

## GENERAL INFORMATION

Applicant: The Arts Creative (User)  
Steady Countryside LLC (Owner)

Location: 7700 W Old Shakopee Road  
10750 Bloomington Ferry Road

Request: Conditional Use Permit for an art studio in an existing shopping center

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

Surrounding Land Use and Zoning: North – School; zoned (R-1)  
East – Place of Assembly; zoned (R-1)  
West – Single-Family Dwellings; zoned (R-1)  
South – Dred Scott Park/Playfield; zoned (R-1)

Comprehensive Plan Designation: General Business (GB)

## CHRONOLOGY

Planning Commission 06/08/2023 Public Hearing Scheduled

## DEADLINE FOR AGENCY ACTION

Application Date: 05/04/2023  
60 Days: 07/03/2023  
Extension Letter Mailed: No  
120 Days: 09/01/2023  
**Applicable Deadline: 07/03/23**  
Newspaper Notification: Confirmed – (05/25/23 Sun Current – 10-day notice)  
Direct Mail Notification: Confirmed – (500-foot buffer – 10-day notice)

## STAFF CONTACT

Emily Hestbech  
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## PROPOSAL

The applicant proposes a 1,700 square foot art studio, The Arts Creative, in an approximate 22,000 square foot shopping center. The unit is located towards the north side of the building. The use is classified as a hybrid of both an Instructional Center and Indoor Recreation and Entertainment. Both uses require a Conditional Use Permit in the B-2 Zoning District.

The Arts Creative offers instruction in a variety of mediums, including painting, drawing, ceramics, and other arts. The typical class size would be 12 students, and classes would last between 1.5 and 3 hours. The business hours would be approximately 9 am to 9 pm, open various days of the week.

## ANALYSIS

The proposed use provides instruction in a variety of art mediums, which are classified as an instructional center. An additional use would be book club activities, such as inviting artists to the space. That use is classified as indoor recreation and entertainment. Both uses are Conditional Uses in the B-2 Zoning District.

This Conditional Use review focuses on the potential nuisance impacts of the use. This includes but is not limited to parking, odor control, and public safety. Other uses in the shopping center include a coffee shop, an ice cream shop, a nail salon, a pet hospital, an insurance office, a barbershop, and a pizza restaurant. A majority of the existing uses on site are permitted uses. This tenant space was previously used as a nutrition shop and before that, a Subway.

The proposed use with 12 to 20 students would be consistent with the previous occupancies in the tenant space. The use of a small kiln would not create any nuisance characteristics. The City Code parking requirement for the proposed art studio is 9.4 spaces, based on the parking requirement of 1 space per 180 square feet for retail services, and matches the previous use. No significant impacts to the parking or adjacent traffic patterns due to this change of use have been identified, as there is no change in parking requirements from the previous use.

The property exterior lighting has been upgraded and is in full compliance. There is an existing sidewalk network throughout the Center to provide adequate pedestrian access. While no sign information was provided, a separate sign permit review would verify City Code and Uniform Sign Design compliance. Trash collection and storage for this tenant space were complying and must be maintained.

## 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 use is consistent with neighborhood shopping centers and is not in conflict with the General Business Comprehensive Plan designation.

(2) The proposed use is not in conflict with any adopted District Plan for the area.	<b>Finding Made</b> - 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.	<b>Finding Made</b> – The proposed facility would occupy approximately eight percent of the total floor area. Instruction Centers/Indoor Recreation and Entertainment Facilities are conditional uses in the B-2 zoning district. The proposed art studio complies with all the applicable 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.	<b>Finding Made</b> - The proposed art studio, with limited occupancy, would not create an excessive burden on public facilities and utilities that serve the development as all operations will be limited to the tenant space.
(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 art studio is completely contained inside the office building and not anticipated to create any light, noise, vibration, odor, or other impacts that would be injurious to the surrounding neighborhood or harm public health, safety, and welfare.

## RECOMMENDATION

**Note the Planning Commission has final approval authority on this Conditional Use Permit application unless an appeal is received by 4:30 p.m. on June 13<sup>th</sup>.**

Staff recommends approval using the following motion:

In Case PL2023-65, having been able to make the required findings, I move to adopt a resolution approving a Conditional Use Permit for an art studio at 7700 West Old Shakopee Road, Unit 175, subject to the conditions and Code requirements attached to the staff report.

## RECOMMENDED CONDITIONS OF APPROVAL

**Case** PL202300065

**Project Description:** Conditional Use Permit for an art studio in an existing tenant space located at 7700 W Old Shakopee Road, Unit 175.

**Address:** 7700 W OLD SHAKOPEE RD

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 bike rack must be provided and shown on the approved plans.
2. Ongoing The plans must be as shown on the approved plans in Case File # PL202300065 unless approved by the Planning Manager.
3. Ongoing Parking lot and site security lighting plans must be maintained to satisfy the requirements of City Code Section 21.301.07.
4. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 21.301.17).
5. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.