

GENERAL INFORMATION

Applicant: Steady Countryside LLC (owner)
Pig Ate My Pizza (user)

Location: 10700 Bloomington Ferry Road

Request: 1) Conditional use permit for an outdoor patio at a new restaurant
2) Major Revision to Final Development Plans for an addition onto a new restaurant

Existing Land Use and Zoning: Multi-tenant shopping center; zoned B-2 (PD)

Surrounding Land Use and Zoning: North – School; zoned R-1
East – Place of Assembly; zoned R-1
South – Sports Field; zoned R-1
West – Single-Family Residential; zoned R-1

Comprehensive Plan Designation: General Business

CHRONOLOGY

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|---------------------|------------|--|
| Planning Commission | 06/06/2024 | Recommended approval. (Vote = 7-0). |
| City Council | 06/17/2024 | Review anticipated (Consent Business agenda) |

DEADLINE FOR AGENCY ACTION

| | |
|-----------------------------|--|
| Application Date: | 05/01/2024 |
| 60 Days: | 06/30/2024 |
| Extension Letter Mailed: | No |
| 120 Days: | 08/29/2024 |
| Applicable Deadline: | 06/30/2024 |
| Newspaper Notification: | Confirmed (05/23/2024 Sun Current – 10-day notice) |
| Direct Mail Notification: | Confirmed (500 buffer – 10-day notice) |

STAFF CONTACT

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PROPOSAL

The applicant proposes a new restaurant at Countryside Center located at 10700 Bloomington Ferry Road. Travail Restaurant Group by Soul Brothers LLC is proposing a restaurant called Pig Ate My Pizza at the former gas station/convenience facility at Countryside Center. Soul Brothers LLC has been operating restaurants in the Twin Cities since 2010 and currently operates two restaurants in the City of Robbinsdale, Minnesota. The group intends to expand into Bloomington. Anticipated hours of operation would be from 11:00 a.m. to 10:00 p.m. Friday through Sunday and 4:00 p.m. to 9:00 p.m. Monday through Thursday. They expect to employ 20 people.

The scope of work includes renovating the existing 3,200 sq. ft. structure into a restaurant, constructing a 1,350 square-foot canopy over a proposed outdoor patio, and constructing an approximately 1,300 square-foot building addition off the back (north side) of the proposed restaurant. No exterior changes to the existing façade are proposed at this time. They also plan to construct four new parking stalls in front of the building.

ANALYSIS

Land Use

Restaurants are permitted uses in the B-2 zoning district. Outdoor patios associated with a restaurant are conditional uses in the B-2 zoning district. Additionally, the proposed 1,300 square-foot expansion increases the floor area by more than five percent, which requires a major revision to the Final Development Plans. The City Code requires full compliance with site characteristics (landscaping, parking, lighting, sidewalks) when the addition exceeds 25 percent or more of existing floor area on a site. While the proposed addition increases the existing floor area on the individual parcel by 30 percent, this building/parcel is part of a larger Planned Development. The increase in floor area across the full site is 4%.

City Code Compliance

The proposed development complies with a majority of the Code requirements. Table 1 provides a Code analysis of items that meet or exceed City Code. Table 2 identifies any deviations requested.

Table 1: City Code Analysis – Regulations in Compliance

| Standard | Code Required | Provided |
|--|--|---|
| Building rear yard setback (minimum) (Section 21.301.02) | 15 feet | 69 feet |
| Building side yard setback (minimum) (Section 21.301.02) | 10 feet | 57 feet |
| Building setback from residential (minimum) (Section 21.301.02) | 50 feet | 180 feet |
| Minimum building size (Section 21.301.01) | 2,000 square feet for restaurants | 4,400 square feet |
| Parking setback (along street) (minimum) (Section 21.301.06) | 20 feet | 39 feet |
| Impervious surface coverage (maximum) (Section 21.301.01) | 90 percent | 76 percent |
| Parking stall size (minimum) (Section 21.301.06) | 9 feet by 18 feet | 9 feet by 18 feet |
| Drive aisle (minimum) (Section 21.301.06) | 24 feet | 28 feet |
| Trash collection area (minimum) (Section 21.301.17) | 26 square feet | 152 square feet |
| Trees (minimum) (Section 21.301.15) | 13 trees | 13 trees |
| Shrubs (minimum) (Section 21.301.15) | 32 shrubs | 82 shrubs |
| Restaurants Performance Standards | Code Required | Provided |
| Outdoor dining setbacks (along streets) (minimum) (Section 21.302.19) | 20 feet | 35 feet |
| Outdoor dining setbacks from abutting zoned and used residential (minimum) (Section 21.302.19) | 50 feet | 200 feet |
| Enclosure Required for outdoor dining areas of 30 or more seats (Section 21.302.19) | Fence, structure or barrier required | Fence shown on plans |
| Vehicle barrier when outdoor dining area is adjacent to parking (Section 21.302.19) | Vehicle barrier required | Concrete curb and privacy fence shown on plans |
| Noise (Sections 21.302.19 and 10.29.02) | L50 – 60 dBA (daytime) L10 – 65 dBA (daytime) L50 – 50 dBA (nighttime) L10 – 55 dBA (nighttime) | Compliance required on an on-going basis |

