

## GENERAL INFORMATION

Applicant:	GWR Minnesota Property Owner, LLC (Owner) Great Wolf Lodge Minnesota (User)
Location:	1700 American Boulevard East
Request:	<ol style="list-style-type: none"><li>1) Conditional Use Permit for an indoor recreation use in the C-4 zoning district</li><li>2) Major Revision to the Final Development Plan to allow the sale of day passes to non-hotel guests at an existing waterpark</li><li>3) Change in Condition related to Case #PL2016-233 to allow the sale of day passes to non-hotel guests at an existing waterpark</li></ol>
Existing Land Use and Zoning:	Hotel w/accessory water park; zoned C-4(PD)
Surrounding Land Use and Zoning:	North – Interstate Highway 494 right-of-way South – Hotel and office; zoned C-4(PD)(AR-22) and FD-2(AR-22) East – State Highway 77 right-of-way West – Office and bank; zoned C-4(AR-22)
Comprehensive Plan Designation:	Community Commercial

## HISTORY

City Council Action:	09/27/2004 – Approved a Final Development Plan for a hotel development subject to 12 conditions and 12 Code requirements (Case 6001A-04) – see attached minutes
City Council Action:	02/06/2017 – Approved Conditional Use Permit and a Major Revision to Final Development Plans to renovate and expand an existing hotel w/accessory waterpark (Case #PL201600233) – see attached minutes

## CHRONOLOGY

Planning Commission	05/09/2019 – Continued to 05/23/2019 meeting
Planning Commission	05/23/2019 – Recommended approval

City Council

06/03/2019 – Development Business

## DEADLINE FOR AGENCY ACTION

Application Date:	04/03/2019
60 Days:	06/02/2019
Extension Letter Mailed:	Yes
120 Days:	08/01/2019
<b>Applicable Deadline:</b>	<b>08/01/2019 (Extended by City)</b>
Newspaper Notification:	Confirmed (04/25/2019 Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed (500-foot buffer – 10 day notice)

## STAFF CONTACT

Nick Johnson, Planner

Phone: (952) 563-8925 E-mail: nmjohnson@BloomingtonMN.gov

## PROPOSAL

Great Wolf Lodge Minnesota is requesting multiple actions to allow for the sale of day passes to non-hotel guests for an existing waterpark located at 1700 American Boulevard East. The existing water park is currently accessory to an existing 404-room hotel. The hotel and water park, formerly the Radisson and Water Park of America, was purchased and renovated by Great Wolf in 2017. To facilitate this renovation, the applicant obtained Conditional Use Permit and Final Development Plan approval (Case #PL2016-233). The approval included a condition (Condition #14) that the water park and other amenities would be restricted to hotel guests only. More specifically, Condition #14 of Case #PL2016-233 stated the following:

14. Use of the water park and other entertainment venues is limited to hotel guests only. Use of the restaurants is limited to hotel and meeting space guests only.

At the time of the hotel purchase and renovation, the restriction of water park access to hotel guests only matched the operational model of Great Wolf. However, Great Wolf has revised their operational model for the majority of its water parks to allow for the sale of a limited number of day-passes to non-hotel guests. Great Wolf would like to introduce this operational change to their Bloomington facility. To facilitate this change, they are requesting a Change in Condition from Case #PL2016-233 to revise Condition #14 to read as follows:

14. Use of the restaurants and other entertainment venues is limited only to guests of the hotel, meeting spaces, and water park. Use of the water park is limited to overnight guests of the hotel and holders of day-use water park passes, subject to the following conditions:

- a. Applicant will require all parked vehicles in its parking lot(s) to have a valid parking pass, and will patrol the parking lot(s) during peak business hours to ensure compliance with the parking pass requirement;
- b. Applicant will limit issuance of day-use and group-event (e.g. birthday parties) water park passes based on the expected number of parking spaces available for each day. If no parking passes are expected to be available for a given day, Applicant will not issue any day-use water park passes for that day. If a limited number of parking passes are expected to be available for a certain day, Applicant will sell day-use water park passes and corresponding parking passes but will stop sales once all parking passes have been issued;
- c. The amount of parking passes available to be issued to day-pass users will be determined by the following formula, as set forth in the Alliant Engineering Great Wolf Lodge Parking Study dated March 29, 2019:

