

GENERAL INFORMATION

Applicant: LIFETOUCH National School Studios, Inc. (owner)
Drive Shack Holdings, LLC (applicant)

Location: 7800 Picture Drive

Request: 1) Rezoning from CO-1 Commercial Office 1.0 to CO-1(PD) Commercial Office 1.0 (Planned Development);
2) Preliminary and final development plans for a major commercial golf facility; and
3) Conditional use permit for a major commercial golf facility.

Existing Land Use and Zoning: Vacant office and production building; zoned CO-1 Commercial Office

Surrounding Land Use and Zoning: North – Office and hotel parking; zoned CS-1 Commercial Service
South – Interstate 494
East – Hotel; zoned CS-1
West – Office; zoned CO-1

Comprehensive Plan Designation: Office

HISTORY

City Council Action: 04/01/19 – Adopted an ordinance amending Chapter 19 of the City Code to define major commercial golf facility and include it as a conditional use⁴ in the CO-1 Commercial Office zoning district.

CHRONOLOGY

Planning Commission: 08/08/2019 – Recommend the City Council adopt an ordinance rezoning 7800 Picture Drive from CO-1 to CO-1(PD), approve the preliminary and final development plans for a three-story major commercial golf facility and approve a conditional use permit for a three-story major commercial golf facility located at 7800 Picture Drive, subject to the conditions.

City Council: 09/09/2019 – Public hearing scheduled

DEADLINE FOR AGENCY ACTION

Application Date:	06/28/2019
60 Days:	08/26/2019
120 Days:	10/25/2019
Applicable Deadline:	10/25/2019 (Extended by City)
Newspaper Notification:	Confirmed – (07/25/19 Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed – (500 buffer – 10 day notice)

STAFF CONTACT

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PROPOSAL

The applicant proposes rezoning from CO-1 Commercial Office 1.0 to CO-1(PD) Commercial Office 1.0(Planned Development), preliminary and final development plan for a three-floor major commercial golf facility, and a conditional use permit for a major commercial golf facility at 7800 Picture Drive. The proposed facility is prominently located along Interstate 494 between Normandale Blvd. and E. Bush Lake Road. The property is the former and now vacant Life Touch studios facility. The requested rezoning would apply the Planned Development Overlay to the CO-1 base zone.

The three-level structure with 72 hitting bays has a total interior square footage of approximately 31,000 square feet while total floor area would be 56,500 square feet. The driving range would be approximately 144,000 square feet surrounded by gray or earth tone net on 22 poles ranging from 90 to 170-foot high. In addition to the driving range, the facility would have a restaurant, lounges, party spaces, and an open pavilion for entertainment events. Access to the development would be provided with two driveways along Picture Drive on the east side of the site. The primary building entrance would be located on the west side with adjacent drop-off and valet areas with a secondary access at the southwest corner. New sidewalks would be constructed along W. 78th Street and Picture Drive; Sidewalk along W. 78th Street is substandard and sidewalk serves only a portion of Picture Drive.

ANALYSIS

Rezoning

The Office Comprehensive Plan designation acknowledges and allows entertainment uses. A major commercial golf facility entails some unique characteristics, particularly the driving range net poles. The rezoning entails applying the Planned Development overlay district, which allows flexibility in zoning standards provided such flexibility is consistent with the purpose and intent of the City Code. Section 19.38.01(a) states:

Intent - The purpose of the Planned Development Overlay District is to promote creative and efficient use of land by providing design flexibility in the application of development standards. The planned development provisions are also intended to create both private and public benefit by:

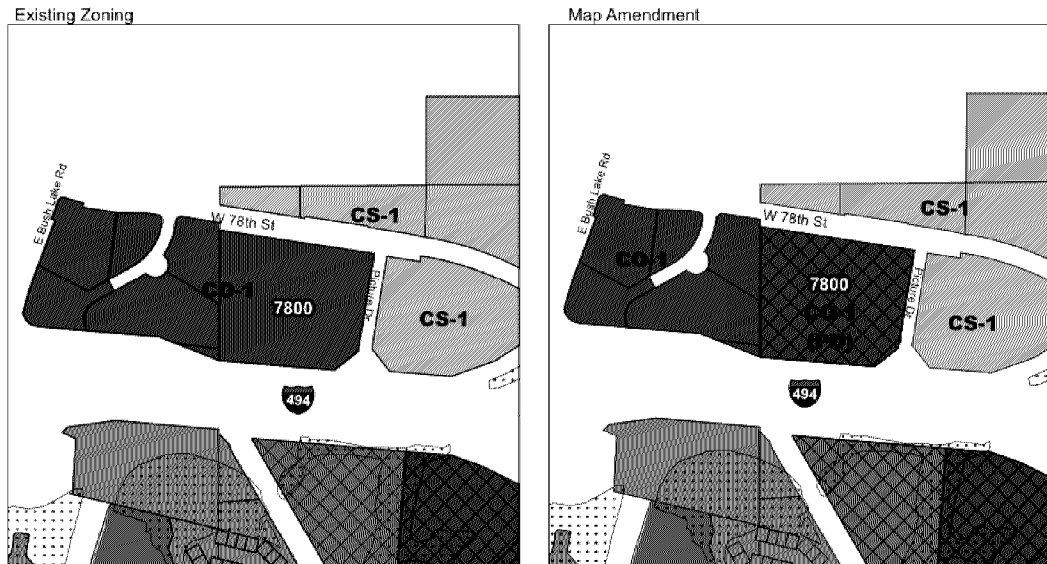
- (1) allowing improved site and structure design,*
- (2) allowing development on multiple lots to function as one coordinated site,*
- (3) ensuring coordination of phased development;*
- (4) allowing the location of structures, facilities and lot lines on a site to be adjusted to protect natural features; and*
- (5) allowing the shared use of facilities, including but not limited to parking, access and storm water management infrastructure.*

Rezoning carries with it a higher level of discretion than site plan approval. Although there are no explicit findings that must be made in conjunction with a rezoning, appropriate considerations include:

- Whether the proposed district is consistent with the Comprehensive Plan;
- How the proposed district differs from the existing district; and
- Whether there is a public benefit in the change.

Staff believes the proposed rezoning to apply the planned development overlay, as depicted in Graphic 1 below, is consistent with the Comprehensive Plan and provides a public benefit through the introduction of standards flexibility for the unique needs of recreation/entertainment uses. In the following performance standards section, staff identifies the requested flexibility for the project. Staff recognizes the public benefit for most, but not all of the requested Planned Development deviations as they accommodate a complete redevelopment with a unique land use.

Graphic 1: Proposed Rezoning to apply PD Overlay at 7800 Picture Dr.



Code Compliance

Staff analyzed the development using the underlying CO-1 zoning standards. Several other City Code sections apply to the development and are included in the Table 1. Deviations have been requested as noted in Table 1 and addressed in more detail in the paragraphs that follow.

Table 1: City Code Requirement Analysis for CO-1 Development

Standard	Code Requirement	Proposed	Compliance
Site Area – minimum	120,000 square feet	401,633 square feet	Yes
Minimum lot width	250 feet	740 feet	Yes
Maximum structure coverage	30 percent	6 percent	Yes
Maximum floor area ratio (FAR)	1.0 FAR	0.14 FAR	Yes
Building setback – all streets – minimum	60 feet	> 60 setbacks for <i>building</i> ; 20.5 foot setback for net poles along Picture Drive; 16.8 foot setback for retaining wall along W. 78 th Street	Building setbacks compliant. Deviations required for net poles and W. 78 th Street retaining wall (see comments)

