



# Development Review Committee

## Approved Minutes

Pre-Application, PL202400033

Meeting Date: March 12, 2024

McLeod Conference Room

Bloomington Civic Plaza, 1800 West Old Shakopee Road

### Staff Present:

Brian Hansen (Eng., Chair)	952-563-4543	Deb Heile (Eng)	952-563-4628
Laura McCarthy (Fire Prev)	952-563-8913	Sarina Eschbach (Eng)	952-563-4607
Kelly Beyer (Bldg & Insp)	952-563-4519	Elliott Brooks (Planning)	952-563-8917
Mike Centinario (Planning)	952-563-8921	Liz O'Day (Planning)	952-563-8919
Matt Brillhart (City Clerk)	952-563-4923	Mike Thissen (Env. Health)	952-563-8981
Tim Kampa (Utilities)	952-563-8776	Pete Miller (Fire Prev)	952-563-8967
Desmond Daniels (Police)	952-563-8848	Glen Markegard (Planning)	952-563-8923
Daniel Devers (Env. Health)	952-563-8975	Dakota Crowell (Planning)	952-563-8926
Kevin Toskey (Legal)	952-563-4889	Veronica Martinez (Bldg & Insp)	952-563-8504
Erik Solie (Env. Health)	952-563-8978	Jennifer Blumers (Assessing)	952-563-8706
Daniel Bethke (Comm Dev)	952-563-4649	Jordan Vennes (Utilities)	952-563-4533
Jason Heitzinger (Assessing)	952-563-4512	David Spaeth (Comm Dev)	952-563-8964
Lance Stangoehr (Fire Prev)	952-563-8969		

### Project Information:

Project	Restaurant - 10700 Bloomington Ferry Rd - Pre-App CUP/FDP
Site Address	10700 BLOOMINGTON FERRY RD, BLOOMINGTON, MN 55438
Plat Name	RESERVE ADDITION;
Project Description	Conditional use permit for a new restaurant with outdoor seating and Final Development Plans for an addition
Application Type	Final Development Plan Conditional Use Permit
Staff Contact	Elizabeth O'Day - eoday@BloomingtonMN.gov (952) 563-8919
Applicant Contact	Anna Beth Gunderson - <NO PRIMARY PHONE> annabeth@pkarch.com
Post Application DRC	YES

NOTE: To view all documents and minutes related to this review, please go to [www.blm.mn/plcase](http://www.blm.mn/plcase) and enter "PL202400033" into the search box.

### Guests Present:

Name	Email
Anna Beth Gunderson (Designer, PKA Architecture)	<a href="mailto:annabeth@pkarch.com">annabeth@pkarch.com</a>

Mike Brown (Co-owner, Travail Collective/Pig Ate My Pizza) N/A

## INTRODUCTION –

The applicant is proposing a conditional use permit for a new restaurant with 88 indoor seats and 96 outdoor seats (open year-round) and final development plans for a 1,200 square foot addition off the back of the building. The addition would include food storage, cooler/freezer and trash room. The applicant may be requesting flexibility to the principal building setback along Landau Circle.

## 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.

- Parks and Recreation:
  - Absent.
- Jason Heitzinger (Assessing):
  - No comments.
- Erik Solie/Mike Thissen (Environmental Health):
  - Erik Solie
    - Provide an Environmental Health Plan Review application with plan submittal for each proposed food facility.
    - Submit equipment spec. sheets (wasn't included in the Comments Summary)
  - Mike Thissen had a question for Mike Brown.
    - "Is that your guys' shipping container that's onsite right now?"
      - Mike Brown replied, "No".
- Kelly Beyer (Building and Inspection):
  - Two accessible exits are required from the patio.
  - SAC review by Met Council will be required.
  - Are there any wheelchair accessible or ambulatory restrooms? The stalls do not appear to meet the size requirements for a wheelchair accessible stall.
    - Amy Beth Gunderson stated, "There's a chance it isn't scaled correctly but they do meet the 2010 ADA standards for wheelchair accessible compartments."
    - Kelly said, "Minnesota follows the 2020 MN accessibility code. I don't know if those are the same requirements but that is what we have adopted for the state of Minnesota."
    - Anna Beth replied, "Thank you, I will check that."