Available Parking Passes = Total Parking Supply – (1.153 \* Number of Occupied Hotel Rooms)

- d. Total parking supply is Applicant's on-site parking and also includes leased parking at any time that (i) Applicant provides valet parking and (ii) a Memorandum of Lease or other similar instrument is recorded with respect to the leased parking. The total parking supply figure will be decreased if factors such as snow storage, equipment storage, or a decrease in leased parking reduce the total parking supply;
- e. In the event the property experiences congestion in the front entrance area that the Fire Department determines is blocking fire lanes or emergency vehicle access, Applicant will implement a valet parking program to the extents needed to alleviate such congestion;
- f. Applicant will install signage and wayfinding in its parking areas to alert visitors to the parking pass requirement and to direct visitors to available parking;
- g. Applicant will provide the following data for dates determined by the City on no greater than a quarterly basis when requested by the City:
  - i. The number of vehicles parked on-site and on leased premises;
  - ii. The number of hotel rooms occupied; and
  - iii. The number of water park day-use or group-event passes issued.

The requested Change in Condition would allow the sale of day-use and group-event water park passes to non-hotel guests according to a formula dictating the quantity of available day-use passes and includes other operational performance criteria intended to ensure safe and efficient operations. In their project description, Great Wolf states that the quantity of available day-use water park passes will be monitored based on forecasted reservation and occupancy data based on historic and recent trends. At the Planning Commission meeting, Great Wolf staff stated that the sale of day-use water park passes will only be conducted through online pre-sales, allowing greater control of water park guests. The applicant stated that no "walk-up" sales of day-use passes will occur.

In addition to the Change in Condition application, a Conditional Use Permit and Major Revision to Final Development Plans are also requested. The Conditional Use Permit is required, as indoor recreation and entertainment is a Conditional Limited (CL) use in the C-4 zoning district. The Major Revision to Final Development Plans is requested as a means to request a deviation from the required off-street parking quantity in City Code (Sec. 21.301.06(d)).

As part of the subject application, no physical changes to the site or building are being requested at this time. Operational changes would be mostly limited to monitoring and adjusting appropriate levels of staffing to accommodate any increased patronage as a result of the issuance of day-passes to non-hotel guests. To accommodate any increased visitors to the facility, patrons will be directed to park on-site or, via valet at the adjacent parking ramp located at 1550 American Boulevard East. The Great Wolf facility has 547 parking stalls (506 surface and 41 underground garage) on-site. The applicant has entered into a parking license agreement with the property owner of 1550 American Boulevard East (LSREF4 Bison LLC) to lease 183 parking spaces Monday through Friday between the hours of 5:00pm and 7:00am and at all times on Saturdays, Sundays and banking holidays. The parking license agreement was submitted as part of the application. The total quantity of parking under consideration when factoring in the leased parking on the adjacent property is 730 parking spaces.

## **ANALYSIS**

### **Land Use**

The waterpark and associated games and activities at the Great Wolf facility are considered indoor recreation and entertainment according to City Code. Indoor recreation and entertainment is a Conditional Limited (CL) use in the C-4 zoning district. The “Limited” designation establishes a maximum floor area for the indoor recreation and entertainment use at 25 percent. In the case of the Great Wolf facility, the uses that would be considered indoor recreation and entertainment would include the water park, dry play area, bowling alley, arcade, and magiquest activities. The areas that comprise the indoor recreation and entertainment use total approximately 80,000 square feet of the broader facility (355,088 square feet), representing 22.5 percent of the total floor area. The indoor recreation and entertainment use qualifies as a limited use in City Code. The “Conditional” (C) designation requires the property owner to obtain a Conditional Use Permit (CUP), for which they have applied. Regarding the restaurants and other associated facilities, those uses continue to remain accessory to the hotel and water park and not open to the general public.