Standard	Code Requirement	Proposed	Compliance
Building rear yard setback – minimum	30 feet	56 feet	Yes
Minimum landscape yard	20 feet – along streets	16.8 feet along W. 78 th Street	Deviation required (see comments)
Parking setback – internal minimum	5 feet – minimum alongside lot lines	Minimum 5 feet	Yes
Parking islands	8 feet minimum width with one tree or more	8 feet width, but some islands without trees due to overhead transmission lines	Deviation required (see comments)
Drive aisles	24 feet minimum width for 90 degree parking; Institute for Transportation Engineers (ITE) standard other than 90 degree angle	24 feet width for 90 degree parking for all but one drive aisle	Minor revision required – one drive aisle less than 24 feet
Impervious surface	No maximum	40.5 percent	Yes
Trees – minimum	161 trees	160 trees	One additional tree required
Shrubs – minimum	403 shrubs	481 shrubs	Yes
Freestanding sign	Minimum 20 foot setback	20 feet along 12 th Ave 17.5 feet along E. 78 th Street	Revisions required (see comments)
Trash collection and storage	Interior with interior access	Trash depicted in enclosures with no interior access	Revision required
Lighting – maintained levels – minimum	Parking Lot – 1.0 to 2.0 FC Entry – 10.0 FC Sidewalk – 2 FC 30 feet of primary access door & 2.0 FC 5 feet of a secondary door	Parking Lot – 1.2 to 4.9 FC Entry – 4.7 to 18.8 FC Sidewalk – 2.2 to 2.6 FC Secondary doors – unknown	Minor revisions required to increase visibility of pedestrian crossing and primary entrance lighting; deviation required for sports lighting system
Sidewalks	8 foot along W. 78 th Street; 6 foot along Picture Drive; Private sidewalks 5 feet clear	8 foot sidewalk along W. 78 th Street, 2 th Ave.; 6 feet along Picture Drive; around cul-de-sacs, at least 5 feet clear for private sidewalks	Minor revisions required to remove potential sidewalk obstructions – two feet clear from sidewalk required

Site and Building Design

The sloped topography on site has strongly influenced overall site design and access. From the northwest to the southeast corner of the site, the property drops over 30 feet. Developing a large scale project that utilizes the entire site necessitates substantial retaining walls. A retaining wall, which at its highest point would be approximately 18 feet, would be located in the northwest corner of the site to allow for a flat building surface with a gentle slope towards the south. Retaining walls greater than four feet must meet structure setbacks. In the CO-1 district, the minimum structure setback is 60 feet. The retaining wall, at its highest point in the northwest corner of the site, would be located 17 feet from the property line. However, due to the large right-of-way boulevard, the retaining wall's edge would be more than 70 feet from the road edge. Within the boulevard there are significant over story trees which also minimize any impact of the reduced setback.

A 60-foot setback also applies to the net poles, which range from 90 to 170 feet above grade. The poles would meet the required setback except for the east side near Picture Drive, where the setback would be approximately 23 feet. The site is further constrained by a small wetland located in the southwest corner of the site along Interstate 494. The project would not impact the wetland as a 40-foot setback from the wetland boundary must be maintained. The edge of the parking lot would be approximately 48 feet from the wetland's edge. Given these site constraints, and the City's general desire to efficiently utilize commercial property, staff is supportive of the setback deviations as proposed.

The three-story building would be comprised of a mix of brick, glass, stucco, and metal panels. Brick, stucco and glass are permitted exterior building materials. An acrylic-based stucco finish would be utilized, which is permitted provided documentation related to the stucco finish is in conformance with performance standards established in City Code. Metal panels are also permitted provided they meet the minimum standards for metals and a minimum 30-year finish warranty is required. Staff would review the proposed metal panels to ensure adequate durability.

Although the site is not located within an MSP Airport Overlay District, the height of the net poles eclipses the FAA's notice criteria. As such, the applicant must submit plans to the FAA for review. In order to construct the facility, the FAA must issue a "Determination of No Hazard" to flight navigation through its 7460 process. Staff recommends a condition requiring that determination before a building permit is issued, although a formal Airport Zoning Permit would not be required.

