

Originator Community Development	Item Major revision to a Preliminary Development Plan, Final Development Plan and Preliminary and Final Plat.		5.2D1,2,3,4
Agenda Section HEARING/PUBLIC INPUT Development Business	By JJS	Approved	Date October 7, 2013

Case 10911ABDE-13

GENERAL INFORMATION

Applicant: City of Bloomington Housing and Redevelopment Authority (Owner)
Kimley-Horn and Associates, Inc. (Applicant)

Location: 8001 Penn Avenue South

- Request:
- 1) Major Revision to Preliminary Development Plan for the Penn American Planned Development. (Case 10911A-13);
 - 2) Final Development Plan for a five-story mixed use building (63,150 square foot, 108 room extended stay hotel; 9,126 square feet of retail space; a 6,223 square foot, 200 seat restaurant; and 3,075 square feet of common loading, dock, stairs and trash) and a one story, 28,605 square foot grocery store (Case 10911B-13);
 - 3) Variance to reduce the minimum lot size for proposed Block 1, Lot 2 of PENN AMERICAN 2ND ADDITION from 80,000 square feet to 42,902 square feet (Case 10911-C) (**Withdrawn by the applicant**); and
 - 4) Preliminary and Final Plat of PENN AMERICAN 2ND ADDITION to plat an outlot into one lot for a mixed-use development (Cases 10911DE-13).

Existing Land Use and Zoning: Vacant land area; zoned C-5(PD)

Surrounding Land Use: East—Restaurants; zoned C-5(PD)
and Zoning North—Retail; zoned CR-1(PD)

Council Action

Motion by _____ Second by _____ to _____

South—Mixed use residential, retail and restaurant; zoned C-5(PD)
West—Retail; zoned B-3 (PD)

Comprehensive Plan: The Comprehensive Land Use Plan recommends Regional Commercial land use for the property.

HISTORY

City Council Action: 03/01/11 -- Approved the preliminary and final plat of PENN AMERICAN ADDITION.

City Council Action: 11/15/10 -- Approved Major Revisions to the Preliminary Development Plan for a five building, two phase mixed use development containing 234 dwelling units, up to 69,000 square feet of office, 48,950 square feet of retail of which up to 15,000 square feet may be restaurant.

City Council Action: 01/14/08 -- Approved rezoning from General Business, (B-3) and General Business (Planned Development), B-3(PD) to Freeway Mixed Use Zoning (Planned Development), C-5(PD); and a Preliminary Development Plan for a commercial mixed-use center at 2151 American Boulevard West and 8005 and 8051 Penn Avenue.

CHRONOLOGY

Planning Commission Action: 09/05/13 – Continued to 09/26/13 Planning Commission Meeting.

Planning Commission Action: 09/26/13 – Recommended approval of major revisions to the Preliminary Development Plan (Case 10911A-13); and a Final Development Plan for a five-story mixed use building (63,150 square foot, 108 room extended stay hotel; 9,126 square feet of retail space; a 6,223 square foot, 200 seat restaurant; and 3,075 square feet of common loading, dock, stairs and trash) and a one story, 28,605 square foot grocery store with conditions and 17 Code requirements (Case 10911AB-13).

Planning Commission Action: 09/26/13 – Recommended approval of the preliminary plat and adoption of a resolution granting approval of the final plat of PENN AMERICAN 2ND ADDITION with five conditions and one Code requirement (Cases 10911DE-13).

City Council Agenda: 10/07/13 –

DEADLINE FOR AGENCY ACTION

Application Date:	07/31/13
60 Days:	09/28/13
Extension Letter Mailed:	Yes
120 Days:	11/27/13

STAFF CONTACT

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APPLICABLE REGULATIONS

Section 19.38.01 – Planned Development Overlay Districts
Section 21.205.05 – Freeway Mixed Use (C-5) District
Section 21.301.01 – Development Intensity and Site Characteristics
Section 21.301.02 – Structure Placement
Section 21.501.02 – Preliminary Development Plans
Section 21.501.03 – Final Development Plans
Section 22.09 – Platting Standards

PROPOSAL

The proposed development application includes Preliminary and Final Development Plans for the Penn American Phase II Development, which includes a 108 room extended stay hotel, 9,126 square feet of retail space, a 200-seat restaurant and a 28,605 square foot grocery store on the 3.25-acre site and a Preliminary and Final Plat for PENN AMERICAN 2ND ADDITION.

Preliminary & Final Development Plan

Building A is a five story, mixed-use building located on the west side of the site, abutting Penn Avenue and constructed above an underground parking garage. The first floor will contain a 6,223 square foot restaurant (200 seats), 9,126 square feet of retail use, 3,724 square feet of hotel lobby, indoor pool and fitness room and 3,075 square feet for loading, dock, stairs and trash. The west side of the building provides a corridor for tenant access to the common trash room, which restricts public access from the Penn Avenue side. Outdoor terrace/patio areas for the restaurant and cafe are proposed on the north and south ends, providing 48 seats. A public plaza will be located south of American Blvd and just east of the restaurant patio. Floors 2-5 will be occupied by an extended stay hotel for 108 rooms and a hotel lobby on a portion of the second floor. A second floor roof top patio is off the lobby area and overlooks Penn Avenue.