### **Access, Circulation, and Parking**

Because no physical site or building changes are proposed, the City staff review is focused on the impact of the proposed use on site circulation and off-street parking. In order to request flexibility from the City’s off-street parking requirements, a parking study is required when the reduction or deficit in parking exceeds a certain threshold. The applicant paid for an independent parking study to analyze the parking demand of the existing facility. Alliant Engineering prepared the parking

study, which was published on March 29, 2019. The parking study is attached to the staff report for reference. In addition to analyzing a previous study of the site, the parking study collected peak parking counts on the following three dates in 2019:

- March 2<sup>nd</sup> (Saturday) – 542 vehicles;
- March 6<sup>th</sup> (Wednesday) – 358 vehicles; and
- March 7<sup>th</sup> (Thursday) – 453 vehicles.

In addition to parking counts, hotel occupancy data and the number of group-event passes (e.g. birthday parties) were also collected. The data collection was intended to establish a clear pattern or linkage between the level of hotel occupancy and the resulting peak parking demand. The resulting pattern between occupancy and peak parking demand forms the basis for a formula to determine the estimated quantity of available parking at any given time. Based on the fact that no group-event (birthday party) passes were issued on the two weekdays observed (3/6/19 and 3/7/19), the peak parking rates on those days serve as an accurate peak parking rate for the hotel absent any group-event passes being issued to non-hotel guests. As a result, the peak parking rate established by the parking study is 1.153 vehicles per occupied room.

Once the peak parking rate for the hotel was established, the study analyzed the quantity of allowable general parking permits at different levels of hotel occupancy. Anecdotally, the applicant has communicated to staff that average hotel occupancy ranges from 60-95 percent, with weekdays typically experiencing lower occupancy levels and weekends experiencing higher occupancy levels. The occupancy levels recorded in the study were 80.2 percent (3/6/19), 97.3 percent (3/7/19), and 98.5 percent (3/2/19). The applicant reported that the month of March is one of the busier periods at the hotel throughout the year due to seasonal variation and the occurrence of spring break at many local schools. Based on the peak parking rate (1.153 vehicles per occupied room) and varying levels of hotel occupancy, the parking study concluded that there is parking capacity to accommodate the issuance of a limited number of parking passes or permits to non-hotel guests. Table 3 of the parking study identifies allowable level of available parking passes to non-hotel guests based on varying levels of hotel occupancy. At maximum hotel occupancy, the available quantity of parking permits to non-hotel guests is 54 on the weekday (prior to 5:00 pm) and 223 on the weekend. The varied level of permits available from weekday to weekend reflects the increase in available parking supply through use of the adjacent parking ramp on weekends.

Regarding parking supply, the quantity of available parking stalls increases by 183 parking stalls as a result of the month to month parking license agreement with 1550 American Boulevard East. The adjacent property is an eight-story office tower and branch drive-through bank (US Bank). The majority of the employees who work at the property are not on-site after standard Monday through Friday business hours or on weekends. The use pattern or characteristics of 1550 American Boulevard East along with its direct adjacency without the need to cross public streets make a shared parking agreement or license a feasible solution to manage increased parking demand. The parking license agreement allows use of the 183 stalls, located in the central and rear portion of the second floor of the parking structure, between the hours of 5:00 pm and 7:00 am Monday through Friday and all times on Saturdays, Sundays, and banking holidays. The term of the parking license

agreement is month-to-month with a minimum 30-day notice for cancellation by either party. As noted in the parking study, the more significant benefit of the shared parking arrangement for Great Wolf Lodge is during the weekends. If either party were to cancel the parking license agreement, these stalls could no longer be factored into the parking supply by which the quantity of available parking passes for non-hotel guests is determined.

Based on the conclusion of the parking study, the applicant has requested that the following formula be used to determine the quantity of available parking passes at any one time:

$$\text{Available Parking Passes} = \text{Total Parking Supply} - (1.153 * \text{Number of Occupied Hotel Rooms})$$

This formula is consistent with the conclusions of the parking study except for the inclusion of a five percent parking surplus factor. The parking study recommends that a five percent parking surplus factor be included to limit unnecessary site circulation and the perception of inadequate parking. Great Wolf Lodge is requesting that the formula that determines the quantity of available parking passes not include the five percent surplus factor. As an alternative, Great Wolf is proposing to implement a number of operational changes to ensure that adequate parking and circulation is provided, including the implementation of parking passes, parking patrols during peak periods, valet parking, signage and wayfinding, and other operational improvements. It should be noted that the five percent parking surplus factor recommended by the parking study is not based on any empirical data collected as part of the study, but rather reflects an ideal circumstance or best practice. While staff would encourage the property owner to consider implementing a surplus factor in the consideration of the quantity of available parking passes to non-hotel guests, staff finds it acceptable to not include the surplus factor in the binding formula.