- Laura McCarthy (Fire Prevention):
  - Appliances/cooking producing grease laden vapors requires a hood and suppression system.
  - The covered outdoor seating may require sprinkler protection.
  - Propane gas heaters would not be allowed.
- Desmond Daniels (Police):
  - No comments.
- Brian Hansen (Engineering):
  - What is the plan for all of this existing pavement (on the north side)?
    - Mike Brown said, “While excavating to put in the concrete slab for the cooler, we would just get everything out of there and it would be returned to grass.”
  - Provide stormwater management plan meeting the requirements of Bloomington Comprehensive Surface Water Management Plan
    - Brian said, “If you disturb more than 5,000 square feet or 50 cubic yards of material, treat that additional for stormwater rate, quality and volume. Depending on the size of the patio, it looks like based on the exterior addition here and the square feet of the covered patio, you would still be below that 5,000 square feet. So that wouldn’t trigger any additional treatment onsite. But when you submit your final construction drawings, we need to confirm that you’re below those thresholds.”
  - Keep the sidewalk connection, or adjust to align with the front entrance, when removing the excess pavement and replacing with landscaping in this area.
    - Brian explained, “Currently it is showing a sidewalk connection on the northeast corner of the site. If that can get you to the front entrance, that’s great but I just wanted to point that out. I know Liz talked about it in her comments.”
  - Show location of a bike rack and bike rack detail on the plan.
  - Provide updated private common driveway/access easement/agreement if needed.
    - Brian said, “I’m not sure if any language needs to be amended for this proposed use but just making sure that the agreement covers the parking, the access to this parcel through the site and whatever is proposed and current.”
- Jordan Vennes (Utilities):
  - Any new or substantial remodel of a food service facility must provide an exterior grease interceptor and grease interceptor maintenance agreement. See "Grease Interceptor Info Packet" PDF for more information on the policy, sizing and the required maintenance agreement.
- Public Health:
  - Absent.
- Kevin Toskey (Legal):

- No comments.
- Matt Brillhart (City Clerk)
  - Please submit liquor license application at least 60 days prior to desired opening date.
    - Matt shared, “Liquor licenses are approved by the City Council but do not require a public hearing.”
- Liz O’Day (Planning):
  - The building setback along Landau Circle is 35 feet. The building expansion is shown at 25 feet. A setback deviation may be considered.
    - Liz explained, “The code requires a 35-foot setback from the Landau Circle property line, where 25 feet is showing with the addition. So a setback deviation would be required.”
  - Exterior materials must meet Section 19.63.08. Provide elevation drawings of the new addition area with proposed building materials.
  - I got 49 spaces for the proposed restaurant. Please verify or show the calculation based on the requirements in City Code 21.301.06.
  - Please provide a parking analysis of Countryside Center with square footages of each space and # of seats for the existing restaurant uses.
  - Will the canopy be attached to the building? There are additional standards if it is detached. (see markups on plan)
    - Liz described, “If the canopy is detached, it counts as an accessory structure and can’t be located between the building and the street. A development flexibility could be considered but that would have to be included in the application package if you are going to be applying for that flexibility or deviation.”
  - Liz said, “Odor control is not required because the restaurant is more than 250 feet away from the nearest wall of a residential dwelling. I will modify the Comment Summary and re-send that to you after the meeting.”
- Brian Hansen opened the meeting up to questions.
  - Anna Beth Gunderson asked, “I was hoping for some clarification from the Fire Marshall on site access. Is access along the south and the east sides of the building enough and we’re fine to cut off access on the north and the west, as shown?”
    - Laura McCarthy said “It really depends on the type of landscaping that is going to be required and where it is at for us to be able to use the street as access on Ferry Road and Landau Circle. We can look at that a little bit more. We don’t want to make it worse than it is and I think there is some possibility on the north side of using the street if we can keep some of the landscaping needs and methods from barring our way. We can continue to work through that as you refine your plans.”