The exterior materials consist of a mixture of brick and windows on the building base and a mixture of stucco, metal panels, brick and windows on the hotel tower. The storefronts at the end caps are enhanced with fabric awnings and pedestrian lighting.

Building B is a single story, 28,605 square foot retail building, whose initial tenant will be a grocery store modeled after a “farmer’s market.” The building will be located on the east side of the site, abutting Newton Avenue. A small outdoor patio is proposed on the west side of the building, adjacent to the entry; however, the number of seats is currently unknown.

The exterior materials consist of brick, stucco and batten siding with accents of awnings, windows and pre-finished metal sign bands. The proposed grocery tenant has a prototype design for their trade that creates the image of an old barn, complete with barn doors and lap siding.

The project provides a total of 359 parking spaces, of which nine are compact stalls. The surface parking lot provides 121 spaces, the single level underground garage that spans between the two buildings provides 233 spaces and the on street parking provides an additional five parking spaces with the conversion of the existing parallel parking to angled parking along the north side of W. 80 ½ Street. Phase II access is provided via existing private streets off of Penn Avenue (W. 80 ½ Street) and off of American Boulevard (Newton Ave. S.).

Preliminary & Final Plat

The proposed plat creates one lot from Outlot C, PENN AMERICAN ADDITION. Lot 1, Block 1 for PENN AMERICAN 2ND ADDITION is 141,625 square feet.

BACKGROUND/PLANNING CONTEXT

The proposed development is part of the Penn American District, for which a district plan is being prepared by the City of Bloomington. The district plan is planned to be completed by the end of year. The proposal adheres to the draft guiding principles of the district planning effort and reflects the uses and scale envisioned for the C-5 Zoning District.

The Penn American Preliminary Development Plan was approved on January 14, 2008 and revised on November 15, 2010. The Preliminary Development Plan covered the 7.57 acre (before Right-of-Way dedication) site at the southeast corner of American Blvd. and Penn Avenue and was broken into two phases. The Final Development Plan for Phase I was approved on November 15, 2010 for 234 apartments and 14,091 square feet of retail space. The project included a four story building with 14,091 square feet of retail space on the first floor and 60 apartments on floors 2, 3 and 4, an eight story building containing 152 rental apartments and a four story building consisting 22 two-bedroom, two-level townhome units.

ANALYSIS

The developer requests a Major Revision to Preliminary Development Plans that will serve as a general framework for the current and future development. Approval of the Preliminary Development Plan revisions does not assure development of any specific building but establishes parameters for future development. The Preliminary Development Plan purpose is explicitly presented in section 21.501.02 which reads:

- 1) Establish a basic development plan with respect to density, intensity, building layout, and access;
- 2) Ensure that development on multiple lots or over multiple phases works together;
- 3) Ensure that new development within the Planned Development Overlay District comply with City Code requirements or receive necessary approvals for flexibility;

- 4) Ensure that sufficient information is provided by the applicant to determine the extent of compliance with City Code requirements and the public benefit related to proposed City Code flexibility; and
- (5) Ensure that approved development not yet constructed is consistent with current City Code requirements.

Individual buildings or improvements require Final Development Plan approval prior to construction. Section 19.38.01(e) (3) states the purpose of the final development plan:

- (1) Ensure that new development within the Planned Development Overlay District comply with City Code requirements or receive necessary approvals for flexibility;
- (2) Ensure that sufficient information is provided by the applicant to determine the extent of compliance with City Code requirements and the public benefit related to proposed City Code flexibility; and
- (3) Ensure that approved development not yet constructed is consistent with City Code requirements.

Development Intensity

Development intensity is a primary C-5 Freeway Mixed Use District goal. C-5 District regulations acknowledge the area's regional characteristics and focus on providing uses that achieve a minimum development intensity. The C-5 District requires a minimum overall development floor area ratio (FAR) for the site. The district goal for higher intensity development is accompanied by goals to have a development that provides neighborhood services and the larger market, provides internal site circulation, provides access to the nearby arterial streets and provides adequate parking.

The FAR requirements for the C-5 district are a minimum of 1.0 and a maximum of 1.5 FAR. As an incentive to provide residential uses in the district, the C-5 District increases the maximum FAR and decreases the minimum FAR when residential targets are met. In this case, the minimum Penn American Development FAR is 0.75 and the maximum FAR is 2.1. Across the entire site, the total proposed FAR is 1.45. If evaluated separately, the north and south portions of the site would have individual FAR's of 0.804 and 2.127, respectively. However, FAR is calculated across the full planned development and is Code complying. Also, note that these FAR values are calculated for the land area proposed after right-of-way dedication. In addition, parking structures are not calculated into the FAR.

