

GENERAL INFORMATION

Applicant: Metropolitan Airports Commission (owner)
Nick Lambrecht, WhirlyBall Twin Cities (user)

Location: 2405, 2415, 2425 and 2435 E. Old Shakopee Road

Request: Major revision to final site and building plans for a 35,700 square foot recreation, entertainment, and restaurant building.

Existing Land Use and Zoning: Vacant land; zoned CS-1(BP-2)(AR-17), Commercial Service (Bluff Protection)(Airport Runway)

Surrounding Land Use and Zoning: North – Overflow parking; zoned CO-2 (PD)(AR-17), Commercial Office Mixed Use (Planned Development)(Airport Runway)
South – Environmental corridor; zoned SC (BP-2)(AR-17), Conservation (Bluff Protection)(Airport Runway)
East – Agriculture; zoned CS-1(BP-2)(AR-17), Commercial Service (Bluff Protection)(Airport Runway)
West – Environmental corridor; zoned SC (BP-2)(AR-17), Conservation (Bluff Protection)(Airport Runway)

Comprehensive Plan Designation: Innovation and Technology

HISTORY

Planning Commission Action: 05/25/2017 – Approved final site and building plans for a four story, 182 room hotel (Case PL2017-60).

CHRONOLOGY

Planning Commission 08/10/2017 – Recommended City Council approval of the major revision to final site and building plans.

City Council 08/28/2017 – Development Business agenda item.

DEADLINE FOR AGENCY ACTION

Application Date: 07/05/2017

60 Days:	09/03/2017
120 Days:	11/02/2017
Applicable Deadline:	09/03/2017
Newspaper Notification:	Confirmed – (07/27/2017 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 a two story, 35,700 square foot recreation, entertainment, and restaurant facility within the City's South Loop District. The user, WhirlyBall, is the second development phase proposed for the site. The first development phase is a four story, 182 room dual branded hotel. WhirlyBall would be physically connected to the hotel with an access corridor, trash and recycling room and utility rooms. Parking would be provided around the perimeter of the buildings.

The hotel was approved by the Planning Commission in May 2017. Because the hotel will be Code compliant once conditions of approval are satisfied, the hotel did not require City Council review. WhirlyBall, however, is requesting flexibility from City Code parking requirements, through a shared use parking study, demonstrating the parking demand would be less than the City Code requirement. The shared use parking study was conducted prior to the application submittal and reducing the parking requirement through a shared use parking study requires City Council approval.

ANALYSIS

Land Use

Four existing parcels currently owned by the Metropolitan Airports Commission make up the development site. A preliminary and final plat have been approved to combine the four parcels into one, but has yet to be filed. Both WhirlyBall and hotel would be located on the same parcel, which is zoned CS-1 Commercial Service. Hotels are permitted uses, while recreation and entertainment uses are provisional. Restaurants, provided they do not exceed 10 percent of the building, are also provisional.

Provisional uses are permitted, provided they are developed as a related element to a principal permitted use. Therefore, WhirlyBall and the hotel must be related developments. The applicant would create the relationship through shared access from E. Old Shakopee Road, shared parking, and some physical integration by implementing a shared corridor between the two buildings. Several hotel and restaurant combinations have developed in a similar manner within the CS-1 district. These hotel and restaurant combinations line the south side of Killebrew Drive west of the E. Old Shakopee Road and Killebrew Drive intersection. The proposed development would have a similar overall character.

Code Compliance

Staff analyzed the development using the existing CS-1 zoning district. The standards listed in Table 1 pertain to the CS-1 and applicable City Code performance standards. No development deviations have been requested beyond the requested flexibility from parking requirements as supported by the parking study. Significant revisions are noted in the table and addressed in the paragraphs that follow.

Table 1: Development Standards in the CS-1 district

Standard	Code Requirement	Proposed	Compliance
Site Area – minimum	120,000 square feet	250,841 square feet	Yes
Minimum lot width	200 feet	310 feet	Yes
Building setback – all streets – minimum	60 feet	162 feet	Yes
Building side yard setback – minimum	30 feet	77 feet	Yes
Minimum landscape yard	20 feet – along streets	20 feet	Yes
Parking setback – internal minimum	5 feet – minimum side and rear lot lines	Minimum 5 feet	Yes
Parking islands	8 feet minimum width with one tree or more	Trees proposed in most 8 foot wide islands	Minor revisions required
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 feet for 90 degree parking	Yes
Maximum structure coverage	30 percent	18 percent	Yes
Floor area ratio	No Min / 1.0 Max	0.54 (134,400 gross floor area)	Yes

