

GENERAL INFORMATION

Applicant:	Radhe Partnership LLP & CPEC Exchange 40731 LLC (owner) JR Hospitality II, LLC - Jay Bhakta (Applicant)
Location:	1225 and 1301 E 78 th Street, 7830 and 7837 13 th Avenue South and 7831 12 th Avenue South
Request:	1) Rezone from FD-2 (AR-22) Freeway Development (Airport Runway Overlay) to C-4 (PD) (AR-22) Freeway Office (Planned Development) (Airport Runway Overlay); 2) Preliminary and Final Development Plan for a five story, 171 room hotel; and 3) Type II Preliminary and Final Plat of FRIENDLY PALM to combine five lots, and public right-of-way proposed to be vacated, into one lot.
Existing Land Use and Zoning:	Motel, vacant commercial building, and vacant land; zoned FD-2(AR-22) Freeway Development (Airport Overlay)
Surrounding Land Use and Zoning:	North – Interstate 494 South – Office/warehouse; zoned FD-2(AR-22) East – Hotel; zoned FD-2(AR-22) West – Office; zoned FD-2(AR-22)
Comprehensive Plan Designation:	Community Commercial

CHRONOLOGY

Planning Commission Action:	04/20/2017 – Recommended City Council approval of the rezoning and preliminary and final development plan.
City Council Agenda:	05/22/2017 – Public hearing scheduled.

DEADLINE FOR AGENCY ACTION

Application Date:	03/15/2017
60 Days:	05/14/2017
120 Days:	07/13/2017
Applicable Deadline:	07/13/2017 (extended by City)
Newspaper Notification:	Confirmed – (04/06/17 and 05/11/17) Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed – (500 buffer – 10 day notice)

STAFF CONTACT

Mike Centinario
(952) 563-8921, mcentinario@BloomingtonMN.gov

PROPOSAL

The applicant proposes rezoning from FD-2 (AR-22) Freeway Development (Airport Runway Overlay) to C-4 (PD) (AR-22) Freeway Office (Planned Development) (Airport Runway Overlay), preliminary and final development plan for a five-story 171-room limited service hotel with 171 on-site parking space, and preliminary and final plat to combine five parcels into one at 1225 and 1301 E. 78th St., 7831 12th Avenue South, and 7830 and 7837 13th Avenue South. These five parcels are currently comprised of the Northwood Inn motel, the former and now vacant Tropical Fisheries building, and three vacant properties. Currently zoned FD-2 Freeway Development, the applicant proposes to rezone the property to C-4 Freeway Office with a Planned Development Overlay.

Access to the development would be provided with a single access along 12th Avenue South, a single access along the 13th Avenue South cul-de-sac on the south and two access locations along West 78th Street. New sidewalks would be constructed along all public streets and provide pedestrian access.

The proposed preliminary and final plat, along with a proposed vacation of a portion of 13th Avenue South between E. 78th Street and American Blvd., would combine the five parcels and dedicate land to the City to create two cul-de-sac turnarounds on the north and south ends of the site. The preliminary and final plat are Type II, which do not require Planning Commission review, are included in the packet only for the Planning Commission's reference.

ANALYSIS

Rezoning

The Community Commercial Comprehensive Plan designation allows hotels when the site is within one mile of a freeway interchange. The proposed hotel is located along 12th Avenue South, just south of the 12th Avenue South/Interstate 494 half diamond interchange. The C-4 Freeway Office Zoning is one of the intended districts within the Community Commercial guide plan designation. Hotels are permitted uses in the C-4; the proposal is consistent with the Comprehensive Plan and permitted land uses in the Zoning Code.

The rezoning also 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 from FD-2 to C-4(PD) is consistent with the Comprehensive Plan and provides a public benefit through the introduction of standards that are more appropriate to hotel uses. In the following performance standards section, staff identifies the requested flexibility for the project. Staff recognizes the public benefit for the requested Planned Development deviations as they accommodate a complete redevelopment of a constrained site.