Land Use

Development Standards Compliance

The following table compares the proposed development compliance with the City Code performance standards. As shown in Table 1, the proposed Preliminary Development Plan meets many, but not all, of the development standards. As a Planned Development, code requirement flexibility and deviations may be allowed, subject to City Council approval. The degree of flexibility must be evaluated in terms of how well the overall proposal meets the "intent" of the zoning code and the extent to which the proposed flexibility is of public benefit.

TABLE 1: CITY CODE REQUIREMENT ANALYSIS – C-5 ZONING DISTRICT

NOTE: Shaded standards are below City Code requirements

Standard	Code Required	Provided	Compliance
Site Area - Minimum	80,000 square feet	Lot 1: 141,625 square feet	Compliant with Code
Minimum lot width	200 feet (250 - corner lots)	Penn Ave: 297 feet American Blvd: 359 feet	Compliant with Code
Building design	- Minimum of 50% of first floor be windows or entrances on primary street elevation - Minimum of 25% of first floor be windows or entrances on secondary street elevations - Street side entrances - Canopies and awnings	Varies – see description under proposed deviations.	Requesting Flexibility
Building setback along all streets	Minimum - 20 feet Maximum – 40 feet	Varies – see description under proposed deviations.	Requesting Flexibility
Building rear yard setback - Minimum	30 ft. / 40 ft. for buildings over 4 stories in height	The site has streets on all sides therefore the side and rear yard setbacks are not applicable.	N/A
Building side yard setback - Minimum	20 ft. / 30 ft. for buildings over 4 stories in height		
Parking setback - Minimum	20 feet - along street	12-20+ feet along street	Requesting Flexibility
Parking islands	Structured parking – Width of 4 feet without tree	4.5 – 6.5 feet without tree	Compliant with Code
Underground parking structure setback – Minimum	15 feet – along planned widened right-of-way	10.65 feet along Penn Ave. 26 feet along W. 80 ½ Street 0 feet along Newton Ave. 10 feet along American Blvd.	Requesting Flexibility
Impervious surface coverage – Maximum	95 percent non residential	92 Percent	Compliant with Code
Floor area ratio (after ROW dedication)	0.75 Min / 2.1 Max (with residential bonuses)	Phase I – 2.127 Phase II – 0.804 Total - 1.446	Compliant with Code
Building size - Minimum	20,000 square feet	28,430 square feet or greater	Compliant with Code
Building height – Maximum	All buildings have no height limit but are subject to Pedestrian Street Step back Standards	Building A (hotel/retail): No step back required Building B (grocery): No step back required	Compliant with Code
Building height - Minimum	60% of the building footprint must be at least two stories	64.6% of building footprint is at least two stories (across both phases)	Compliant with Code
Parking required - Minimum	Phase II: 379 spaces Phase I Proof-of-Parking: 22 spaces TOTAL: 401 spaces	Phase II: 350 parking spaces and 9 compact parking spaces	Requesting Flexibility
Drive aisle - Minimum	24 feet	24 feet	Compliant with Code
Trees - Minimum	57 trees	60 trees	Compliant with Code
Shrubs - Minimum	142 shrubs	394 shrubs	Compliant with Code

Proposed Planned Development Deviations and Comments

The developer requests flexibility on several Code provisions as allowed in a Planned Development. The identified code deviations are:

Section 21.205.05 (c)(5)(A) -- Windows: The code requires at least 50 percent of the first floor elevation area on the primary elevation and 25 percent of the first floor elevations on the second and third elevations facing a public or private street to be composed of transparent windows or transparent entrances.

Building A (Hotel/Retail) is code complying along W. 80 ½ Street as the primary elevation at 62.1 percent and along American Blvd. as a secondary elevation at 53.7 percent. The west elevation along Penn Avenue is below the required 25 percent glazing at 24.6 percent. Staff feels that there are adequate locations to place additional windows along the west elevation and recommends the applicant increase the glazing on the west elevation on the first floor to meet code and to enhance the pedestrian environment.

Building B (Grocery) requires deviations on all three street sides. The primary elevation along W. 80 ½ Street has a glazing of 27.9 percent of the elevation where 50 percent is required. The majority of the glazing occurs at the pedestrian street level; however, the tall height of the one story building causes the percentage to be below code. Staff believes the first ten feet of the first floor elevation of the grocery store is the most significant area for providing a pedestrian oriented environment. The glazing for the first ten feet in height accounts for 60.5 percent of the pedestrian street level, which meets the intent of the code. Staff supports the deviation as proposed.

