

GENERAL INFORMATION

Applicant: 94 Lyndale LLC (owner)
Dairy Queen (user)

Location: 9304 Lyndale Avenue South

Request: Major revision to final site and building plans for an approximately 208 square foot building addition onto an existing restaurant

Existing Land Use and Zoning: Restaurant; zoned B-2, General Commercial

Surrounding Land Use and Zoning: North – auto repair and retail; zoned B-2
East – auto sales; zoned B-2
South – apartments, zoned RM-50
West – office/production; zoned I-3

Comprehensive Plan Designation: General Business

HISTORY

City Council Action: 04/08/2011 – Approved a conditional use permit and final site and building plans for a freestanding restaurant with a drive-through and preliminary and final plat of 94th and Lyndale Commerce Center (Case 10872ABCD-11).

CHRONOLOGY

Planning Commission 03/11/2021 Public Hearing Scheduled.

DEADLINE FOR AGENCY ACTION

Application Date: 02/03/2021
60 Days: 04/04/2021
Extension Letter Mailed: No
120 Days: 06/03/2021
Applicable Deadline: 04/04/2021
Newspaper Notification: Confirmed – (02/25/2021 Sun Current – 10 day notice)
Direct Mail Notification: Confirmed – (500 buffer – 10 day notice)

STAFF CONTACT

Liz O'Day

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PROPOSAL

The applicant is proposing a minor revision to final site and building plans for an approximately 208 square foot addition onto the existing Dairy Queen restaurant. The existing restaurant has 56 indoor seats and 16 outdoor seats with an outdoor patio and drive-through. The addition would be 13'x16' and would be located on the rear of the existing restaurant. The area is currently a grassy area with a few trees and bike racks. The expansion would be used as the trash room and the existing trash room would be used as a cake decorating area. The seat count, kitchen and other exterior site characteristics would remain the same.

PROPERTY HISTORY

Dairy Queen closed in November 2019 and has remained vacant to this day. Since the use was vacated for more than a year, the conditional use permit has expired. The applicant intends to re-open as a Dairy Queen and has applied for a conditional use permit to reestablish the use. (Case P1202100021) The conditional use permit was continued to the March 11th Planning Commission meeting so the applicant could review the recommended conditions of approval and to hear the final site and building plan application concurrently.

ANALYSIS

Code Compliance

The proposed addition would be almost 100 feet from the rear property line and over 60 feet from the south property line. The 208 square foot building addition constitutes a 14 percent building expansion of the total floor area. The one story addition would be the trash room for the restaurant. The existing trash room would be converted to a cake decorating area. The addition meets the setback and height requirements.

Building Design

The addition would have overhead doors facing the north side and a concrete pad in front of the doors to facilitate trash pick-up. According to the submitted exterior material plans, the applicant intends on re-building the existing façade. The existing building consists of brick, stucco and metal panels. The plans showed the existing and proposed brick would be painted, which is not allowed. The proposed stucco would be painted and the existing stucco would be patched and repaired. The Code does not allow painted stucco, rather, the Code requires a stucco coating that complies with the acrylic standards in Section 19.63.08. The applicant must revise their exterior materials to show compliance with the Code. The revised plans must be submitted prior to building permit issuance.

Lastly, the north elevation shows an image of a blizzard. The area is a painted stucco and is part of the building. The area is considered a mural and must meet the mural standards set forth in Section 19.63.08 and 19.104. Murals are not allowed to contain advertising.

Landscaping, Screening and Lighting

The existing landscaping and lighting are compliant. However, it appears one or two trees would be removed to make space for the addition. Any removed material must be replaced elsewhere on-site. The existing lighting must be maintained. Additionally, the existing bike racks are located in the area of the proposed addition. The bike racks must be moved to an approved area to maintain compliance.

Stormwater Management:

The project would not disturb more than 5,000 square feet or 50 cubic yards, therefore, no additional stormwater treatment is required at this time. The applicant had an engineering consultant perform an inspection of the existing stormwater system and it was determined the system was functioning as designed and no major issues were noted. The applicant submitted correspondence from the wrong watershed district. The applicant must contact the Nine Mile Creek Watershed District to verify if a permit is required.

Miscellaneous

An Environmental Health Plan Review Application must be submitted for review of the cake decorating area. In addition, the trash room must meet the minimum design standards set forth in Section 21.301.17. The overall size of the trash room meets City Code.

Regarding signage, any new signage must be reviewed for compliance with City Code Section 19.113, Class IV Sign District. A sign permit must be obtained prior to installation.

State of Enforcement Orders

The property is not subject to any open enforcement order at this time.

Public Correspondence

Staff has not received any public correspondence regarding this item.

FINDINGS

Required Final Site and Building Plan Findings - Section 21.501.01(d)(1-4):

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. The expansion of a restaurant by adding a trash room 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 an adopted District Plan.
(3) The proposed use is not in conflict with City Code provisions.	Finding Made – Subject to the recommended conditions of approval, the proposed addition is not in conflict with City Code provisions.
(4) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	Finding Made – The proposed trash room addition is reasonable and the doors are facing away from the neighboring residential. The small addition is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

RECOMMENDATION

Note the Planning Commission has final approval authority on this Final Site and Building Plans application unless an appeal to the City Council is received by 4:30 p.m. on March 16th.

Staff recommends approval through the following motion:

In Case PL2021-21, having been able to make the required findings, I move to approve a Major Revision to Final Site and Building Plans for an approximately 208 square foot building addition onto an existing restaurant at 9304 Lyndale Avenue South, subject to the conditions and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL2021-21

Project Description: Major revision to final site and building plans for an approximately 208 square foot building addition onto an existing restaurant

Address: 9304 LYNDAL AVE S

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 A building permit for all required changes to accommodate the proposed addition be obtained.
2. Prior to Permit An erosion control surety must be provided (16.08(b)).
3. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
4. Prior to Permit Landscape plan showing the replacement of removed materials must be approved by the Planning Manager (Sec 19.52).
5. Prior to Permit An Environmental Health Plan must be reviewed and approved by the Environmental Health Division.
6. Ongoing The proposed building addition must be as shown on the approved plans in Case File #PL2021-21.
7. Ongoing All construction related pickup, drop-off, loading, unloading, staging and parking must occur on-site and off public streets.
8. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 21.301.17).
9. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code.