

RESOLUTION NO. 2019 - 79

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR AN EXISTING WATER PARK AND ASSOCIATED RECREATION AND ENTERTAINMENT USES LOCATED AT 1700 AMERICAN BOULEVARD EAST, BLOOMINGTON, MINNESOTA

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington, Minnesota; and

WHEREAS, the Bloomington City Council is empowered under State Law and the Bloomington City Code to act upon certain types of conditional use permits; and

WHEREAS, an application for a Conditional Use Permit to allow the sale of day-use passes to non-hotel guests for an existing water park and associated recreation and entertainment uses has been filed by GWR Minnesota Property Owner LLC for the property located at 1700 American Boulevard East, and legally described in Hennepin County, Minnesota as:

Lot 1, Block1, DECATHLON HOTEL ADDITION

WHEREAS, the Planning Commission reviewed said request at a duly called public meeting on May 23, 2019, and recommends approval; and

WHEREAS, the City Council is empowered to approve a conditional use permit when the use is not in conflict with the Comprehensive Plan or an adopted district plan for the area, is not in conflict with the stated intent of the zoning district in which it is to be located, will not unreasonably harm the public health, safety and welfare, will not create a nuisance or unreasonable congestion injurious to nearby properties, does not interfere with the creation of a beneficial environment within its own boundaries and on adjoining properties, will not interfere

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with a reasonable economic benefit to the community, interrelationship provisions with contiguous and noncontiguous adjacent properties will not adversely affect pedestrian and vehicular movement, and will not adversely affect the buffering of service facilities and parking areas.

WHEREAS, the City Council has reviewed said request at duly called public meetings on June 03, 2019 and June 24, 2019, and has considered the report of the City staff, all information provided in the agenda materials, the Planning Commission recommendation, any comments of persons speaking regarding the proposed Conditional Use Permit, and the requirements in Bloomington City Code.

WHEREAS, City Code Section 21.501.04(e)(1-5) – Conditional Use Permits may only be permitted when:

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan/	Finding Made – 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.	Finding Made – 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.	Finding Made – 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.	Finding Made – 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.

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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.	Finding Made – 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.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MINNESOTA IN REGULAR MEETING ASSEMBLED:

- A. That the affirmative findings of the Planning Commission are adopted by the City Council;
- B. That the conditional use permit shall expire if not used or applied in accordance with the provisions of City Code Section 21.501.04(g);
- C. That the conditional use permit may be suspended or revoked in accordance with the provisions of City Code Section 21.501.04(h);
- D. That the requested conditional use permit is approved, subject to the following conditions of approval:
 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, City Engineer, and City Attorney.
 5. Ongoing Prior to use of the leased parking by non-hotel guests, parking lot and security lighting of the leased parking are 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.

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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:

$$\text{Available parking passes} = \text{Total parking supply} - (1.153 * \text{Number of occupied hotel rooms}).$$
 - 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;

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- 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.
- E. That additional conditional use permit documents relating to the subject premises from Case #PL201900054 will be available for inspection pursuant to Minnesota Statutes Section 462.36, Subd. 1, through the Bloomington City Planning Office. That Resolution #2019-72 is hereby rescinded and hereby replaced by this Resolution.
- F. The Community Development Director, Fire Marshall, City Attorney and City Engineer are hereby directed and authorized to take all necessary steps to further the purpose and intent of this Resolution.

Passed and adopted this 24th day of June, 2019.



Mayor

ATTEST:



Secretary to the Council