The north and east elevations along American Blvd. and Newton Avenue enclose the service and warehouse portions of the store and contain less glass and a limited amount at the pedestrian level. Glazing along American Blvd. is at 2.8 percent and Newton Avenue at 6.1 percent, whereas 25 percent is required by Code. Staff agrees the warehouse and loading area elevations provide limited options for additional pedestrian level glazing. The Developer is discussing with the Community Development Department the option of incorporating public art on the north and east elevations to provide visual interest, in lieu of glass. Staff supports this alternative and proposes a condition of approval to accomplish it. The public art placement and materials will require review and approval by the Planning Manager.

Section 21.205.05 (c)(5)(B) -- Street Side Entrance: The code requires a street side entrance for each non-residential building and to each separated tenant space. The applicant is asking for flexibility on this standard for Building A (hotel/retail) along Penn Avenue, American Boulevard and W. 80 ½ Street and for Building B (grocery) along American Boulevard, Newton Avenue and W. 80 ½ Street.

The first floor of Building A along Penn Avenue is the service corridor for the tenants to access the loading dock and trash and recycling room, restricting public access. Along American Blvd, the proposed restaurant has no public access; however, provides a connecting sidewalk to the side entrance door. The south elevation along W. 80 ½ Street does provide two doors for access onto the outdoor patio; however, the patio access is for emergency egress only. Future tenants may desire and could accommodate pedestrian access from 80 ½ Street. The applicant has provided a connecting sidewalk from the south elevation to the side entrance.

Building B's elevations along American Blvd. and Newton Avenue enclose the service and warehouse portions of the grocery store. Public access is restricted to these areas. The south elevation will have five access doors installed to match the retail space design on the south side of West 80 ½ S; however, the grocery tenant is not

proposing to have these doors accessible to the public as the area behind the doors are designated for their deli and retail space. If the initial grocery tenant were to vacate the premise, the building could be divided for several smaller tenants with access to W. 80 ½ Street. The applicant is providing a connecting sidewalk from American Blvd to W. 80 ½ Street to their side entrance off the parking lot.

While street side entrances are highly desired, the floor plans of both buildings unfortunately offer little opportunity to add them. The proposed site plan does offer convenient pedestrian connections from street side sidewalks to building entrances.

Section 21.205.05 (c)(5)(C) -- Canopies and awnings: The City Code requires canopies and awnings not to extend above the first floor of a building or more than 15 feet above the finished grade. The canopies proposed on Building A (hotel/retail) are below 15 feet; however, the canopies proposed on Building B (grocery) on the south and west elevations are 16 and 17 feet above the finished grade. The proposed wall height for Building B is greater than typical for a single story building. The increased height enhances the compatibility of the structures within the Planned Development. Staff supports the placement of a canopy and awning at 16 and 17 feet above grade as this would be consistent with the architecture and intent of the City Code.

Section 21.301.02 – Structure Placement: The C-5 district requires a 20-foot setback along streets. The development does not meet the 20 foot required setback along Penn Ave., American Blvd, and Newton Avenue. The development meets the required setback from West 80 ½ Street. The following are the proposed setback ranges from all streets.

Penn Avenue - Building setback range:	10.65 feet	to	20.0 feet
American Boulevard - Building setback range:	10.2 feet	to	35.5 feet
West 80 ½ Street - Building setback ranges:	26.0 feet	to	28.5 feet
Newton Avenue - Building setback range:	0.0 feet	to	2.0 feet

The proposed deviations are primarily consistent with the pedestrian friendly design of the Planned Development, however, they do present challenges with landscaping along Penn Avenue and a sidewalk along Newton Avenue. The applicant is working on landscaping options and staff supports the elimination of the sidewalk along the west side of Newton Avenue given that an analysis of pedestrian routes suggests that it would be very lightly used.

Section 21.301.03(a)(5) – Structure Design – Entrance Buffers: The C-5 district requires any single tenant building or individual tenant space of 20,000 square feet or above to provide a sidewalk buffer of at least 10 feet between a public entrance and any vehicle circulation drive. The development proposal is one foot short of the requirement in front of the hotel vestibule, because of a widened drive aisle to accommodate the turning radius for the fire protection access and delivery trucks. The intent of the code is to ensure that pedestrians can safely exit a building before entering traffic flow. Staff believes the proposal of nine feet, along with the additional sidewalk space to the north and south of the hotel vestibule, provides an adequate distance and area for pedestrians to be safely outside of the traffic flow.

Section 21.301.06 – Parking and Loading: As part of the Phase I approval, the applicant received a parking reduction of 16.5 percent from the required 557 parking spaces by providing 443 parking spaces and allocating 22 spaces on Phase II via proof of parking. Since the initial application in 2010, the land uses from Phase I have been updated to reflect the actual developed square footage of office, retail, restaurant and residential land uses. This dropped the initial code required parking from 557 to 551 parking spaces.

The applicant is proposing 359 parking spaces on Phase II, of which 9 are compact stalls. The compact stalls are the result of the support columns in the parking garage restricting the stall size. The City Code requires 379 spaces for Phase II plus 22 additional spaces for the Phase I proof of parking for a total of 401 parking spaces prior to any consideration for shared parking (Table 2).