- Mike Brown inquired, “I had a question on that. Are you saying like no putting in a barrier that will prevent you from access? Like no big fence on that side or something like that, right?”
    - Laura McCarthy replied, “That’s part of it, yes. The other thing can be trees, depending on the slope of that. The challenges we have with even the landscaping is Minnesota winters. We definitely don’t want to see fences that would deter people movement and hose lines. I think with the drawings that you have, we can work with this and just need to define what your landscaping methods are to ensure we don’t make it any worse. I know that’s not a clear answer but I think working with Planning and Engineering is going to be important to meet their requirements as well. So once those are met, we can define it a little bit more. I don’t see a dealbreaker here yet.”
  - Anna Beth Gunderson mentioned, “I guess I could clarify that the outdoor patio canopy is going to be attached to the existing building.”
  - Mike Brown revealed, “A possible opening date would be sometime in the fourth quarter, probably late in the fourth quarter. We’re going to try to get contractors involved and are hoping to get things going by summer to be able to make a fall construction completion.”
- Meeting Adjourned.



# Comment Summary

**Application #:** PL202400033

**Address:** 10700 BLOOMINGTON FERRY RD, BLOOMINGTON, MN 55438

**Request:** **Conditional use permit for a new restaurant with outdoor seating and Final Development Plans for an addition**

**Meeting:** Pre-Application DRC - March 12, 2024

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

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

- 1) The building setback along Landau Circle is 35 feet. The building expansion is shown at 25 feet. A setback deviation may be considered.
- 2) Exterior materials must meet Section 19.63.08. Provide elevation drawings of the new addition area with proposed building materials.
- 3) 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.
- 4) Parking lot and exterior security lighting must meet Section 21.301.07. A minimum of 2.0 foot-candles is required on the parking surface (which may be reduced to 1.0 foot-candles for the outer perimeter of the parking lot).
- 5) It appears many landscape material is missing for the center itself. The missing landscape material, as identified on the landscape plan, must be replaced for the material closest to the subject building. The building addition would require 1 tree per 2,500 square feet 1 shrub per 1,000 square feet of disturbance. A landscape surety must be provided for the new material.
- 6) Outdoor dining areas must comply with the noise source requirements of § 10.29.02.
- 7) Please provide a parking analysis of Countryside Center with square footages of each space and # of seats for the existing restaurant uses.
- 8) Provide a sidewalk connection from the building to public sidewalk or street.
- 9) Interior trash and recycling must be provided (see City Code Section 21.301.17).
- 10) Sidewalk must be 7 feet wide when adjacent to parking stalls
- 11) Will the canopy be attached to the building? There are additional standards if it is detached.
- 12) I got 49 spaces for the proposed restaurant. Please verify or show the calculation based on the requirements in City Code 21.301.06.
- 13) Staff will need to review the 4 new spaces. Please include a more detailed plan on these spaces if they are needed.
- 14) All rooftop equipment must be screened equal to the height of the equipment. (Section 21.301.18)
- 15) The conditional use permit fee is \$880 and final development plan is \$830. If there is a setback deviation, City Council must be the final decision maker.

**Building Department Review - Pre-App Contact:** Kelly Beyer at kbeyer@BloomingtonMN.gov, (952) 563-4519

- 1) Two accessible exits are required from the patio.
- 2) Must meet 2020 MN State Building Code
- 3) Must meet 2020 MN Accessibility Code.
- 4) Building plans must be signed by a MN licensed architect.
- 5) SAC review by MET council will be required.
- 6) Provide a detailed code analysis with the plans.
- 7) Canopy plans shall be designed by a MN licensed structural Engineer.
- 8) Plumbing fixture count shall meet requirements of Table 2902.1.
- 9) Are there any wheelchair accessible or ambulatory restrooms? The stalls do not appear to meet the size requirements for a wheelchair accessible stall.

