

RESOLUTION NO. 2016-_____

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A MEDICAL MARIJUANA DISTRIBUTION FACILITY IN THE B-4, NEIGHBORHOOD COMMERCIAL CENTER, ZONING DISTRICT AT 5200 WEST 84TH STREET BLOOMINGTON, MINNESOTA.

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

WHEREAS, an application (Case #PL201600039) has been filed on behalf of Minnesota Medical Solutions and Kraus Anderson, Inc., owner of the premises located at 5200 West 84th Street and legally described as follows:

LOT 2, BLOCK 1, JOLLY ACRES 3RD ADDITION

For a conditional use permit for a medical marijuana distribution facility in the B-4, Neighborhood Commercial Center, Zoning District.

WHEREAS, the City of Bloomington Planning Commission has reviewed said request at a duly called public meeting and recommends approval.

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 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 considered the report of the City staff, the findings and recommendation of the Planning Commission, the comments of persons speaking regarding the proposed conditional use permit and the factors in Bloomington City Code Section 21.501.04 (e) (1) through (5) and has found as follows:

(1) The proposed use is not in conflict with the Comprehensive Plan;

- The subject property is guided General Business by the Comprehensive Plan. Medical marijuana distribution facilities on a parcel guided as General Business are not in conflict with the guidance of the Comprehensive Plan.

(2) The proposed use is not in conflict with any adopted District Plan for the area;

- The property is located within the Normandale Lake District. The proposed use within an existing shopping center does not conflict with the Normandale Lake District Plan.

(3) The proposed use is not in conflict with City Code provisions;

- Subject to compliance with the conditions of approval, the proposed use meets all City Code requirements.

(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; and

- The proposed use is not of a nature, scale, or intensity to create an excessive burden on parks, schools, or other public facilities and utilities. A medical marijuana distribution facility within an existing shopping center should not increase traffic demand sufficient to have a noticeable impact on adjacent streets.

(5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

- The proposed use would be located at a highly visible site that is also visible from the public right-of-way. The applicant must provide substantial security measures in order to comply with the City’s zoning and licensing requirements. The site is located more than 1000 feet from any existing schools (K-12). The proposed use will operate like a small pharmacy within a retail shopping center, and 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 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) A building permit for all required changes to accommodate the proposed use be obtained.
 - 2) Sewer Availability Charges (SAC) must be determined and satisfied.
 - 3) Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal and Bloomington Police Department.
 - 4) The proposed use and building improvement are limited to those as shown on the approved plans in Case File #PL201600039.

- 5) Signs must be in conformance with the requirements of Chapter 19, Article X of the City Code, the approved Uniform Sign Design Plan, and Section 21.302.22 of the City Code.
- 6) Development must comply with the Minnesota State Accessibility Code (Chapter 1341).
- 7) All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).

E. That additional conditional use permit documents relating to the subject premises from Case #PL201600039 will be available for inspection pursuant to Minnesota Statutes Section 462.36, Subd. 1, through the Bloomington City Planning Office.

Passed and adopted this 2nd day of May, 2016.

Mayor

ATTEST:

Secretary to the Council