TABLE 2: Parking Provided

	Code Required	Provided
Phase I	551	443
Phase II	379	359
Total Parking Provided	930	802

A shared parking analysis was prepared by the applicant to determine the peak period parking demand for all of the various land uses within Phases I and II. The applicant ran the Urban Land Institute’s (ULI) parking projections for the various land uses and applied the ULI time of day ratios. The ULI time of day ratios take into account the percentage of parking demand a specific use has during that time. The ULI methodology for shared parking for both Phase I and II resulted in Weekday and Weekend peak demand of 688 and 694, respectively.

The applicant proposes 802 parking spaces for the entire development, 108 spaces greater than the highest predicted ULI shared parking peak demand. Given the parking study provided demonstrating significant differences in the time peaks for the various uses on site, staff is comfortable with the developer’s proposal of 802 parking spaces, a 13.8% reduction from code and believes the development would be sufficient with a reduction to 790 parking spaces provided the non-residential spaces remain shared among all uses on site. Staff proposes approving the development at 802 parking spaces, with the option for the Planning Manager to approve a reduction in parking spaces to 790 if requested by the applicant, to account for any modifications during construction, increasing the compact spaces to regular spaces or the loss of spaces for the parking of a future car share service. If the land uses substantially change, altering the parking demand, a new shared parking analysis will need to be run by the applicant to determine if the changes can be accommodated by the provided parking.

Currently, Phase I has 250 parking spaces reserved for the residential units. No additional parking spaces may be reserved over both phases for specific tenants, except for minor loading areas or for the future car share service.

Parking Design

A surface parking setback reduction from 20 feet to 12 feet is proposed for the northeast side of the parking lot, along American Blvd. The narrowing of the lot between Penn and Newton Avenues and the access to the underground parking ramp impact this portion of the parking lot. The applicant is providing an ornamental iron fence and landscaping within the northeast corner to assist in the screening and reduction of the encroachment to the pedestrian environment.

The underground structured parking requires setbacks of 15 feet along a planned widened right-of-way. The development does not meet the 15 foot required setback along three streets. The following are the proposed setbacks for the underground parking structure:

Penn Avenue:	10.65 feet
American Boulevard:	10.0 feet
Newton Avenue:	0.0 feet

Staff supports the proposed setbacks for the underground parking structure, because they will not affect any underground utilities or easement areas. Newton Avenue is currently a private street, located on a 43-foot wide outlot as part of the Penn American Addition. Staff believes the existing outlot is a sufficient width for the street, underground utilities, and pedestrian amenities, because Newton Avenue is proposed to function more like an internal development street than a local public street.

Section 21.301.10 – Height Restrictions: The proposed Phase II buildings meet Pedestrian Street Step Back standards.

Architectural Design and Building Materials

The two buildings are designed with visual interest along all elevations with windows, doors, articulation and other architectural detailing. The materials proposed are brick, stone, stucco, metal and siding. The applicant does not seek a deviation and the exterior materials would meet the approved materials of City Code. The first floor canopies along the retail facades are encouraged to promote a pedestrian oriented environment and add visual interest.

Landscaping and Screening

The City Code requires one tree for every 2,500 square feet and one shrub for every 1,000 square feet of developable landscape area. The developable landscape area is 141,625 square feet, requiring 57 trees and 142 shrubs. The development is meeting the City Code requirement by providing 60 trees and 394 shrubs.

In addition, landscaping beds are being proposed within Hennepin County right-of-way along Penn Avenue. Hennepin County approval is required for any landscaping located within the right-of-way. It should also be noted that, if Hennepin County approves landscaping within the right-of-way, it will be conditionally approved that the landscaping be removed with the addition of a northbound right turn lane on Penn Avenue.

The applicant is evaluating use of public art on the grocery store façade along West American Boulevard. The landscape design should assure a short and long term clear vision to those portions of the grocery building walls where the public art will be displayed.

Details on all the mechanical and electrical equipment have not been provided and will be reviewed as part of the permitting process. Any mechanical and electrical equipment, either roof or ground mounted, must be screened in accordance to Section 19.52.

Stormwater Management

Stormwater management must meet the Nine Mile Creek Watershed District's Rules for stormwater rate control, quality and volume. By meeting Nine Mile Creek Watershed District's Rules, the development will also meet the City's Comprehensive Surface Water Management Plan requirements for stormwater rate control and quality. Since this site is located within the Nine Mile Creek Watershed District, an additional permit will be required.

The proposed stormwater facilities for the development are porous pavement and a large underground infiltration/detention facility. The porous pavement will be an expansion of the existing porous pavement along West 80 ½ Street, with the conversion of parallel parking to angled parking. An underground detention system will be constructed near American Blvd. in the northern portion of the parking lot between the two buildings. The system will outlet to the storm sewer under American Blvd.