Landscaping and Screening

While a Code complying number of shrubs are provided, the proposed number of trees is one below the 161 trees required and less than 20 percent of the proposed trees are over story. The adopted City landscape policy requires that evergreen and ornamental trees account for no more than 25 percent each of the total tree count. Landscaping material, with one additional tree and increased number of over story trees, would meet Code requirements and would entail a mix of canopy, ornamental, and coniferous trees, deciduous and coniferous shrubs, and perennial grasses and

plantings beds. Given the size of the driving range, landscaping is focused on the site perimeter and within the parking lot. Some additional treatment is needed along Picture Drive to meet parking lot screening requirements as no landscaping is depicted within the transmission line easement.

The landscaping plan depicts landscaped parking islands within the transmission line easement, but several islands do not contain the required deciduous tree. The applicant has indicated canopy trees may not be permitted to be planted within the easement area. Staff agrees some tree species would not be appropriate underneath the transmission lines, but request the applicant provide details on the easement and investigate if shorter tree varieties, such as ornamental trees, could be planted within those islands. The applicant should further investigate alternatives and a recommended condition of approval has been included.

Lighting

A Qualite LED flood lighting system is proposed for the driving range. Qualite systems are specifically designed for sports facilities, but do not meet the City's requirements that the light fixture be 90 degree cut-off. Given the proximity to residential uses, hotels and Interstate 494, staff believes the use of fixtures traditionally found at larger sport field facilities could be an acceptable deviation provided the design utilizes shields, louvers and angled fixtures, as opposed to an all flood lighting design. The focus is reducing the potential light and glare cast towards the adjacent properties and I-494. Staff continues to collaborate with the applicant to minimize the potential for nuisance characteristics and provide adequate lighting for the facility. The recommended condition of approval provides flexibility from the 90-degree cut-off requirement, but requires glare reduction measures to be installed, subject to Planning Manager approval.

Parking

Major commercial golf facilities are not individually called out as a use in the City Code parking requirements section. The facility incorporates a number of uses, such as indoor/outdoor recreation, restaurant and lounge spaces, retail, and entertainment (assembly) spaces. Calculating a parking requirement based on each of these individual uses is impractical given the interrelatedness of the uses and the internal capture rates of each individual use. In these scenarios, the City Code states that parking requirements should be determined "based on similar uses and/or authoritative sources accepted by the city issuing authority."

The applicant's engineers studied parking demand at the Drive Shack in Orlando, Florida, which is very similar to the proposed Bloomington location. Based on their analysis of parking demand, the 314 proposed parking stalls will be adequate based on a peak period parking demand of 4.3 parking spaces per hitting bay. Staff has also reviewed parking standards and studies in other locations and found the proposed parking supply to be sufficient.

The primary parking challenge staff anticipates is not with parking *supply*, but rather parking *convenience*. Most parking stalls are located a significant distance from the building's entrances, which would not be to some visitors' preference. The proposed drop off and valet areas should

reduce this impact, but some visitors will not be satisfied with having to traverse the parking lot to reach the entrance.

Signage

City Code allows one freestanding sign for each right-of-way frontage. The site is surrounded by public right-of-way on three sides, so three freestanding signs are permitted. The applicant depicts three signs, but at reduced setbacks. Twenty feet is the minimum setback for freestanding signs; plans depict signs are located at 3, 8, and 12-foot setbacks. Staff is not supportive of deviations for sign setbacks given staff does not believe there is a compelling reason to deviate from City Code. Proposed sign locations do not have the same grade challenges the parking lot or building design present. Between three freestanding signs, on-building signs, potential directional signs, and the distinguishing 170-foot net poles, visibility would not be a challenge necessitating a City Code deviation nor would deviations be a public benefit.

Signs are permitted on three building elevations as well. The size of those signs is based on sign construction type and the area of the particular elevation. The sign *areas* depicted on building elevations are in line with what is permitted by City Code. City Code does not, however, permit a mix of channel letter and cabinet signs, although up to 25 percent of an individual sign area may be cabinet while 75 percent is channel letter construction. Minor modifications would be required for on-building signage.

