6) Outdoor dining areas containing 30 seats or more must be enclosed by a fence, structure or barrier as approved by the issuing authority. The enclosure must be at least 36 inches in height and have designated openings for ingress and egress.
- 7) If the outdoor dining area is in direct contact with or immediately adjacent to a vehicle parking or driving area, sufficient vehicle barriers must be provided.
- 8) Outdoor dining areas must comply with the noise source requirements of § 10.29.02.
- 9) Show location of a bike rack and bike rack detail on the plan.
- 10) The drive aisle width east of 431 E 78th Street is legally non-conforming and must be maintained.
- 11) Property must be platted per Chapter 22 of the City Code and the approved plat recorded at Hennepin County prior to the issuance of a foundation or building permit.