Standard	Code Requirement	Proposed	Compliance
Parking – minimum	375 stalls	360 stalls	Shared parking flexibility requested
Trees – minimum	35 trees	41 trees	Must coordinate with hotel landscaping plan
Shrubs – minimum	88 shrubs	88 shrubs	Must coordinate with hotel landscaping plan
Freestanding sign	Minimum 20 foot setback from street	20 along E. Old Shakopee	Yes
Trash collection and storage	Interior with interior access	Interior trash provided within building and accessed from the west side of building	Yes
Sidewalks	10 foot trail along E. Old Shakopee Road	10 foot asphalt trail	Yes

Building Design

The WhirlyBall building would be comprised of brick, glass, stucco, and metal panels. The proposed materials may be approved as primary exterior building materials, provided durability expectations are met. Stucco acrylic finish, for example, is subject to a number of performance standards to help ensure the acrylic-based finish coat is properly installed and meets minimum durability standards. Brick is depicted on the elevations, but the applicant was considering using “thin brick,” which is essentially ¼ inch thick brick tiles embedded into a pre-fabricated concrete wall. While brick is allowed by Code, thin brick has not been interpreted in the past to be a Code compliant substitute for brick. Staff is researching whether the material is sufficiently durable to warrant a change in interpretation.

Designs for the shared corridor need to be finalized. The applicant incorporated trash and utility facilities in addition to the connection between the WhirlyBall hotel buildings. Ideally, the connection would take the shortest possible path between the buildings, although revisions to the hotel’s floor plan would be required. The proposed hallway connection shifts to the east and accesses the hotel’s first floor hallway. Staff will continue to work with the design teams to ensure a shared corridor that creates a clear relationship, both visually and for access, between the uses.

Because the building is located near the MSP airport, the development is subject to height limitations. The proposed building height, 40 feet, is well within the height limits, but a no hazard determination from the FAA is required before a building permit is issued. The primary consideration would be construction crane height.

Landscaping, Screening and Lighting

Although the applicant's landscape plan meets Code requirements for the number of plantings, coordination is needed with the hotel's landscape designer. Each building submitted development applications separately, but there is only one site. Therefore, before a building permit may be issued for the hotel or WhirlyBall, the applicants must provide one, coordinated landscaping plan.

A lighting plan for the development was not provided. For recreation uses, City Code requires a minimum 10 footcandles maintained at primary entrances and 2 footcandles for secondary entrances. Two footcandles is required for the majority of the parking surface, but lighting may be reduced to 1.0 footcandle along the parking lot's perimeter. Similar to landscaping, coordination between the two development teams is needed to ensure a cohesive lighting plan. An initial and maintained photometric plan must be submitted and approved by Planning staff prior to issuing a building permit.

Access, Circulation, and Parking

Access to the hotel and WhirlyBall development is from East Old Shakopee Road. At the City's request, the applicant will shift the existing driveway as close to the east property line as possible. A portion of the existing median within E. Old Shakopee Road will be removed to allow for the left turn into the development. Proposed access has not changed since the hotel project was approved by the Planning Commission in May.

Table 2 below identifies the development's parking requirement. WhirlyBall is a recreation and entertainment use, but is comprised of several use categories with separate parking requirement ratios. Based on number of hotel rooms and WhirlyBall's characteristics, the total parking requirement is 375 stalls. Three-hundred and sixty stalls are proposed, a four percent deficiency.

Table 2: Parking Analysis

Use Description	Code Standard	Parking Requirement
WhirlyBall		
WhirlyBall Courts, laser tag, escape rooms, and meeting rooms	One-third of the total occupancy	92
Restaurant (120 seats)	One stall per 2.5 seats	48
Bowling (8 lanes)	4 stalls per lane (ITE standard)	32
Office and storage		3
Hotel	1.1 stalls per room	200
Total parking requirement		375 stalls
Total parking proposed		360 stalls
Parking flexibility requested		4 percent (15 stalls)

City Code Section 21.301.069(e) establishes a number of parking reduction flexibility measures. One flexibility measure allows hiring an independent traffic engineering professional to prepare a shared parking study to demonstrate the parking demand is less than City Code requirements. The applicant chose to seek flexibility for the four percent parking reduction through a shared use parking study. The study concluded that even at peak demand, the parking demand for the WhirlyBall and hotel uses is anticipated to be approximately 320 vehicles. In other words, even at peak demand, a parking surplus is expected. Given the independent study, staff is comfortable with the modest four percent parking reduction.

