

GENERAL INFORMATION

Applicant: Cherrywood Pointe of Bloomington, LLC (owner)

Location: 5501 American Boulevard West

Request: Major revision to final development plans and conditional use permit for an accessory restaurant within the Cherrywood Pointe development located at 5501 American Blvd. W.

Existing Land Use and Zoning: Residential Care Facility (under construction); zoned RM-50(PD) Multiple Family Residential (Planned Development)

Surrounding Land Use and Zoning: North – Multi-family residential and Office; zoned C-4(PD)
South – Office; zoned C-4(PD)
East – Hospitality; zoned C-4(PD)
West – Townhomes; zoned RO-24 Residential Office

Comprehensive Plan Designation: High Density Residential

HISTORY

City Council Action: 12/16/2019 – Approved a final development plan for a five-story, 148-unit independent housing development (PL2019-203).

City Council Action: 09/23/2019 – Approved major revision to the final development plans for the Cherrywood Pointe residential care facility and adopted a resolution for a conditional use permit for a 118-unit residential care facility (PL2019-139).

City Council Action: 02/04/2019 – Adopted a resolution approving a negative declaration regarding the need for an Environmental Impact Statement; adopted a resolution amending the Comprehensive Land Use Guide Plan to reguide the site from Office to High-Density Residential; adopted an ordinance to rezone the base zoning designation of the site from C-4 Freeway Office to RM-50; approved a major revision to preliminary development plans for a two-phase senior assisted living and senior independent living development; approved final development plans for a four-story, 108-unit senior assisted living facility; and adopted a resolution approving a conditional use permit for a 108-unit residential care facility (Case PL2018-394).

CHRONOLOGY

Planning Commission: 11/05/2020 – Recommended City Council approval of the final development plan and conditional use permit.

City Council 11/23/2020 – Consent Agenda Item

DEADLINE FOR AGENCY ACTION

Application Date:	09/29/2020
60 Days:	11/28/2020
120 Days:	01/27/2021
Applicable Deadline:	11/28/2020
Newspaper Notification:	Confirmed – (10/22/2020 Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed – (500 buffer – 10 day notice)

STAFF CONTACT

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PROPOSAL

Cherrywood Pointe of Bloomington proposes a revision to the previously approved final development plans to incorporate a restaurant into the four-story, 118-unit residential care facility. The approved plans included a private food service, which is a permitted accessory use. Through this application, the private food service is proposed to be converted to a restaurant. The restaurant would occupy the same spaces as the main dining room as well as provide food and alcohol service to indoor lounge areas and the outdoor patio. While technically open to the public, the restaurant would not have an independent restaurant flag and is intended to serve residents and their guests. A deviation from City Code is necessary to allow the accessory restaurant without constructing additional parking.

The overall planned development includes two buildings – Cherrywood Pointe, Phase I, and The Pointe, Phase II. The Pointe is now under construction and will be a five-story, 133-unit senior housing development.