Table 2: City Code Analysis – Regulations Requiring Amendments or Flexibility

| Standard | Code Required | Provided | Flexibility or Revision? |
|--|---------------|------------|---|
| Building setback along all streets (minimum) (Section 21.301.02) | 35 feet | 25 feet | Deviation requested – more discussion below |
| Off-street parking required (minimum) (Section 21.301.06) | 212 spaces | 179 spaces | Deviation requested – more discussion below |

Building Design

The existing 3,100 square-foot building was a former gas station and convenience store facility. The proposed 1,300 square-foot building addition onto the north side of the existing building would be one story and 13 feet tall. The expansion area would include a walk in-cooler and freezer, dry goods storage, and trash room. The existing building would be converted and renovated to serve as the restaurant.

In the B-2 District, buildings require a 35-foot setback from the property line along Landau Circle, which is a public street. The applicant is proposing a 25-foot setback from the property line along Landau Circle. Landau Circle is a cul-de-sac that serves as access for Countryside Center and the adjacent school to the north. All travel sight lines would be maintained, and the building would be located outside of the required 20 foot-landscape yard. The proposed project provides a public benefit by renovating an older and vacant gas station into a restaurant, providing more activity and vibrancy to an aging commercial center in Bloomington.

The existing building entrance would be closed off and the primary restaurant entrance would be shifted to the southwest corner of the building. The main dining room would hold 75 seats. The kitchen would be an open-kitchen concept with seven seats overlooking the kitchen area.

The outdoor patio would be located to the east of the existing building and would accommodate a total of 96 outdoor seats. An attached steel canopy would cover 72 seats and would be open year-round. The remaining 24 seats would be seasonal only and covered by a seasonal sunshade. An 850 square foot play area would be constructed north of the outdoor patio area. If the play equipment exceeds seven feet tall, the equipment would be considered an accessory structure and would not be allowed in the proposed location. The play equipment must remain under seven feet tall to be Code compliant.

The existing building façade would remain unchanged except for a building sign. The proposed expansion area would have corrugated metal panels. The proposed building material is compliant with City Code, provided it meets warranty and thickness requirements.

Landscaping, Screening and Lighting

The City Code requires 13 trees and 32 shrubs. The landscaping plan shows a compliant quantity of trees and shrubs. There are a few parking island trees that are missing, which requires a revision to the plan. The plan shows a solid screen for the parking spaces along the street and along the perimeter of the outdoor patio area. In addition, the supplemental landscaping policy recommends that 50% of a building facing a street must have foundation plantings. The building facade fronting Bloomington Ferry Road has the outdoor patio in between the building and the street. The outdoor patio is heavily screened with vegetation around the border. The north side of the building façade does not have foundation plantings. It appears there is a small strip of area between the building and the curb that could accommodate foundation plantings.

Parking lot lighting is compliant for the entire Countryside Center. However, the applicant is constructing three new parking spaces that need to be compliant for lighting. The existing lighting plan shows 1.2 FC on the new parking stall surface where 2.0 FC is required. An updated fixture or additional light would likely increase the light level to be compliant. A condition of approval requiring lighting compliance is recommended.

Any rooftop equipment visible from the streets must be screened equal to the height of the equipment.

Access, Circulation, and Parking

Site access would continue to be provided from the existing driveways off Bloomington Ferry Road and Landau Circle. There is an existing bike and pedestrian trail along Bloomington Ferry Road and public sidewalks along Landau Circle and Old Shakopee Road. A sidewalk connection would link the building entrance with the trail on Bloomington Ferry Road. Bike racks would also be provided.

The applicant would remove an interior existing parking island in front of the building and add three new spaces. The parking stalls meet Code for size.