Stormwater Management

Stormwater must be managed to meet the City's requirements for stormwater rate control (quantity), stormwater quality and volume. The applicant is proposing to share an underground stormwater chamber with the hotel development with the underground structure being located north of the WhirlyBall building. Additional information is needed from the applicant to ensure that stormwater from both the hotel and WhirlyBall meet the City's requirements. In addition, a maintenance plan has not yet been provided and will be required to be signed and filed at Hennepin County. The maintenance agreement must also indicate how the shared stormwater structure will be maintained jointly by the two building owners. This site is located within the Lower Minnesota River Watershed District, so no additional permits are required, but the watershed district has bluff protection rules that the applicant should be aware of.

Utilities

Sewer and water services to the WhirlyBall building will be shared with the hotel development. A private shared utility easement will be required.

Traffic Analysis

No significant impacts to the adjacent traffic patterns due to this building addition have been identified.

Transit and Transportation Demand Management (TDM)

Since a City Code parking deviation is requested, a Tier 1 TDM plan is required. The Tier 1 TDM plan includes a written plan for reducing single-occupant vehicles to the site, a TDM agreement committing to two years of implementation of the plan, a TDM surety which is equal to \$50 per code required parking space, and an annual report. The City holds the surety for two years, or longer if the applicant does not demonstrate a good faith effort to implementing their TDM plan.

Fire Preventions and Public Safety

The applicant must provide documentation verifying emergency vehicle turning radius throughout the property. All proposed landscaping must not interfere with building access. Hydrants and fire department connection locations 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 entrance.

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.

Status of Enforcement Orders

There are no open enforcement orders for these properties.

FINDINGS**Required Final Site and Building Plan Findings - Section 21.501.01(d)(1-4):**

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan.	Finding Made - The proposed development for recreation, entertainment, and hospitality is in conformance with and not in conflict with the Comprehensive Plan's Innovation and Technology Designation. The Comprehensive Plan endorses the development of vacant commercial property within Bloomington.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	Finding Made - The use is not in conflict with the South Loop District Plan. Recreation, entertainment, and hospitality are acceptable uses in the Innovation and Technology land use designation.
(3) The proposed use is not in conflict with City Code provisions.	Finding Made - The proposed development, once conditions of approval are satisfied, would be in conformance with all City Code provisions established for development in the CS-1 zoning district.
(4) The proposed development will not be injurious to the surrounding	Finding Made - The development is consistent and compatible in scale, character and intensity with the

neighborhood or otherwise harm the public health, safety and welfare.	adjacent uses in the CS-1 district. The development is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.
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RECOMMENDATION

The Planning Commission and staff recommend the following motion:

In Case PL2017-127, having been able to make the required findings, I move to approve a major revision to final site and building plans for a 35,700 square foot recreation, entertainment, and restaurant building at 2405, 2415, 2425, and 2435 E. Old Shakopee Road, subject to the conditions and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL2017-127

Project Description: Major revision to final site and building plans for a 35,700 square foot recreation, entertainment, and restaurant building

Address: 2405, 2415, 2425, and 2435 E. Old Shakopee Road

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 Access, circulation and parking plans must be approved by the City Engineer.
2. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
3. Prior to Permit Approval by the Lower Minnesota Watershed District must be provided.
4. Prior to Permit Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
5. Prior to Permit An erosion control surety must be provided (Sec. 16.08(b)).
6. Prior to Permit Three foot high parking lot screening must be provided along E. Old Shakopee Road as approved by the Planning Manager (Sec. 19.52).
7. Prior to Permit Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands (Sec 19.64).
8. Prior to Permit Parking lot and site security lighting plans must be revised to satisfy the requirements of Section 21.301.07 of the City Code.
9. Prior to Permit All rooftop equipment must be fully screened (Sec. 19.52.01).
10. Prior to Permit 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).
11. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
13. 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).
14. 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.
15. 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).
16. 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.

17. Prior to Permit Federal Aviation Administration review is required through the 7460 airspace analysis process.
18. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52).
19. Prior to C/O Tier 1 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
20. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
21. Ongoing All construction stockpiling, staging and parking must take place on site and off adjacent public streets and public right-of-way.
22. Ongoing Recyclable materials must be separated and collected (Sec. 10.45).
23. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.
24. Ongoing Development must comply with the Minnesota State Accessibility Code.
25. Ongoing Alterations to utilities must be at the developer's expense.