Code Compliance

Staff analyzed the development using the proposed underlying C-4 zoning district. Because staff believes the C-4 zoning district is appropriate for the site and the rezoning request from FD-2 to C-4 (PD) is consistent with the Comprehensive Plan, the standards listed in Table 1 pertain to the C-4 district. Several other City Code sections apply to the development and are included in the Table 1. Deviations have been requested and those deviations are noted in the table and addressed in more detail in the paragraphs that follow.

Table 1: City Code Requirement Analysis for C-4 Development

Standard	Code Requirement	Proposed	Compliance
Site Area – minimum	120,000 square feet	122,700 square feet	Yes
Minimum lot width	250 feet	266 feet	Yes
Minimum building floor area	20,000 square feet	92,400 square feet	Yes
Building setback – all streets – minimum	35 feet	33.4 feet along 12 th Ave. S. 26.4 feet to north cul-de-sac	Deviations (see comments)

Standard	Code Requirement	Proposed	Compliance
Building rear yard setback – minimum	15 feet	272 feet	Yes
Building side yard setback – minimum	10 feet	102 feet	Yes
Minimum landscape yard	20 feet – along streets	35 feet - 12 th Ave. S. 35 feet - E. 78 th 11.2 feet - north cul-de-sac 15.5 feet - south cul-de-sac	Deviation requested (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	Trees proposed in all islands at a minimum 8 feet width	Yes
Drive aisles	24 feet minimum width for 90 degree parking; Institute for Transportation Engineers (ITE) standard for areas that are not 90 degree angle	24 for 90 degree parking and 20 feet for angled and parallel parking	Yes
Impervious surface coverage	90 percent maximum	Approximately 75%	Yes
Floor area ratio	0.4 Min / 2.0 Max	0.75	Yes
Parking – minimum	188 stalls	171 stalls (9% deviation)	Deviation (see comments)
Trees – minimum	49 trees	72 trees	Yes
Shrubs – minimum	123 shrubs	368 shrubs	Yes
Freestanding sign	Minimum 20 foot setback	20 feet along 12 th Ave 17.5 feet along E. 78 th Street	Minor revision (see comments)
Trash collection and storage	Interior with interior access	Trash would be located within building and accessed from doors on east side of building	Yes
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 – 0.8 to 4.9 FC Entry – 20 to 22 FC Sidewalk – 0.8 to 6.8 FC Secondary door – unknown to 9.8	Minor revisions required
Sidewalks	8 foot minimum along 12 th Ave. 6 foot minimum along E. 78 th St and around cul-de-sacs Private sidewalks 5 feet clear	8 foot sidewalk along 12 th Ave., 5 feet around cul-de-sacs, at least 5 feet clear for private sidewalks	Minor revisions – increase around cul-de-sacs to 6 feet

Building Design

The five-story building frames the street by locating the building at the 35-foot setback. An outdoor patio is proposed on the north side of the building along E. 78th Street. Architectural columns, however, extend about 1.5 feet into the minimum setback. The northeast corner of the site extends 8.6 feet into the minimum building setback adjacent to the north cul-de-sac. By comparison, the existing motel is approximately 22 feet from the property line along 12th Avenue South.

In both instances, staff is supportive of the proposed setback deviations. Additional distance was required to the east of the building for adequate space to maintain existing City utilities underneath the drive lane (vacated 13th Avenue South). To accommodate that need, the designer located the building at the 12th Avenue South setback with the architectural columns slightly within the setback. In order to properly size the trash room, the applicant enlarged the interior trash room which subsequently encroached in the minimum setback. The trash room encroaches in the setback adjacent to the north cul-de-sac and would not be visually impactful. One-way, eastbound traffic on E. 78th Street north of the site would be more than 70 feet away from the northeast corner.

The building massing, at the proposed setbacks, will serve to provide a greater street presence. Locating the building along street frontages rather than to the side and rear of the site is the optimal site design for this location, in staff's opinion.