ANALYSIS

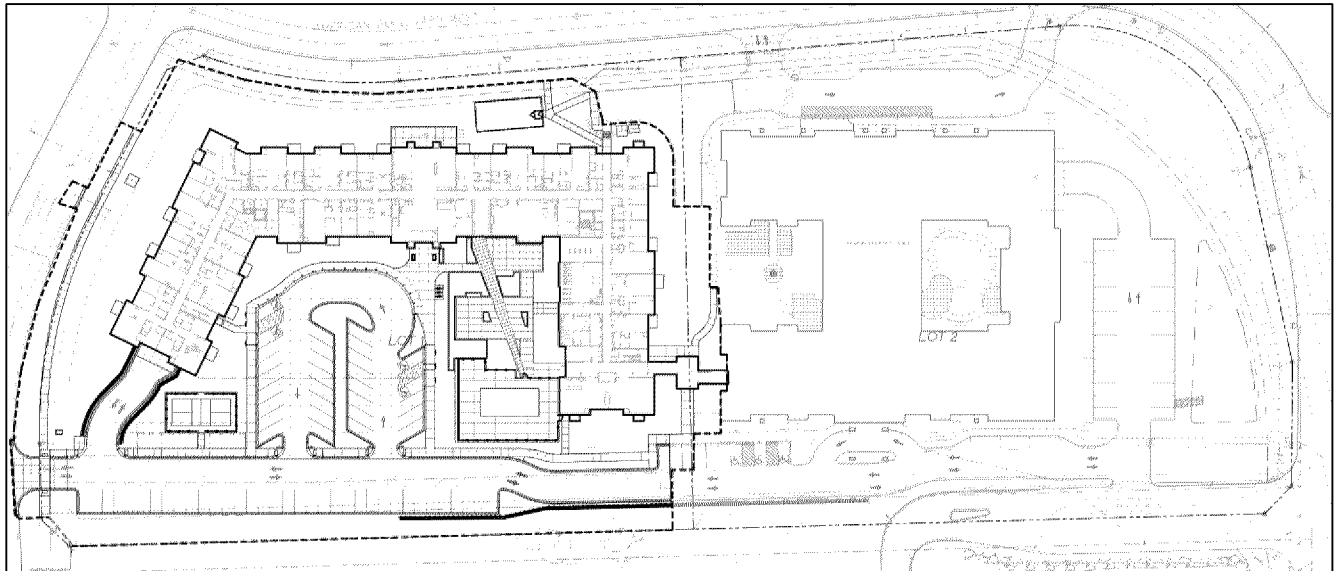
Land Use

Accessory restaurants are conditionally-permitted in the RM-50 zoning district. Accessory uses are subordinate to the primary use which, in this case, is a residential care facility. Accessory uses are limited to no more than 10 percent of the building gross floor area. With accessory restaurants, the expectation is there would be very limited signage and no significant observable physical presence independent of the primary use. The proposed restaurant would occupy approximately 7 percent of the gross floor area and would have no exterior signage.

Code Compliance

Apart from minor setback deviations for retaining walls, Cherrywood Pointe (Phase I) and The Pointe (Phase II) were Code-Complying. Each development will have its own structured parking lot and will share surface parking along the south side of the site. As shown in the graphic below, a fully-enclosed corridor will connect the buildings allowing year-round conditioned access between the two facilities.

Graphic 1: Cherrywood Pointe (right) and The Pointe (left)



Without the restaurant, the development is Code complying with regards to parking. City Code requires 363 stalls for the development and 364 are planned. The applicant identified a total of 182 indoor and outdoor patio seats for the restaurant. These seats are located in all of the building areas where residents and guests may be served. At 182 indoor and outdoor patio seats, the parking requirement is 56 stalls – the City Code does not have a separate parking standard for accessory restaurants. The requested deviation would allow the accessory restaurant without constructing

additional parking. Staff believes additional parking beyond the 364 planned stalls is unnecessary for several reasons:

- The “seats” are not traditional restaurant seats – the applicant identified all of the potential areas where a resident or guest could be served in order to obtain a liquor license for those areas. However the seat count is misleading because it includes seats in common and recreational areas that, for the most part, will not be utilized by residents for dining.
- No independent flag – the restaurant would be an integral part of the Cherrywood Pointe development and owned by the property owner. Further, the residential care facility is a secure facility, which controls foot traffic of those who are not residents or employees. However, should the use characteristics change, further review would be necessary, especially if the restaurant would like to begin advertising to the public.
- Shared kitchen facilities and staff – the restaurant will not have a separate dining space apart from the main dining facility and common spaces. The staff that operate the resident dining facility would also prepare and serve food and drinks.
- No exterior signage – although the restaurant would be open to the public, the public are unlikely to know there is a restaurant within the Cherrywood Pointe building. The applicant believes, and staff agrees, that virtually all of the restaurant demand would be generated from residents, their guests, with a modest amount of walk-in guests from The Pointe development. Therefore, while there is no accepted “internal capture” rate for this type of accessory use, staff believes there would be very little additional parking demand generated.

Building and Site Design

No changes to the approved building design are proposed. The restaurant would be incorporated into the previously approved building floor plan. No exterior changes to overall site circulation, exterior lighting, or landscaping are proposed. Exterior lighting will be inspected by Planning staff prior to the issuance of a Certificate of Occupancy. Landscaping will be inspected in spring 2021.

Stormwater Management

The Stormwater Management Plan for the site was reviewed and approved with the Building Permit previously issued for this site. The proposed restaurant does not impact or change the previously approved Stormwater Management Plan.