**Fire Department Review - Pre-App Contact:** Laura McCarthy at [lmccarthy@BloomingtonMN.gov](mailto:lmccarthy@BloomingtonMN.gov), (952) 563-8965

- 1) Maintain emergency vehicle access and circulation throughout the property.
- 2) Appliances/cooking producing grease laden vapors requires a hood and suppression system.
- 3) Fire alarm panel(s), annunciator panel(s) and Knox box locations to be determined by the Fire Prevention Division.
- 4) Ensure fire alarm and sprinkler system are installed for the occupancy classification.
- 5) Building/property shall be adequately signed for emergency response.
- 6) The covered outdoor seating may require sprinkler protection.
- 7) Propane gas heaters would not be allowed.

**Environmental Health Review - Pre-App Contact:** Erik Solie at [esolie@BloomingtonMN.gov](mailto: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.
- 2) Provide specification sheets during plan submittal on all new and used equipment being proposed for use in this facility.
- 3) Provide an Environmental Health Plan Review application with plan submittal for each proposed food facility.

**Construction/Infrastructure Review - Pre-App Contact:** Brian Hansen at [bhansen@BloomingtonMN.gov](mailto:bhansen@BloomingtonMN.gov), (952) 563-4543

- 1) What is the plan for all of this existing pavement?

**Water Resources Review - Pre-App Contact:** Brian Hansen at [bhansen@BloomingtonMN.gov](mailto:bhansen@BloomingtonMN.gov), (952) 563-4543

- 1) An erosion control bond is required.
- 2) Provide stormwater management plan meeting the requirements of Bloomington Comprehensive Surface Water Management Plan
- 3) Utility as-builts must be provided prior to issuance of Certificate of Occupancy.
- 4) List erosion control maintenance notes on the plan.
- 5) Show erosion control BMP locations on the plan.
- 6) A maintenance agreement must be signed by the property owner and recorded at Hennepin County.

**Traffic Review - Pre-App Contact:** Brian Hansen at [bhansen@BloomingtonMN.gov](mailto:bhansen@BloomingtonMN.gov), (952) 563-4543

- 1) keep the sidewalk connection, or adjust to align with the front entrance, when removing the excess pavement and replacing with landscaping in this area.
- 2) Provide appropriate MMUTCD references for signs proposed for circulating traffic. All private signage must be installed outside of the city right-of-way.

- 3) List the number of parking spaces required by city code and the number of spaces provided on the site plan. If shared parking is identified and included for this proposed use, provide information about all of the uses and parking requirements for existing parking.
- 4) Show location of a bike rack and bike rack detail on the plan.
- 5) 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.
- 6) Illustrate on plan that the clear view triangle (15' from property corner to driveway approaches) is not obstructed by landscaping or signage.

**Utility Review - Pre-App Contact:** Jordan Vennes at [jvennes@BloomingtonMN.gov](mailto:jvennes@BloomingtonMN.gov),

- 1) Any new or substantial remodel of a food service facility must provide an exterior grease interceptor and grease interceptor maintenance agreement. See attached "Grease Interceptor Info Packet" PDF for more information.

**PW Admin Review - Pre-App Contact:** Brian Hansen at [bhansen@BloomingtonMN.gov](mailto:bhansen@BloomingtonMN.gov), (952) 563-4543

- 1) Provide updated private common driveway/access easement/agreement if needed.

**Clerk's Office Review - Pre-App Contact:** Matt Brillhart at [mbrillhart@BloomingtonMN.gov](mailto:mbrillhart@BloomingtonMN.gov), (952) 563-4923

- 1) What is the anticipated opening date?
- 2) A business license is required.
- 3) Please submit liquor license application at least 60 days prior to desired opening date.