

### GENERAL INFORMATION

Applicant: Aroma Indian Cuisine (Tenant)  
Oxboro Bloomington Retail Center LLC (Owner)

Address: 501 W 98<sup>th</sup> Street

Request: Conditional use permit for a 24-seat outdoor patio for an existing restaurant

Existing Land Use and Zoning: Community Shopping Center; zoned B-2, General Commercial

Surrounding Land Use and Zoning: South – Single Family homes and retail sales; zoned R-1 and B-2  
North – Office and financial institution; zoned B2 and B-4(PD)  
East – Multiple Family Residential; zoned R-4  
West - Multiple Family Residential and retail sales; zoned RM-50(PD) and B-2(PD)

Comprehensive Plan Designation: Community Commercial

### CHRONOLOGY

Planning Commission 07/14/2020 – Public Hearing Scheduled

### DEADLINE FOR AGENCY ACTION

Application Date: 05/27/2022  
60 Days: 07/26/2022  
Extension Letter Mailed: No  
120 Days: 09/24/2022  
**Applicable Deadline: 07/26/2022**  
Newspaper Notification: Confirmed – (06/30/2022 Sun Current – 10 day notice)  
Direct Mail Notification: Confirmed – (500 buffer – 10 day notice)

### STAFF CONTACT

Liz O'Day  
Phone: (952) 563-8919 E-mail: eoday@BloomingtonMN.gov

## PROPOSAL

The applicant requests a Conditional Use Permit for a 24-seat outdoor seasonal patio for the Aroma restaurant at 501 West 98<sup>th</sup> Street. The patio, as proposed, operated throughout the pandemic, and this action would allow it to continue as a permanent use. The patio would be under the existing canopy along the tenant space's north side. The adjacent sidewalk would exceed the minimum five foot clear access.

## ANALYSIS

### Code Compliance

Restaurants are permitted uses in all zoning districts. A restaurant with outdoor dining requires a conditional use permit and has specific performance standards related to the outdoor dining area. The outdoor patio is over 200 feet from the nearest residential use to the south. Other performance standards relate to adjacency to residential uses and would not apply to the subject patio.

The original restaurant was approved as part of the Planned Development with 102 indoor seats when the parking requirement was one space per 2.5 seats (41 required parking spaces). Since the original approval, the restaurant remodeled and reduced the indoor seating to 72 seats, and the City Code was amended to require one parking space per 3 seats. The required parking for the proposed restaurant and patio is 29 parking spaces, a reduction of 12 parking spaces relative to the previous requirement. With the reduction in indoor seats and the addition of the outdoor seats, the parking remains compliant. Please see Table 1 below for the Parking Analysis.

**Table 1: Parking Analysis**

Use	# of Seats	Requirement (in spaces)
Restaurant (with indoor seating)	72 indoor seats	24
Restaurant (with outdoor seating)	24 outdoor seats	5
<b>Total</b>		<b>29</b>

The outdoor patio must comply with the noise standards set forth in City Code Section 10.29.02. It is unclear if there would be music or a speaker system on the patio. Also, due to the small number of seats and distance from residential uses, it is not anticipated that noise will be an issue. However, if noise surpasses City Code requirements, the City may require operational changes related to service outdoors, music or sound amplification.

## 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.	<b>Finding Made</b> – The proposed seasonal patio for the existing restaurant is consistent with the Community Commercial designation and with the Lyndale Retrofit Plan, which is part of the Comprehensive Plan by reference.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	<b>Finding Made</b> – A District Plan is not in effect for the area.
(3) The proposed use is not in conflict with City Code provisions.	<b>Finding Made</b> – As proposed, the seasonal patio is not in conflict with any 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.	<b>Finding Made</b> – The proposed seasonal patio would 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. The patio is a natural extension of the existing restaurant.
(5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	<b>Finding Made</b> – The proposed seasonal patio adds activity to the exterior of the neighborhood center. There would be no negative impacts on the surrounding neighborhood.

**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 July 19, 2022.**

Staff recommends approval through the following motion:

In Case PL2022-118, having been able to make the required findings, I move to adopt a resolution approving a Conditional Use Permit for a 24-seat outdoor patio for an existing restaurant at 501 W 98<sup>th</sup> Street, subject to the conditions and Code requirements attached to the staff report.

## RECOMMENDED CONDITIONS OF APPROVAL

Case PL2022-118

**Project Description:** Conditional use permit for an outdoor patio for an existing restaurant

**Address:** 501 West 98th Street

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 building permit for all required changes to accommodate the proposed use be obtained.
2. Prior to Permit Sewer Availability Charges (SAC) must be satisfied, if applicable.
3. Ongoing The 24-seat patio must be as shown on the approved plans in Case File # PL202200118.
4. Ongoing Development must comply with the Minnesota State Accessibility Code.
5. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.
6. Ongoing Any patio lighting must comply with limits in Section 21.301.07.
7. Ongoing The proposed use must be in compliance with all City and State noise standards. (Section 10.29.02)