The Stormwater Management Plan calculations are being reviewed for compliance with the requirements in the City of Bloomington Comprehensive Surface Water Management Plan and have yet to be approved. Once the plan is approved, a maintenance plan must be provided. The maintenance plan must be signed and filed at Hennepin County.

Utilities

In 2010, the public sewer and water was constructed under private West 80-1/2 Street with water stubs to accommodate the future Phase II development. Both buildings will connect their sewer and water services to the existing sewer and water mains under West 80-1/2 Street. Since both buildings may contain restaurants, there are two grease interceptors proposed on the south side of each building. Due to the results of fire flow tests conducted near the site, a water main loop closure will need to be installed on the site or alternatively off-site at Knox Avenue South, per the petition process.

Traffic Analysis

Due to the changes from the previously approved Preliminary Development Plan for Phase II and a previous traffic study completed for the project, a supplemental traffic memo was completed by Alliant Engineering. The results of the analysis indicated that the PM peak hour trip generation for the 2013 proposed development decreased from the 2010 proposed development. The existing roadway network can adequately accommodate the proposed site generated traffic.

As noted by previous studies, the signalized intersection at Penn Avenue and American Boulevard is nearing capacity. The traffic study completed in 2008 for the Penn American District plan indicated the need for the addition of a 150' northbound right turn lane and the addition of a second northbound left turn lane on Penn Avenue south of American Boulevard. While the right turn lane is not required as part of this development, it will be needed as the Penn American District redevelops with greater density/intensity. Sufficient right-of-way has been reserved from the subject property to accommodate the future improvement.

Streets, Sidewalks, and Streetscape Installation and Maintenance

To accommodate the future northbound right turn lane, the developer has been requested to install the new 8 foot sidewalk along Penn Avenue in the back of the existing 10 foot sidewalk/bikeway easement at the appropriate elevation so that when the City or County constructs the right turn lane, the sidewalk does not need to be reconstructed. Due to the setback deviations proposed, this leaves approximately 0.62' between the sidewalk easement and the building in some locations. The developer has agreed to place concrete in the gap between the sidewalk and the building and to assume all maintenance responsibilities, including snow removal and sidewalk panel replacement.

Transit and Transportation Demand Management (TDM)

Transit service is available for this site, with bus stops on both Penn Avenue and American Boulevard. Routes vary in destination, but include Downtown Minneapolis, Mall of America, Southdale Mall and Normandale Lake District.

Per the City Code, a Tier 1 TDM plan is required as the proposed development is requesting deviation from parking stall requirements. The proposed development proposes bike racks accommodating 66 bikes scattered on the south side of the lot along W. 80 ½ Street and at the entrance to the grocery store.

Fire Prevention

Maintaining access, water supply, and addressing are critical factors. The proposed development is consistent with the Emergency Vehicle Access and Circulation requirements and provides the minimum 20 foot wide access. The access and circulation design must meet or exceed the minimum standards for fire prevention and be maintained in accordance to the approved plan, including a surface to provide all weather driving capabilities. Apparatus access roads shall be asphalt or concrete and support a minimum of 80,000 pounds.

The proposed underground parking should be modified to have dry standpipes (Class II & III) within a 130-foot radius or wet standpipes (Class I) within a 200-foot radius of any location in the garage and shall be located in a protected stairwell that the Fire Department can access.

Additional hydrants shall be strategically placed to provide an adequate water supply for firefighting operations in and around all areas of the project and subsequent development. A concern for the future restaurants in the retail space, especially those producing grease laden vapors, is to assure the hood suppression system is tested to the UL300 Standard, be listed and labeled for the intended application and have the capability to flow water through the same nozzles upon discharge of the wet chemical.

The building must be addressed plainly and visible from the street or road using numbers that contrast with the background. The numbers must be a minimum of four inches, be Arabic numbers or alphabetic letters with a minimum stroke width of 0.5 inches.

Any changes made to the current plans, including building location, access roads, water supply and addressing, shall be reviewed by the Fire Marshal to insure continued compliance with the fire code.

Preliminary and Final Plat

The proposed plat creates one lot from Outlot C, PENN AMERICAN ADDTION. Lot 1, Block 1 for PENN AMERICAN 2ND ADDITION is 141,625 square feet. Ten foot drainage and utility easements were dedicated along Penn Avenue and American Blvd on the plat of PENN AMERICAN ADDITION. Newton Avenue and West 80 ½ Street are both considered private streets currently and they are located within outlots and fully encompassed by drainage and utility easements.

As part of the Development Agreement for Genesee and Penn American Addition, a 10-foot sidewalk and bikeway easement along Penn Avenue and American Boulevard and a 10-foot public water, sanitary sewer and storm sewer easement were already granted by the City.

FINDINGS

Section 21.501.02(d)(1),(2),(3),(4),(5) and (6) - The following findings must be made prior to the approval of new preliminary development plans or revisions to previously approved preliminary development plans:

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

- * There would be no conflict between the proposed development and the Comprehensive Plan. The proposed mixture of uses and character of the development is consistent with the Comprehensive Plan's designation for the property as Regional Commercial and with the specific goals listed in the Comprehensive Plan that pertain to the Penn American District.