Landscaping and Screening

Landscaping material would exceed Code requirements and would entail a mix of canopy, ornamental, and coniferous trees, deciduous and coniferous shrubs, and perennial beds. Trees are incorporated into parking islands and along the perimeter of the parking lot, which better distributes landscaping throughout the site.

Parking just north of the south cul-de-sac is not well screened from the road, so additional landscaping or other screening measures are needed between the proposed sidewalk and property line so visibility of northbound traffic on 13th Avenue South entering the site is not impaired. Minor revisions to the landscaping plan would also ensure plantings are not located within clear view triangles.

Some proposed plant materials are within the utility easements and under the overhead powerlines. The landscape plan will require revisions to assure trees are not placed on top of low depth underground utilities, create any difficulty with utility maintenance and minimize maximum growth if placed under overhead powerlines.

Parking

With only guest rooms and no restaurant or banquet spaces, the parking calculation is straightforward. Each room requires 1.1 parking spaces; with 171 rooms, the parking requirement is 188 stalls. The applicant proposes 171 stalls, or one stall per room, which meets the franchise parking requirement, but represents a 9 percent deviation from City Code.

Staff is supportive of the 9 percent parking reduction. This particular site is very well served by public transit and the applicant's project description identifies several routes that serve the area, and these routes provide good connections to the region. Metro Transit is currently beginning work on an Arterial Bus Rapid Transit Line, the "D Line," which will connect the Mall of America with Downtown Minneapolis via American Boulevard and Portland/Chicago Avenues. A station is planned on American Boulevard close to the proposed development site. Service may begin as early as 2021.

Due to the parking deviation, the applicant would be required to prepare a detailed Transportation Demand Management (TDM) plan to assist vehicle trip reduction goals. More details on the TDM program are located in a following section. In addition, while primarily a potential amenity for guests, the Nokomis – Minnesota River Regional Trail is located on the west side of 12th Avenue South and along American Blvd. Bike trail access could serve to reduce some trips for employees. A component of the TDM plan could be ways to incentivize alternative transportation methods for employees.

It should be noted, however, that hotel airport parking, where guests stay at the hotel and leave their vehicle while flying, would not be allowed as the applicant seeks parking flexibility. The City Code defines "hotel airport parking" as accessory to a hotel for the use of hotel guests to park or store motor vehicles for up to seven days while out of town provided such parking is in addition to the parking spaces required by this Code for the hotel and its accessory uses and provided the parking does not exceed one space per ten hotel rooms. Hotel airport parking could only be acceptable if on-site parking exceeded the Code requirement. Future changes along Interstate 494 may provide the opportunity for additional parking which may allow hotel airport parking in the future, subject to approval.

Due to the proposed right-of-way vacation, the applicant has incorporated the north and south cul-de-sacs to serve as turnarounds for City maintenance vehicles and the motoring public. Accommodating the sizing requirements for the cul-de-sacs removed available land for parking stalls on the north and south ends of the site. To maximize the number of parking stalls on site, the applicant proposes parking setback deviations. Along the north, the setback would be between 11.2 and 37 feet. Along the south property line, the setbacks would be between 15.5 and 35 feet. Staff is supportive of the parking setback deviations. The deviations do not extend the entirety of the parking lot and sidewalks are still accommodated within a 10-foot sidewalk/bikeway easement. With landscaping improvements mentioned above, the encroachments would not be detrimental to traffic or pedestrians.

Although incorporating two cul-de-sacs led to the applicant requesting parking setback deviations, the north cul-de-sac may be removed in the future. In the long term, if Interstate 494 is expanded, E. 78th Street would likely be removed negating the need for the north turnaround. The applicant, or future property owner, could expand the parking lot to the north and meet or exceed parking requirements. The timeline for any Interstate expansion, however, is unknown.

Signage

City Code Section 19.121 establishes signage standards for hotels. Sign size is based on number of stories or rooms. For this development, two elevations may have signs up to 250 square feet each while the two other elevations may have wall signs up to 100 square feet each. The proposed signage plan identifies two wall signs on the south elevation – one that would be highly visible from northbound traffic on 12th Avenue South and one above the main entrance. No signage is depicted along the east elevation so one sign currently depicted on the south elevation must be relocated to that wall or removed altogether.

