

RESOLUTION NO. 2016-_____

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A DAY CARE FACILITY IN THE B-1, NEIGHBORHOOD OFFICE, ZONING DISTRICT AT 8040 OLD CEDAR AVENUE SOUTH, BLOOMINGTON, MINNESOTA.

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

WHEREAS, an application (Case #PL201600075) has been filed on behalf of TenderCare Learning Center and CCF2, LLC, owner of the premises located at 8040 Old Cedar Avenue South and legally described as follows:

E 491 58/100 FT OF S 166 FT OF N 332 2/10 FT OF THAT PART OF E 1/2 OF NE 1/4 LYING S OF A LINE RUNNING FROM A PT IN E LINE THEREOF 1626 8/10 FT S FROM NE COR THEREOF TO A PT IN W LINE THEREOF 1628 8/10 FT S FROM NW COR THEREOF EX ROAD

For a conditional use permit for a day care facility located in the B-1, Neighborhood Office, Zoning District.

WHEREAS, the City of Bloomington Planning Commission has reviewed said request at a duly called public hearing; and.

WHEREAS, the Planning Commission has considered the report of the City staff, the comments at the public hearing and the findings required to be met prior to issuance of a conditional user permit 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 Office by the Comprehensive Plan. Day care facilities are conditional uses in the B-1 Zoning District. The proposed use is not in conflict with the Comprehensive Plan.

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

- The property is not located within an adopted District Plan area.

(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. The subject property is immediately adjacent to a collector road, providing safe and efficient travel to the subject property.

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

- The daycare facility is proposed within an existing office building in a commercial zoning district. The western property boundary includes an approximately 15-foot landscape yard with trees and vegetation, providing some level of screening to the west. The operation of the proposed day care facility is primarily contained to the office building, ensuring that the use will not be injurious to the surrounding neighborhood. The proposed use meets the City Code requirements for day care facilities, ensuring that it will not harm the public health, safety and welfare.

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

- A. That the recommendation of the City Staff is adopted;
- 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 to allow a day care facility in the B-1 Zoning District at 8040 Old Cedar Avenue South 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) Tier 2 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
 - 4) Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
 - 5) Food service plans must be approved by the Environmental Health Division (City Code Sec. 14.360).
 - 6) The Conditional Use Permit is limited to the space and use as shown on the approved plans in Case File #PL2016-75.
 - 7) Final Site and Buildings Plans are required for all exterior changes to the site.
 - 8) Development must comply with the Minnesota State Accessibility Code.
 - 9) All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
 - 10) Signs must be in conformance with the requirements of Chapter 19, Article X of the City Code.
- E. That additional conditional use permit documents relating to the subject premises from Case #PL201600075 will be available for inspection pursuant to Minnesota Statutes Section 462.36, Subd. 1, through the Bloomington City Planning Office.

Passed and adopted this 16th day of June, 2016.

The three day period to appeal the Planning Commission's decision to the City Council expired on June 21st, 2016.

- An appeal was not received and the conditional use permit is now in effect.
- An appeal was received and the final decision on the conditional use permit will therefore be made by the Bloomington City Council.

Planning Commission Chair

Date

ATTEST:

Secretary to the Planning Commission

Date