In addition to the elements and conclusion of the parking study already discussed, there are a couple of other considerations worth noting. First, the study found that as much as 50 parking stalls on-site were unavailable for use due to snow storage or the storage of goods and materials in the underground parking ramp. The unavailability of these stalls would reduce the quantity of total parking supply, as noted in the applicant's change in condition language (see condition 14(d)). Despite the fact that these stalls are removed from the total parking supply, staff would encourage the applicant to reduce the occurrence of on-site parking unavailability due to snow or goods storage. While the condition language would automatically remove these stalls from the available supply, on-site parking should be maximized to reduce the use of the leased parking. On-site parking is in closer proximity to the facility entrances/exits, reducing the length and difficulty of pedestrian travel. Finally, birthday party packages must be included in the quantity of parking passes issued to non-hotel guests. Birthday party packages have been sold in the past in conflict of existing Condition #14 from Case PL2016-233. As reflected in the applicant's requested change in condition, this form of water park use by non-hotel guests must be included and be equivalent to day-pass users.

Regarding the Code-required quantity of parking, the applicant is seeking flexibility from the parking requirements through the shared parking flexibility (Sec. 21.301.06(e)(2)). The parking requirement for the hotel is 541 parking spaces. If the water park and associated

recreation/entertainment uses were stand-alone, the parking requirement for those uses would be 506 parking spaces. The resulting total parking requirement is 1,047 parking spaces. Given that 547 parking spaces are available on-site, the requested parking deviation is 500 spaces or 47.8%. When factoring the leased parking in the total parking supply, the requested parking deviation would be 317 spaces or 30.1%. The parking deviation is supported by the conclusions of the parking study, the internal capture factor between the hotel and water park, and the leased valet parking on an immediately adjacent facility. Finally, it should be noted that the quantity of day-use water park passes available for sale is restricted according to the quantity of available parking as determined by the level of hotel occupancy.

According to City Code, flexibility to parking requirements may be granted through shared parking and through a lessor parking demand demonstrated by a parking study. The subject situation fits more neatly in the shared parking category, but also touches on flexibility through the planned development (PD) ordinance. For a shared parking arrangement to be eligible for parking flexibility, the shared parking area must be located within 500 feet of the closest entrance. The closest point of the area leased for shared parking is located between 485 to 515 feet of the southern hotel entrance depending on the pedestrian route pursued. The provision of valet parking whenever the leased parking is included in the total parking supply for the purposes of the formula reduces concerns related to proximity and lack of a dedicated pedestrian pathway between the hotel and the leased parking.

In addition to the proximity requirement, the shared parking provision is intended for shared parking agreements that are active in perpetuity. The term of the subject licensing agreement is month-to-month with a minimum 30-day cancellation period. Given that the proposed condition automatically excludes the leased parking from the parking supply should the agreement be extinguished, and that the Code does not expressly prohibit shorter term shared parking arrangements, staff finds that the subject agreement does not conflict with the shared parking flexibility provision. Staff is recommending a condition that would require Great Wolf Lodge to notify the City upon cancellation or modification to the shared parking agreement. In addition, City Code requires that the shared parking arrangement be drafted by the applicant in a legal instrument that is recorded against both properties. An additional condition is recommended that a legal instrument be drafted as approved by the City Attorney that further memorializes the shared parking arrangement, and that the instrument be recorded against the properties by the applicant following approval.

Along with the request for parking flexibility through shared parking, deviation is also possible through the Planned Development (PD) Overlay District when sufficient parking is demonstrated through a parking study. The parking study of record concludes that adequate parking is provided so long as the quantity of available parking passes is determined by a strict formula informed by the level of hotel occupancy. Flexibility through the PD Overlay District is allowed when a public benefit is demonstrated. In this case, allowing for the sale of day-use passes to an existing water park will allow more members of the public access to the facility, while supporting greater commercial success for the operator and increased opportunities and security for existing and future

employees. So long as the facility can be managed and operated safely and efficiently, it is in the public's interest to allow for increased access.