Freestanding signs are located along 12th Avenue South and E. 78th Street and meet height and size requirements. The sign along E. 78th Street does not meet the 20-foot setback and must be shifted south about 2.5 feet. The plan identifies two small free-standing signs near the south entrance. These signs could be characterized as directional signs. At their proposed height, however, they do not meet the 20-foot minimum setback. If the sign height were reduced to no more than three feet above grade, they could be located at a 10-foot setback. Sign permits are required prior to the installation of any sign.

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 applicant is proposing to install an underground system for detention and infiltration. Above ground ponding is not allowed on this site due to airport zoning restrictions.

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 for rate control and volume, but additional calculations are still needed to meet the water quality requirement. 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 Richfield-Bloomington Watershed Management Organization, so no additional permits will be required.

Utilities

Under the requested vacated portion of 13th Avenue South, there are a 6-inch watermain, 12-inch sanitary sewer, and a 60-inch storm sewer. All of these existing public utilities will remain and an adequate easement is required to be dedicated over the existing pipes. The submitted preliminary plat shows a drainage and utility easement in the proposed vacated right-of-way area of 36 feet wide. However, this dimension does not adequately provide access to maintain the existing pipe. An additional 5 feet of drainage and utility easement will be required on the plat.

There is currently adequate capacity in the public sanitary sewer and watermain to accommodate this redevelopment project.

Traffic Analysis

No significant impacts to the adjacent traffic patterns due to this redevelopment project have been identified.

Transit and Transportation Demand Management (TDM)

This redevelopment will require a Tier 1 TDM plan, which requires the property owner to submit a detailed TDM plan that describes how the property owner intends to incentivize travel to and from the site other than by car. In addition, the Tier 1 TDM program requires a financial guarantee held for a minimum of 2 years and a signed TDM agreement that describes the requirements of the Tier 1 TDM program. The property owner will be required to submit an annual report that will show if the TDM plan is successful and that a good faith effort has been demonstrated.

Fire Preventions and Public Safety

Maintaining access, water supply, and addressing for the property are critical factors in any development plan. All 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.

A looped water supply feeding a single, combined water service into the building is required for the domestic and sprinkler system water demand. The fire alarm system must meet the minimum requirements for an R-1 occupancy. The buildings 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.

Provide landscaping techniques that would not interfere with firefighting operations including access to building openings. Any changes made to the current plans, including building location, access roads, water supply, landscaping and addressing, shall be reviewed by the Fire Marshal to insure 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 21.501.02(d)(1-6):

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 hotel is consistent with the Comprehensive Plan's Community Commercial designation.
(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) 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 development that is of similar character with the nearby hotel. The building's height, density, massing, design and other characteristics are consistent with development projects along Interstate 494. The deviations would not have an adverse impact on the surrounding neighborhood and are in the public interest.
(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	Finding made – The planned development is proposed to be completed in one phase and is not dependent upon a 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	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.
(6) 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 with hotel development along the Interstate 494 corridor.

Required Preliminary Plat Findings - Section 22.05(d)(1-8):

Required Finding	Finding Outcome/Discussion
(1) The plat is not in conflict with the Comprehensive Plan	Finding made – The plat is not in conflict with the Comprehensive Plan as the proposed lot meets all City Code requirements and is sufficient for development allowed in the underlying zoning district.
(2) The plat 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 plat is not in conflict with City Code provisions	Finding made – The proposed plat is not in conflict with provisions of the City Code subject to the proposed

	rezoning, preliminary development plan, and final development plan.
(4) The plat does not conflict with existing easements	Finding made – There are no known easements in conflict with the plat.
(5) There is adequate public infrastructure to support the additional development potential created by the plat	Finding made – There is adequate public infrastructure to support the development intended for the lot created by the plat.
(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	Finding made – The plat must establish new drainage and utility easements. The proposed development plan will be required to manage erosion, stormwater, and mitigate any potential negative impacts on the environment. There are no environmentally sensitive areas or steep topography.
(7) The plat will not be detrimental to the public health, safety and welfare	Finding made – The plat combines five existing lots into one lot in order to facilitate redevelopment of underutilized properties. The redevelopment 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.	Finding made – The proposed plat would facilitate construction of the proposed development on site and is not in conflict with the proposed development.

