

RESOLUTION NO. 2016-_____

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR LIMITED PUBLIC UTILITY FACILITY IN THE R-1, SINGLE FAMILY RESIDENTIAL, ZONING DISTRICT AT 9407 OLD CEDAR AVENUE SOUTH, 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 #PL2016000106) has been filed on behalf of CenterPoint Energy Natural Gas Operations and Bradley Pederson, owner of the premises located at 9407 Old Cedar Avenue South and legally described as follows:

LOT 1, BLOCK 1, KIDDER NURSERY ADDITION

For a conditional use permit for a limited public utility facility located in the R-1 Single-Family Residential Zoning District.

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

WHEREAS, the City Council has appealed the Planning Commission action in order to review said request at a duly called public hearing; 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 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 action 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 Low Density Residential and Conservation by the Comprehensive Plan. Limited public utility facilities are conditional uses in the R-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 proposed use will generate minimal levels of traffic associated with gas pipeline maintenance activities.

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

- The limited size of the proposed building and associated equipment will not be injurious to the surrounding neighborhood. Screening of exterior equipment as required by condition of approval will further buffer the use from the public right-of-way. The proposed use is of a character and scale that is not anticipated to 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 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 to allow a limited public utility facility in the R-1 Zoning District at 9407 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) The Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
 - 3) Storm Water Management Plan must be provided that demonstrates compliance with the City's Comprehensive Surface Water Management Plan. A maintenance plan must be signed by the property owner and must be filed of record with Hennepin County.
 - 4) Approval by the Lower Minnesota Watershed District must be provided.
 - 5) Sewer Availability Charges (SAC) must be determined and satisfied.
 - 6) An erosion control surety must be provided (16.05(b)).
 - 7) Landscape plan must be approved by the Planning Manager and landscape surety must be provided (Sec. 19.52).

- 8) Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
- 9) The developer must submit electronic utility as-builts to the Public Works Department prior to the issuance of the Certificate of Occupancy.
- 10) Building and site improvement are limited to those shown on the approved plans in Case File #PL201600106.
- 11) Alteration to utilities must be at the developer's expense.
- 12) Five foot high perimeter screening must be provided along the western elevation of all exterior equipment as approved by the Planning Manager (Sec. 19.52).
- 13) Site security lighting must satisfy the requirements of Section 21.301.07 of the City Code.
- 14) All construction stockpiling, staging, and parking must take place on-site and off adjacent public streets and public rights-of-way.
- 15) All loading and unloading must occur on site and off public streets.
- 16) The existing accessory building in the same location as the proposed improvements may not be erected in another location.

E. That additional conditional use permit documents relating to the subject premises from Case #PL201600106 will be available for inspection pursuant to Minnesota Statutes Section 462.36, Subd. 1, through the Bloomington City Planning Office.

Passed and adopted this 15th day of August, 2016.

Mayor

ATTEST:

Secretary to the Council

Date