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

- * The proposed development is not part of an adopted District Plan, but is consistent with the vision of the draft Penn American District Plan.

(3) 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;

- * The proposed deviations are necessary to create a high-density pedestrian oriented development. All deviations impact the applicant's property and meet the intent of the code. The proposed deviations are within the parameters of the Planned Development Overlay District when all phases are completed.

(4) Each phase of 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;

- * The planned development is sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit without dependence upon any subsequent unit.

(5) The proposed development 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

- * Traffic analysis, studies and supporting documents have been submitted that demonstrate the planned development will not create an excessive burden on streets, other public facilities and utilities serving or proposed to serve the planned development.

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

- * The planned development will not have an adverse impact on the reasonable enjoyment of neighborhood property.

Section 21.501.03(e)(1),(2),(3),(4),(5),(6) and (7) - The following findings must be made prior to the approval of new final development plans or revisions to previously approved final development plans:

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

- * The Comprehensive Plan designates this area as Regional Commercial, allowing for general business, community commercial and retail uses that require easy access from the freeway system. The mixed uses of office, retail, restaurant, and hotel are an allowed or conditional use in the zoning district. There would be no conflict between the proposed development and the Comprehensive Plan.

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

- * The proposed development is not part of an adopted District Plan, but is consistent with the vision of the draft Penn American District Plan.

(3) The proposed development is not in conflict with the approved Preliminary Development Plan for the site;

- * The applicant has submitted an application for revisions to the Preliminary and Final Development Plan, which are consistent with each other.

(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;

- * The proposed deviations are necessary to create a high-density pedestrian oriented development. All deviations impact the applicant's property, have no adverse impact on the adjoining lands and meet the intent of the code. The proposed deviations are within the parameters of the Planned Development Overlay District when all phases are completed.

(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;

- * The planned development is sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit without dependence upon any subsequent unit.

(6) The proposed development 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

- * Traffic analysis, studies and supporting documents have been submitted that demonstrate the planned development will not create an excessive burden on streets, other public facilities and utilities serving or proposed to serve the planned development.

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

- * The planned development will not have an adverse impact on the reasonable enjoyment of neighborhood property if planned roadway improvements are completed.

Section 22.05(d)(1-8) Preliminary Plat

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

- * The Comprehensive Plan designates this area as Regional Commercial, allowing for general business, community commercial and retail uses that require easy access from the freeway system. The mixed uses of office, retail, restaurant, and hotel are an allowed or conditional use in the zoning district. There would be no conflict between the proposed development and the Comprehensive Plan.

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

- * The proposed development is not part of an adopted District Plan, but is consistent with the vision of the draft Penn American District Plan.

(3) The plat is not in conflict with City Code Provisions;

- * The proposed plat is not in conflict with any provisions of the City Code subject to the recommended conditions of approval.

(4) The plat does not conflict with existing easements;

* There are no existing easements in conflict with this Plat.

(5) There is adequate public infrastructure to support the additional development potential created by the plat;

* As part of the Phase I development, right-of-way was set aside for future construction of additional turn lanes.

(6) The plat design mitigates potential negative impacts on the environment, including but not limited to topography; steep slopes; trees; vegetation; naturally occurring lakes, ponds, rivers, and streams; susceptibility of the site to erosion, sedimentation or flooding; drainage; and stormwater storage needs;

* The preliminary and final plat are designed to mitigate potential impacts upon the environment.

(7) The plat will not be detrimental to the public health, safety and welfare; and

* The plat will not be detrimental to the public health, safety or general welfare.

(8) The plat is not in conflict with an approved development plan or plat.

* The plat is consistent with the proposed Preliminary and Final Development Plan.

Section 22.06(d)(1) Final Plat

(1) The plat is not in conflict with the approved preliminary plat or the preliminary plat findings.

* The final plat is consistent with the preliminary plat findings.

RECOMMENDED CITY COUNCIL ACTION

(Cases 10911AB-13 – for Preliminary and Final Development Plan)

The Planning Commission and Staff recommends approval of major revisions to the Preliminary Development Plan (Case 10911A-13); and a Final Development Plan for a five-story mixed use building (63,150 square foot, 108 room extended stay hotel; 9,126 square feet of retail space; a 6,223 square foot, 200 seat restaurant; and 3,075 square feet of common loading, dock, stairs and trash) and a one story, 28,605 square foot grocery store (Case 10911B-13) at 8001 Penn Avenue subject to the following conditions being satisfied prior to Grading, Footing, and Foundation or Building Permits:

- 1) A site development agreement, including all conditions of approval, must be executed by the applicant and the City and must be properly recorded by the applicant with proof of recording provided to the Director of Community Development;
- 2) The Grading, Drainage, Utility, Erosion Control, Traffic Control, access, circulation and parking plans must be approved by the City Engineer;
- 3) Permits and agreements for construction and streetscape in Hennepin County right-of-way (Penn Avenue) must be obtained and copies submitted to the Engineering Division;
- 4) A Stormwater Management Plan must be provided which demonstrates how the development will meet the requirements of the City's Comprehensive Surface Water Management Plan, as well as a maintenance plan to be signed by the property owner and filed of record with Hennepin County;
- 5) A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division;
- 6) A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) must be provided since greater than one acre will be disturbed;
- 7) An Erosion Control Bond must be provided;
- 8) Sewer Availability Charges (SAC) must be satisfied;
- 9) A Minnesota Pollution Control Agency (MPCA) Sanitary Sewer Extension or Modification Permit must be obtained and a copy submitted to the Engineering Division;
- 10) A Maintenance Schedule/Plan for the grease interceptor must be signed by the property owner and filed with the Utilities Division prior to issuance of a utility permit to connect with the sanitary sewer system;
- 11) The Reciprocal Easements and Operating Agreements must be updated to include Phase II improvements, shared parking, access, and utilities, and sidewalk maintenance responsibilities, as approved by the City Engineer;
- 12) A water main loop closure must be installed on the site or a petition submitted to City Engineer to construct the water main loop off-site at Knox Avenue South;

and subject to the following conditions:

- 13) All construction stockpiling, staging, and parking must take place on-site and off adjacent public streets and public rights-of-way;

- 14) All loading and unloading must occur on site and off of public streets;
- 15) Development must comply with the Minnesota State Accessibility Code;
- 16) Alterations to utilities must be at the developer's expense;
- 17) A parking reduction of the required 802 parking spaces for Phase I and II may be reduced to no less than 790 spaces, as approved by the Planning Manager;
- 18) No parking spaces may be reserved for a specific tenant, except for the 250 parking spaces for the residential units, minor loading areas and the future car share service;
- 19) If the land uses substantially change, altering the parking demand, a new shared parking analysis will need to be prepared by the applicant to determine if the changes require additional parking;
- 20) Public art is required in lieu of the windows on the north and east elevations of Building B and the location and materials must be approved by the Planning Manager prior to installation;

and subject to the following Code Requirements:

- 1) The property must be platted per Chapter 22 of the City Code and the approved final plat must be filed with Hennepin County prior to the issuance of footing and foundation or building permits (22.03(a)(2));
- 2) Electronic utility as-builts, per City of Bloomington requirements, must be submitted to the Public Works Department prior to the issuance of the Certificate of Occupancy (17.79(a));
- 3) A Tier 1 Transportation Demand Management (TDM) Plan must be submitted prior to the issuance of permits and approved by the City Engineer (21.301.09(b)(2));
- 4) Utility permits will not be issued until sewer and water connection charges have been paid or petition for inclusion in an assessment district has been signed (11.04, 11.27);
- 5) Utility plan showing location of existing and proposed water main and fire hydrant locations must be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, MN State Fire Code Sec. 508);
- 6) Unused water services must be properly abandoned (11.15);
- 7) Discharge of sanitary effluent containing fats, oil, grease, or wax in excess of 100mg/L is prohibited (11.31(6)(B));
- 8) Building must be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903);
- 9) Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08);
- 10) Landscape plan must be approved by the Planning Manager and landscape surety be filed (Sec 19.52);
- 11) All rooftop equipment must be fully screened (Sec. 19.52.01);
- 12) Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
- 13) All trash and recyclable materials must be stored inside the principal building (Sec. 19.51);
- 14) Recyclable materials must be separated and collected (Sec. 10.45);
- 15) Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3);
- 16) Parking lot and site security lighting must satisfy the requirements of Section 21.301.07 of the City Code; and
- 17) Sign Design must be in conformance with the requirements of Chapter 19, Article X of the City Code.

(Cases 10911DE-13 for Preliminary and Final Plat)

The Planning Commission and Staff recommend approval of the preliminary plat and adoption of a resolution granting approval of the final plat of PENN AMERICAN 2ND ADDITION subject to the following conditions and code requirements:

- 1) A title opinion or title commitment that accurately reflects the state of the title of the property being platted, dated within the past 6 months, must be provided;
- 2) Consent to plat forms must be provided for any mortgage companies with property interest;
- 3) Standard drainage and utility easements must be provided as follows: 10-feet along all street frontage and 5-feet along all interior lot lines, unless deemed unnecessary by the City Engineer;
- 4) Park Dedication must be satisfied;
- 5) The Reciprocal Easements and Operating Agreements must be updated to include Phase II improvements, shared parking, access, and utilities, and sidewalk maintenance responsibilities, as approved by the City Engineer;

and subject to the following code requirement:

- 1) The property must be platted per Chapter 22 of the City Code and the approved final plat must be filed with Hennepin County prior to the issuance of footing and foundation or building permits (22.03(a)(2)).

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