**Operational Conditions Recommended by City Staff**

To memorialize all the operational modifications and improvements presented by the applicant to ensure safe, adequate and efficient parking and circulation on-site, staff is recommending a condition that the applicant prepare a Parking Management Plan for review and approval by the City Engineer prior to the sale of water park day-passes to non-hotel guests. The Parking Management Plan would include all of the techniques referenced in revised Condition #14 as proposed by the applicant. These techniques and changes include signage and wayfinding, valet parking service, parking passes, parking patrols, parking data collection, and other methods. The Parking Management Plan would provide the applicant the opportunity to provide more detailed information about the implementation of such strategies. Information may include parking assignments for employees, hotel guests, and non-hotel guests. In addition, the plan should include ongoing methods for enforcement and monitoring. For example, planned landowner responses to illegal parking and/or fire lane violations must be expressly included in the plan. The plan must demonstrate that adequate parking and circulation will be maintained regardless of the sale of water park day-passes to no-hotel guests.

To keep the City apprised of the status of the shared parking agreement, staff is recommending a condition that formal notification be provided by Great Wolf to City officials should the agreement be cancelled by either party. If the shared parking agreement were extinguished, the number of available parking passes on weekend days would be significantly reduced. It is important that the City be notified should the agreement be extinguished for the purposes of future review and monitoring.

One additional operational condition that must be considered with the subject application related to the occupant load of the water park and associated recreation/entertainment uses within the facility. Each room/use within the facility has a maximum occupancy as determined by the Fire Code. While the focus of the subject application is on the issuance of parking passes as the main quantitative measure, as opposed to number of people, in no case or scenario can the maximum occupant loads of the facility be violated. Great Wolf Lodge staff must continue to operate the facility in a manner consistent with the Fire Code from an occupancy standpoint.

Finally, if problems arise from the issuance of water-park day-passes to non-hotel guests, they are likely to manifest themselves in the form of parking or fire lane violations. Fire lane restrictions must be monitored and observed at all times to allow for adequate circulation and emergency response. Aggressive enforcement by the hotel and water park operator is necessary given the operational change requested. It should be noted that City staff has observed fire lane violations along the north-south private drive in between the hotel and leased parking area on 1550 American Boulevard East. The use of the leased parking as part of the subject application will call for greater enforcement of this specific fire lane. A minimum of 20 feet in drive width must be maintained for



emergency vehicles. Parallel parking within this private drive-aisle is a violation of the Fire Code. Ongoing observance of fire lane requirements is recommended as an explicit condition.

### **Landscaping and Lighting**

As part of the review of any conditional use permit, the subject property must be reviewed for Code-compliance. The Great Wolf Lodge site is Code-complaint for both landscaping and lighting requirements. However, the adjacent parking ramp located at 1550 American Boulevard East may not currently meet the minimum light levels for structured parking (Sec. 21.301.07(c)(13)). If the applicant desires to include the leased parking in the adjacent parking ramp for the purposes of the available parking supply, these spaces must comply with the City's lighting requirements. A lighting inspection will need to be performed. Depending on the results of the lighting inspection, a lighting plan may need to be reviewed and approved by the Planning Manager, and compliant lighting may need to be installed and inspected prior to use. A condition of approval is recommended to address this potential nonconformity.

### **Traffic Analysis**

No significant impacts to the adjacent traffic patterns due to the issuance of water park day-passes to non-hotel guests have been identified. The subject property is served by an arterial roadway, American Boulevard East, which has adequate capacity for any additional visitors to the site.

### **Fire Preventions and Public Safety**

Applicant shall maintain emergency vehicle access and turning radius throughout the property and ensure that all areas on the property marked as fire lanes are maintained free and clear of obstructions. Fire lanes will continue to be monitored to ensure compliance.

### **Status of Enforcement Orders**

The property is not subject to any open enforcement orders. Through this application, staff has become aware that Great Wolf has been selling birthday party packages to non-guests in violation of the existing conditional use permit conditions. Approval of the requested revised application would resolve that violation. If there are future orders related to parking, Section 21.501.04(h) provides the process for the Conditional Use Permit revocation by the City Council.

### **Public Correspondence**

The City received one email in opposition to the subject application. It is attached to the agenda packet for consideration.