Stormwater Management

Stormwater will be managed to meet the City's and Watershed District's requirements for stormwater rate control (quantity), stormwater quality and volume. The Stormwater Management Plan calculations and narrative have been reviewed and appear to meet the requirements in the City of Bloomington Comprehensive Surface Water Management Plan. A maintenance plan has not yet been provided and will be required to be signed and filed at Hennepin County. This site is located within the Nine Mile Creek Watershed District, so an additional permit will be required.

Utilities

The proposed commercial golf facility would utilize existing sanitary sewer and watermain within Picture Drive. The applicant will be responsible for coordinating all utility work and acquiring all applicable permits with the Bloomington Utility Division.

Traffic Analysis

No significant impacts to the adjacent traffic patterns due to this proposed commercial golf facility have been identified. All ingress and egress to the site is proposed to be off of Picture Drive.

Transit and Transportation Demand Management (TDM)

This redevelopment will require a Tier 2 TDM plan, which allows the property owner to choose from a menu of TDM options. The owner has not yet submitted a Tier 2 TDM checklist.

Fire Preventions and Public Safety

The site plans meet a majority of the fire prevention requirements. The proposed development is consistent with the Emergency Vehicle Access and Circulation requirements and provides the minimum 20 foot wide access around the building. 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 must be asphalt or concrete and support a minimum of 80,000 pounds. The applicant must ensure landscaping does not interfere with access to the building.

The applicant proposes adequate water supply with a hydrant within 50 feet of the fire department connection and within 150 feet of any exterior wall. A looped water supply feeding a single, combined water service into the building is required for the domestic and sprinkler system water demand. Hydrants will be approved by the Utilities and Fire Prevention Divisions.

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. A Knox box will be required at the main entrances and other areas as designated by the Fire Prevention Division.

A common concern for commercial kitchens, 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.

Provide for emergency responder radio coverage throughout the complex and in all structures per the requirements of Appendix L in the 2015 Minnesota State Fire Code.

Any changes made to the current plans, including building location, access roads, water supply, and addressing, must be reviewed by the Fire Marshal to ensure continued compliance with the Fire Code.

Status of Enforcement Orders

There are no open enforcement orders at this site.

FINDINGS

Required Preliminary and Final Development Plan Findings - Section 21.501.03(d)(1-7):

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan;	Finding made – There is no conflict between the proposed development and the Comprehensive Plan. The proposed golf facility is consistent with the Comprehensive Plan’s Office designation, which generally supports non-office land uses that add diversity and vibrancy to areas with predominately office development.
(2) The proposed use is not in conflict with any adopted District Plan for the area;	Finding made – The proposed development is not located in an area with an adopted District Plan.
(3) The proposed development is not in conflict with the approved preliminary development plan for the site;	Finding made – The development is proposed to be completed as one phase. The preliminary and final development plans are the same.
(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;	Finding made – The proposed deviations would facilitate a unique development that would add recreation and entertainment options in an existing commercial corridor. The building’s height, density, massing, design and other characteristics are compatible with development projects along Interstate 494. The deviations would not have an adverse impact on the surrounding neighborhood and are in the public interest.
(5) 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;	Finding made – The planned development is proposed to be completed in one phase and is not dependent upon a 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	Finding made – Given the size and characteristics of the proposed development, an excessive burden is not anticipated on parks, schools, streets, the sanitary sewer system or the water system.

(7) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	Finding made – The proposed development is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare. The development must meet stormwater requirements and the building design, building heights, and site circulation are consistent are compatible with development along the Interstate 494 corridor.
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Required Conditional Use Permit Findings - Section 21.501.04(e)(1-5):

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan;	Finding made – There is no conflict between the proposed development and the Comprehensive Plan. The proposed golf facility is consistent with the Comprehensive Plan's Office designation, which generally supports non-office land uses that add diversity and vibrancy to areas with predominately office development.
(2) The proposed use is not in conflict with any adopted District Plan for the area;	Finding made – The proposed development 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 – The use is not in conflict with City Code provisions, provided the use is compliant with conditions of approval.
(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;	Finding made – Given the size and characteristics of the proposed development, an excessive burden is not anticipated on parks, schools, streets, the sanitary sewer system or the water system.
(5) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	Finding made – The proposed development is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare. The development must meet stormwater requirements and the building design, building heights, and site circulation are consistent are compatible with development along the Interstate 494 corridor.