The applicant provided areas and seat count information for the tenants in Countryside Center. Staff calculated the required parking for the entire center as 212 parking spaces. The required parking for Pig Ate My Pizza is 52 spaces. The parking provided on-site is 179 spaces. The applicant is seeking Planned Development (PD) flexibility for the quantity of off-street parking. In addition, they are showing a proof-of-parking plan for 30 stalls on the west side of the shopping center. A Proof of Parking Agreement must be recorded and filed prior to the issuance of a building permit.

Lastly, the Pig Ate My Pizza property is a separate parcel from the larger Countryside Center Shopping Center. In the instance of the subject property being sold to a different property owner, a shared parking agreement must be recorded and filed that covers how parking will be maintained and shared among different property owners. Many of the existing tenants and the restaurant have varying peak times and would not occupy the center at one time. Therefore, staff is supportive of both flexibility to the overall quantity of parking and the shared parking agreement.

Due to the pending proof of parking agreement, the history of available parking at the site, and the requirement for a future shared parking agreement, if necessary, staff is comfortable with the overall parking proposed, subject to the conditions attached to the staff report.

Table 3: City Code Required Parking Analysis

| Use | Code Requirement | Unit or Number | Spaces Required |
|---|---|-------------------------------------|--|
| Restaurant (Pig Ate My Pizza) | 1 space per 3 indoor seats If seasonal outdoor dining seats exceed 20% of indoor/rooftop seating, the required parking for outdoor dining seats exceeding 20% is one space per 3 seats | 75 indoor seats 96 outdoor seats | 52 spaces |
| Retail (Perrier Wine and Liquor, Edge Hair, TNails, The Arts Creative Studio, Tranquility Zone, Home Video Studio, Bush Lake Vet, Clawzone, Dominos, Gifted Barbership) | 1 space per 180 square feet | 16,735 square feet of total retail | 93 spaces |
| Office (State Farm, Chiro Club) | 1 space per 285 square feet | 1,725 square feet of total office | 6 spaces |
| Restaurants (Zeke's (110 seats), West Side Park (38 seats) Scoops (4 seats) Don Ho (32 seats) | 1 space per 3 seats and 1 space per 5 outdoor seats | 184 indoor seats | 61 spaces |
| Parking Required | | | 212 spaces |
| Proposed Parking | | | 179 spaces (including three new spaces) |
| Percent Deviation from City Code | | | 15.6% |
| Proposed Proof of Parking | | | 30 spaces |
| Total Parking (with Proof of Parking) | | | 209 spaces |
| Percent Deviation from City code (with Proof of Parking) | | | 2.5% |

Miscellaneous

The City Code requires the outdoor patio to meet noise on an ongoing basis. The outdoor patio must not exceed L50 noise level of 60 dBA and L10 noise level of 65 dBA during daytime hours (7:00 a.m. to 10:00 p.m.) measured at the nearest residential receiver. The nighttime noise levels would not apply due to the restaurant closing at 10:00 p.m. If the hours extend past 10:00 p.m., the outdoor patio must not exceed the nighttime noise levels as identified in City Code 10.29.02.

The Code requires a 27 square-foot trash and recycling area. All trash and recycling must be located in the indoor trash room. The applicant is providing a 152 square foot trash room in the building expansion.

City Code Section 10.24 requires an odor suppression system when a food service facility is located within 250 feet of the nearest wall of a residential dwelling. The proposed restaurant is located 300 feet from the nearest wall of a residential dwelling. Therefore, odor suppression is not required.

The restaurant would be serving alcohol. The applicant must apply for a liquor license at least 60 days prior to projected opening date.

Stormwater Management

Stormwater must be managed to meet the City's and Watershed District's requirements for stormwater rate control (quantity), stormwater quality and volume.

The Stormwater Management plan calculations and narrative have been reviewed and with some revisions identified by Staff appear to meet the requirements in the City of Bloomington Comprehensive Surface Water Management Plan. A maintenance plan has not yet been provided and will be required to be signed and filed at Hennepin County. This site is located within the Riley Purgatory Bluff Creek Watershed District, so an additional permit will be required.

Utilities

The subject property is served by City sanitary sewer and water service. The City Engineer must approve utility plans prior to issuing grading or other building permits. Sanitary sewer to service to the site is proposed to be provided via an existing private service that runs to the west connecting to the City's system in the Wyoming Road area. Based on the applicants estimated peak hour wastewater flows, there is sufficient City sanitary sewer network capacity to handle the increased flows from the proposed development. The applicant will be required to install a grease interceptor that is properly sized to treat all fats, oils and grease generated from the building per City standards.