**Planning Commission Review**

The Planning Commission held a public hearing on May 23, 2019. Except for the applicant, no one spoke at the public hearing. The Planning Commission discussed several different dynamics of the proposed day-pass program. The Planning Commission registered concern about the potential for “walk-up” and same-day sales due to the reduced control over the total quantity of guests associated with that approach. The applicant clarified that day-passes will be issued according to a pre-sale reservation system online based on hotel occupancy and the associated number of guests, which Great Wolf tracks as part of their reservation system. The Planning Commission also emphasized the importance of the proposed Parking Management Plan to ensure operational compliance and avoid guest and visitor confusion. Following the discussion, the Planning Commission recommended approval of the applications (Vote: 5-0). Full detail of the discussion can be found in the attached minutes.

Following the review of the application by the Planning Commission, staff has added a recommended condition of approval to the Conditional Use Permit. Staff recommends that revised Condition #14 of Case PL2016-233 also be included as a condition attached to the CUP. This recommended action would make the operating conditions related to the water park day-pass program explicit in the CUP, as well as create a cleaner public record for future review and reference.

**FINDINGS**

**Required Conditional Use Permit Findings - Section 21.501.04(e)(1-5)**

<b>Required Finding</b>	<b>Finding Outcome/Discussion</b>
(1) The proposed use is not in conflict with the Comprehensive Plan.	<b>Finding Made</b> – The property is guided Community Commercial. Issuing day-use and guest-event water park passes to non-hotel guests at an existing water park does not conflict with the Comprehensive Plan.
(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 within an area with an adopted District Plan.
(3) The proposed use is not in conflict with City Code provisions.	<b>Finding Made</b> – Subject to the approval of a Major Revision to Final Development Plans and compliance with the conditions of approval, 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.	<b>Finding Made</b> – The proposal to issue day-use and guest-event water park passes will not generate increased impacts to parks, schools, and public facilities and utilities. The arterial roadway that serves the subject property, American Boulevard East, has adequate capacity for an increase in traffic to the site associated with the application. The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities that serve the planned development.

Required Finding	Finding Outcome/Discussion
(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 proposal to issue day-use and guest-event water park passes will be limited based on the quantity of available parking supply. Parking and access must be maintained according to the Parking Management Plan of record. Maximum occupant loads, as determined by the Fire Code, must be observed at all times. The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health safety and welfare.

**Required Final Development Plan 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.	<b>Finding Made</b> – The property is guided Community Commercial. Issuing day-use and guest-event water park passes to non-hotel guests at an existing water park does not conflict with the Comprehensive Plan.
(2) The proposed development is not in conflict with any adopted District Plan for the area.	<b>Finding Made</b> – The property is not located within an area with an adopted District Plan.
(3) The proposed development is not in conflict with the approved preliminary development plan for the site.	<b>Finding Made</b> – The preliminary development plan for the site does not expressly prohibit the sale of day-use water park passes to non-hotel guests. The proposed development is not in conflict with the approved preliminary development plan for the site.
(4) All deviations from City Code requirements are in the public interest and within the parameters allowed under the Planned Development Overlay District or have previously received variance approval.	<b>Finding Made</b> – The flexibility to parking requirements is allowed under the provisions of City Code through both shared parking and in the PD Overlay District. The reduction in parking requirements will allow for increased public access to the facility. So long as site parking and circulation are properly managed and enforced, the deviation is in the public interest.
(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.	<b>Finding Made</b> – The operation of the proposed development is feasible as a complete unit without dependence 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.	<b>Finding Made</b> – The proposal to issue day-use and guest-event water park passes will not generate increased impacts to parks, schools, and public facilities and utilities. The arterial roadway that serves the subject property, American Boulevard East, has adequate capacity for an increase in traffic to the site associated with the application. The proposed development will not create an excessive burden on parks, schools, streets, and other public facilities that serve the planned development.

Required Finding	Finding Outcome/Discussion
(7) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	<b>Finding Made</b> – The proposal to issue day-use and guest-event water park passes will be limited based on the quantity of available parking supply. Parking and access must be maintained according to the Parking Management Plan of record. Maximum occupant loads, as determined by the Fire Code, must be observed at all times. The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health safety and welfare.