Required Final Plat Findings – Section 22.06(d)(1):

Required Finding	Finding Outcome/Discussion
(1) The plat is not in conflict with the approved preliminary plat or preliminary plat findings	Finding made – The final plat is consistent with the preliminary plat and preliminary plat findings.

RECOMMENDATION

The Planning Commission and staff recommend the following motions:

In Case PL2017-39, I move to adopt the ordinance rezoning 1225 and 1301 E. 78th St., 7831 12th Avenue South, and 7830 and 7837 13th Avenue South from FD-2 Freeway Development to C-4 (PD) Freeway Office (Planned Development).

In Case PL2017-39, having been able to make the required findings, I move to approve the preliminary and final development plan for a five-story, 171-room hotel at 1225 and 1301 E. 78th St., 7831 12th Avenue South, and 7830 and 7837 13th Avenue South, subject to the conditions of approval and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL2017-39

Project Description: Rezoning, Preliminary and Final Development Plan and Preliminary and Final Plat for a Five-Story, 171-room Hotel

Address: 1225 and 1301 East 78th Street, 7830 and 7837 East 13th Avenue, and 7831 East 12th Avenue

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 Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
3. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
4. Prior to Permit A Richfield-Bloomington Watershed District permit must be obtained and a copy submitted to the Engineering Division.
5. Prior to Permit The properties 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 any permits (22.03(a)(2)). Drainage and utility easement must be adequate width to provide utility maintenance access .
6. Prior to Permit Ten-foot sidewalk easement must be provided by document along public rights-of-way as approved by the City Engineer and proof of filing must be provided to the Manager of Building and Inspection.
7. Prior to Permit An erosion control surety must be provided (16.05(b)).
8. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52). Landscaping must be compatible with utilities infrastructure.
9. Prior to Permit Three foot high parking lot screening must be provided along 13th Avenue South as approved by the Planning Manager (Sec. 19.52).
10. Prior to Permit A uniform sign design must be submitted for approval by the Planning Manager (Section 19.109). All signs must meet Chapter 19, Article X of the City Code and receive sign permits prior to installation.
11. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
12. 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.

13. Prior to Permit A Minnesota Pollution Control Agency (MPCA) Sanitary Sewer Extension or Modification Permit must be obtained or notification from the MPCA that this permit is not required must be submitted to the City (State of MN).
14. Prior to Permit A Construction Management Plan must be submitted for review and approval by the City.
15. Prior to Permit An Airport Zoning Permit must be approved by the Community Development Director for any crane or structure on site that exceeds 110 feet in height above existing grade (MSP Airport Zoning Ordinance Section VIII (A)).
16. Prior to C/O A minimum eight-foot sidewalk must be installed within a sidewalk/bikeway easement along 12th Avenue South and a minimum six-foot sidewalk along other public rights-of-way, within a sidewalk/bikeway easement, at the developer's expense (Section 21.301.04(b)(1)).
17. Prior to C/O Tier 1 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
18. Ongoing All construction stockpiling, staging and parking must take place on site and off adjacent public streets and public right-of-way.
19. Ongoing Bicycle parking spaces must be provided and located on the site as approved by the City Engineer.
20. Ongoing Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands (Sec 19.64).
21. Ongoing 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).
22. Ongoing Development must comply with the Minnesota State Accessibility Code.
23. Ongoing Hotel Airport parking must not be established without meeting the minimum parking requirements of the City Code.
24. Code Requirement Vacation of existing drainage and utility easement is recommended upon the dedication of new drainage and utility easements on the new plat.

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Case PL2017-39

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