Utilities

A grease interceptor was included with the approved Cherrywood Pointe civil plans dated 4/15/2020. The applicant will need to verify the sizing meets the needs for the proposed restaurant. Any change or increase in fixtures may require a resizing of the grease interceptor. A grease interceptor maintenance agreement is also required.

Traffic Analysis

No significant impacts to the adjacent traffic patterns due to the proposed restaurant have been identified.

Transit and Transportation Demand Management (TDM)

This redevelopment will require a Tier 2 TDM plan, which allows the property owner to choose from a menu of TDM options. The owner has not yet submitted a Tier 2 TDM checklist.

Fire Preventions and Public Safety

Fire prevention improvements have been approved by the Fire Marshall. Fire suppression systems within the kitchen will be inspected prior to the facility opening.

Status of Enforcement Orders

There are no open enforcement orders for the property.

FINDINGS

Required Final Development Plan Findings – Section 21.501.03(d)(1-7):

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan.	Finding Made – There is no conflict between the proposed development and the Comprehensive Plan. The Comprehensive Plan encourages life cycle housing and promotes housing for all age groups.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	Finding Made – The proposed development is located within the Normandale Lake District. The District Plan encourages balanced development, including a mix of multi-family housing types.
(3) The proposed development is not in conflict with the approved Preliminary Development Plan for the site.	Finding Made – Subject to approval of a parking deviation, and compliance with conditions of approval, the proposed use is not in conflict with City Code provisions.

(4) 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 proposed parking reduction meets the public interest by allowing accessory development without constructing unnecessary parking which would add impervious surface area and stormwater that must be managed.
(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 planned development is under construction and is not dependent upon any subsequent unit.
(6) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	Finding Made – The property is served by an arterial roadway with adequate capacity. There is adequate utility infrastructure available to serve the development. The development is not anticipated to be an excessive burden on parks, schools, streets, and other public facilities.
(7) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	Finding Made – The senior residential development with an accessory restaurant is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and welfare.

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 – There is no conflict between the proposed restaurant and the Comprehensive Plan. The Comprehensive Plan encourages life cycle housing and promotes housing for all age groups. Incorporating an accessory restaurant would add an amenity to the residential facility.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	Finding Made – The proposed restaurant is located within the Normandale Lake District. The District Plan encourages balanced development, including a mix of multi-family housing types. The restaurant is compatible with the housing mix.
(3) The proposed use is not in conflict with City Code provisions.	Finding Made – Subject to approval of parking deviations, as part of the final development plan application, and compliance with 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 property is served by an arterial roadway with adequate capacity. There is adequate utility infrastructure available to serve the development with an accessory restaurant. The proposed use is not anticipated to be an excessive burden on parks, schools, streets, and other public facilities.
(5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	Finding Made – The proposed restaurant 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 using the following motions:

In Case PL2020-184, having been able to make the required findings, I move to approve a major revision to final development plans to incorporate an accessory restaurant within the Cherrywood Pointe development located at 5501 American Blvd. W., subject to the conditions and Code requirements attached to the staff report.

In Case PL2020-184, having been able to make the required findings, I move to adopt the resolution approving a conditional use permit for an accessory restaurant within the Cherrywood Pointe development located at 5501 American Blvd. W., subject to the conditions and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL202000184

Project Description: Major revision to final development plans and conditional use permit for an accessory restaurant within the Cherrywood Pointe development located at 5501 American Blvd. W.

Address: 5501 AMERICAN BLVD W

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 Any changes to access, circulation and parking plans must be approved by the City Engineer.
2. Prior to Permit Food service plans must be approved by the Environmental Health Division (City Code Sec. 14.360).
3. Prior to C/O An external grease interceptor must be provided if the proposed tenant will have food preparation and service that will produce fats, oils, grease or wax in excess of 100 mg/L. The external grease interceptor design must be approved by the Utilities Engineer. A grease interceptor maintenance agreement must be filed with the Utilities Division, if an external grease interceptor is installed.
4. Ongoing All conditions of approval from Planning Cases PL2019-203 and PL2019-139 remain in effect.
5. Ongoing All trash and recyclable materials must be stored inside the principal building (Section 21.301.17).
6. Ongoing Alterations to utilities must be at the developer's expense.
7. Ongoing No exterior signage for the accessory restaurant is permitted.
8. Ongoing Changes to the use characteristics of the restaurant must be reviewed by the Planning Manager.