## RECOMMENDATION

Planning Commission and staff recommend approval through the following motions:

In Case PL2019-54, I move to adopt a resolution approving a Change in Condition to Case #PL2016-233 to allow the issuance of day-use water park passes to non-hotel guests as shown in Case #PL2019-54.

In Case PL2019-54, having been able to make the required findings, I move to adopt a resolution approving a Conditional Use Permit for an existing water park and associated recreational uses located at 1700 American Boulevard East, subject to the conditions and Code requirements attached to the staff report.

In Case PL2019-54, having been able to make the required findings, I move to approve a Major Revision to Final Development Plans to allow the issuance of day-use water park passes to non-hotel guests for an existing water park and associated recreational uses located at 1700 American Boulevard East, subject to the conditions and Code requirements attached to the staff report.

## RECOMMENDED CONDITIONS OF APPROVAL

### Case PL2019-54

**Project Description:** Conditional Use Permit for indoor recreation, a Major Revision to Final Development Plans, and a Change in Condition related to Case PL201600233 to allow for the sale of day passes to an existing waterpark.

**Address:** 1700 American Boulevard East

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 Day-Pass Sales      A Parking Management Plan must be submitted for review and approval by the City Engineer.
2. Prior to Day-Pass Sales      Life safety requirements must be reviewed and approved by the Fire Marshal.
3. Ongoing      A shared parking agreement as approved by the City Attorney must be recorded against both 1550 and 1700 American Boulevard East prior to use of the leased parking by non-hotel guests.
4. Ongoing      If the shared parking agreement with 1550 American Boulevard East is extinguished by either party, the applicant is required to provide notice of cancellation to the Director of Community Development, the City Engineer, and the City Attorney.
5. Ongoing      Prior to use of the leased parking by non-hotel guests, parking lot and security lighting of the leased parking located at 1550 American Boulevard East must comply with City Code (Sec. 21.301.07).
6. Ongoing      Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3). Fire lanes must remain free of obstructions to allow for emergency vehicle response and circulation.
7. Ongoing      All signage installed must be in compliance with the requirements of Chapter 19, Article X of the City Code and the Uniform Sign Design (USD #181) of record.
8. Ongoing      Development must comply with the Minnesota State Accessibility Code (Chapter 1341).
9. Ongoing      Use of the restaurant and other entertainment venues is limited only to guests of the hotel, meetings spaces, and water park. Use of the water park is limited to overnight guests of the hotel and holders of day-use water park passes, subject to the following conditions:
  - a. Applicant will require all parked vehicles in its parking lot(s) to have a valid parking pass, and will patrol the parking lot(s) during peak business hours to ensure compliance with the parking pass requirement;
  - b. Applicant will limit issuance of day-use and group-event (e.g. birthday parties) water park passes based on the expected number of parking spaces available for each day. If no parking passes are expected to be available for a given day, Applicant will not issue any day-use water park

passes for that day. If a limited number of parking passes are expected to be available for a certain day, Applicant will sell day-use water park passes and corresponding parking passes but will stop sales once all parking passes have been issued.

- c. The amount of parking passes available to be issued to day-pass users will be determined by the following formula, as set forth in the Alliant Engineering Great Wolf Lodge Parking Study dated March 29, 2019:

Available parking passes = Total parking supply – (1.153 \* Number of occupied hotel rooms).

- d. Total parking supply is Applicant's on-site parking and also includes leased parking at any time that (i) Applicant provides valet parking and (ii) a Memorandum of Lease or other similar instrument is recorded with respect to the leased parking. The total parking supply figure will be reduced if factors such as snow storage, equipment storage, or a decrease in leased parking reduce the total parking supply;
- e. In the event the property experiences congestion in the front entrance area that the Fire Department determines is blocking fire lanes or emergency vehicle access, Applicant will implement a valet parking program to the extent needed to alleviate such congestion;
- f. Applicant will install signage and wayfinding in its parking areas to alert visitors to the parking pass requirement and to direct visitors to available parking;
- g. Applicant will provide the following data for dates determined by the City on no greater than a quarterly basis when requested by City:
  - i. The number of vehicles parked on-site and on leased premises;
  - ii. The number of hotel rooms occupied; and
  - iii. The number of water park or group-event passes issued.