A looped watermain is proposed via the watermain that runs along Landau Circle and W Old Shakopee Road. A combined domestic/fire service connection to the building will be required. Finally, the proposed building must have adequate fire hydrant coverage

Traffic Analysis

Based on the ITE trip generation information from the proposed restaurant, adjacent roadway capacity and existing ingress and egress to the site no significant impacts to the adjacent traffic patterns due to this proposed restaurant have been identified.

Fire Prevention and Public Safety

Emergency vehicle access and circulation must be maintained throughout the property and must be free of any obstructions. Parking fire lane signage to be reviewed, approved, and installed prior to the certificate of occupancy.

Ensure that proposed landscaping doesn't interfere with access to the building, hydrants, fire department connection and egress components. Based on the current proposed plan, the fire department connection shall be moved to the south side of the building.

The building must be addressed plainly and visible from the street or road using numbers that contrast with the background. The numbers must be a minimum of four inches, be Arabic numbers or alphabetic letters with a minimum stroke width of 0.5 inches. A lock box (Knox or DAMA) is required for the property. The location must be approved by the fire department.

A common concern for restaurants, especially those producing grease laden vapors, is to assure the hood suppression system is tested to the UL300 Standard, be listed and labeled for the intended application and have the capability to flow water through the same nozzles upon discharge of the wet chemical.

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

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. | Finding Made – The property is guided as General Business in the Comprehensive Plan. A restaurant with an outdoor patio 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 in an area with any adopted District Plan. |

| Required Finding | Finding Outcome/Discussion |
|--|---|
| (3) The proposed use is not in conflict with City Code provisions. | Finding Made – Subject to compliance with the recommended conditions of approval and approvals for PD flexibility, the proposed use is not in conflict with 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. | Finding Made – The restaurant with an outdoor patio will not create an excessive burden on parks, schools, streets and other public facilities and utilities. The restaurant and outdoor patio would utilize the existing building and public facilities. The existing roadways and access are adequate to serve the proposed use. The sanitary sewer and water facilities have adequate capacity for the proposed use |
| (5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare. | Finding Made – Subject to the conditions attached to the staff report, the proposed uses are not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and welfare. |

Required Final Development Plans Findings – Section 21.501.03(e)(1-7)

| Required Finding | Finding Outcome/Discussion |
|---|---|
| (1) The proposed development is not in conflict with the Comprehensive Plan. | Finding Made – The property is guided as General Business in the Comprehensive Plan. A restaurant with an outdoor patio is not in conflict with the Comprehensive Plan. |
| (2) The proposed development is not in conflict with any adopted district plan for the area. | Finding Made – The property is not located in an area with any adopted District Plan. |
| (3) The proposed development is not in conflict with the approved preliminary development plan for the site. | Finding Made – The proposed development is not in conflict with the approved preliminary development plan for the site. |
| (4) The proposed development is not in conflict with state law and all deviations from city code requirements are in the public interest and within the parameters allowed under the Planned Development Overlay Zoning District or have previously received variance approval. | Finding Made – The deviations required for parking and building setback are in the public interest and within the parameters allowed under the Planned Development Overlay District. |

| Required Finding | Finding Outcome/Discussion |
|--|--|
| (5) The proposed development is of sufficient size, composition and arrangement that its construction, marketing and operation is feasible as a complete unit without dependence upon any subsequent unit. | Finding Made – The subject expansion is to be constructed in a single phase. The operation of the facility would not be dependent upon any subsequent unit. |
| (6) The proposed development 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 – Two major roadways directly serve the subject property with adequate capacity. There is adequate utility infrastructure available to serve the proposed expansion. The proposed expansion is not anticipated to be an excessive burden on parks, schools, streets and other public facilities and utilities which are proposed to serve the development. |
| (7) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare. | Finding Made – The proposed expansion is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare. |

RECOMMENDATION

The Planning Commission and staff recommend approval through the following motions:

Motion by _____, seconded by _____, having been able to make the required findings, to approve Resolution No. 2024-_____, a resolution approving a conditional use permit for an outdoor patio at a new restaurant, subject to the conditions and Code requirements attached to the staff report.

Motion by _____, seconded by _____, to approve a major revision to Final Development Plans for an addition onto a new restaurant, subject to the conditions and Code requirements attached to the staff report.