RECOMMENDATION

The Planning Commission and staff recommend approval using the following motions:

In Case PL2019-114, I move to adopt an ordinance rezoning 7800 Picture Drive from CO-1 to CO-1(PD).

In Case PL2019-114, having been able to make the required findings, I move to approve preliminary and final development plans for a three-story major commercial golf facility located at 7800 Picture Drive, subject to the conditions of approval and Code requirements attached to the staff report.

In Case PL2019-114, having been able to make the required findings, I move to adopt a resolution approving a conditional use permit for a three-story major commercial golf facility located at 7800 Picture Drive, subject to the conditions of approval and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL201900114

Project Description: Rezoning from CO-1 (Commercial Office 1.0) to CO-1(PD) (Commercial Office 1.0)(Planned Development); Preliminary and Final Development Plans for a major commercial golf facility; and a Conditional Use Permit for a major commercial golf facility

Address: 7800 PICTURE DR

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 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. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
3. Prior to Permit Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
4. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
5. Prior to Permit A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division.
6. Prior to Permit An erosion control surety must be provided (16.08(b)).
7. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52). A deciduous tree must be incorporated into each parking island unless prohibited by existing transmission line easements. The overall quantity of trees and shrubs must meet or exceed City Code requirements.
8. Prior to Permit Three foot high parking lot screening must be provided along Picture Drive as approved by the Planning Manager (Sec. 19.52).
9. Prior to Permit Parking lot and site security lighting plans must be revised to minimize the impacts of driving range lighting on surrounding residential and hospitality land uses, subject to Planning Manager approval.
10. Prior to Permit 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, Minnesota State Fire Code Sec. 508).
11. Prior to Permit Exterior building materials must meet City Code requirements and be approved by the Planning Manager (Sec. 19.63.08).
12. Prior to Permit A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) must be provided if greater than one acre is disturbed (State of MN and Federal regulation).
13. Prior to Permit 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 owners and must be filed of record with Hennepin County.

14. Prior to Permit A Minnesota Department of Health (MDH) watermain review and approval must be obtained or notification from MDH that this permit is not required must be submitted to the City (State of MN).
15. Prior to Permit An external grease interceptor must be provided if the proposed tenant will have food preparation and service that will produce fats, oils, grease or wax in excess of 100 mg/L. The external grease interceptor design must be approved by the Utilities Engineer. A grease interceptor maintenance agreement must be filed with the Utilities Division, if an external grease interceptor is installed.
16. Prior to Permit Food service plans must be approved by the Environmental Health Division (City Code Sec. 14.360).
17. Prior to C/O Buildings shall meet the requirements of the Minnesota State Fire Code Appendix L (Emergency Responder Radio Coverage) adopted through City Ordinance to have approved radio coverage for emergency responders based upon the existing coverage levels of the public safety communication systems.
18. Prior to C/O The developer must submit electronic utility as-builts to the Public Works Department prior to the issuance of the Certificate of Occupancy.
19. Prior to C/O Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
20. Prior to C/O Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
21. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
22. Prior to C/O Provide a noise report, demonstrating compliance with City Codes, to the satisfaction of the Environmental Health Manager.
23. Ongoing Activities within the development must be consistent with a Major Commercial Golf Facility. Live entertainment, such as concerts, are limited to interior building spaces and the outdoor pavilion space as identified on the site plan. The driving range must not be used for other purposes without City Council approval and a SAC review.
24. Ongoing All pickup and drop-off must occur on site and off public streets.
25. Ongoing All loading and unloading must occur on site and off public streets.
26. Ongoing Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands (Sec 19.64).
27. Ongoing All trash and recyclable materials must be stored inside the principal building and meet other City Code requirements (Sec. 19.51).
28. Ongoing Recyclable materials must be separated and collected (Sec. 10.45).
29. Ongoing All rooftop equipment must be fully screened (Sec. 19.52.01).
30. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code.