

## GENERAL INFORMATION

Applicant:	HOM Furniture (Owner and User) Budget Truck Rental, LLC (Owner)
Locations:	7800 and 7850 Dupont Avenue South and 1217 Clover Drive
Request:	<ol style="list-style-type: none"><li>1) Rezoning 1217 Clover Drive from I-3 to C-3(PD)</li><li>2) Type II Preliminary and Final Plat to combine three lots into one lot</li><li>3) Preliminary and Final Development Plans for the renovation and expansion of an existing furniture store</li></ol>
Existing Land Use and Zoning:	Furniture store and truck rental facility; zoned C-3(PD) Freeway Commercial Center (Planned Development) and I-3 General Industrial
Surrounding Land Use and Zoning:	North – Interstate Highway 494 South – Place of assembly; zoned I-3 East – Motor vehicle sales (Class I); zoned I-3 West – Motor vehicle sales (Class I) and Interstate Highway 35W; zoned CR-1(PD)
Comprehensive Plan Designation:	Regional Commercial

## HISTORY

City Council Action:	05/02/1966 – Approved a variance for a reduced yard and waiver of parking requirement, and approved a conditional use permit for store expansion (Case #2801-66).
City Council Action:	07/06/1970 – Approved variances for sign height and size (Case #2801AB-70).
City Council Action:	09/17/1973 – Approved a conditional use permit to expand a furniture store (Case #2801E-73).
City Council Action:	03/11/1974 – Approved a variance for reduced side yard setback (Case #2801F-74).
City Council Action:	05/28/1974 – Approved final site and building plans for furniture store expansion (Case #2801E-73).

City Council Action: 12/21/1981 – Approved a conditional use permit for retail sales of beds (Case #2801A-81).

City Council Action: 06/06/1988 – Approved a conditional use permit and variance for furniture store expansion (Case #9334ABC-88).

City Council Action: 10/07/1996 – Approved the final plat of Hollinbeck Enterprises Addition (Case #5132AB-96).

City Council Action: 09/23/2013 – Approved a variance for a reduced setback for a pylon sign (Case #9334A-13).

City Council Action: 11/02/2015 – Approved an ordinance amendment to define and create a parking requirement for Large Item Retail Sales (Case #10000H-15).

City Council Action: 12/21/2015 – Approved the rezoning of 7800 and 7850 Dupont Avenue from I-3 and I-3(PD) to C-3 (PD) and Preliminary and Final Development Plans for a 163,460 square foot furniture store (Case #09334ABC-15 – **No Building Permit Issued**)

## CHRONOLOGY

Planning Commission Action: 08/23/2018 Recommended approval (Vote: 7-0)

City Council Agenda: 09/10/2018 Public Hearing Scheduled

## DEADLINE FOR AGENCY ACTION

Application Date: 07/19/2018

60 Days: 09/17/2018

Extension Letter Mailed: No

120 Days: 11/16/2018

**Applicable Deadline: 09/17/2018**

Newspaper Notification: Confirmed – (08/09/2018 Sun Current – 10 day notice)

Direct Mail Notification: Confirmed – (500 buffer – 10 day notice)

## STAFF CONTACT

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## PROPOSAL

HOM Furniture submitted multiple applications to renovate and expand an existing furniture store located at 7800 and 7850 Dupont Avenue South. The store expansion includes the demolition of the existing abutting Budget Truck Rental facility located at 1217 Clover Drive. HOM Furniture would purchase the Budget property to expand to the west. The subject application follows a previous application for a store renovation and expansion that was approved in December of 2015. However, due to complications surrounding the attached Budget Truck building and the requirements of the MN State Building Code, the Final Development Plan approved in 2015 was not constructed.

The existing HOM Furniture store is 106,111 square feet. The building renovation and expansion proposed through the subject development plans would increase the building size to 209,213 square feet, nearly doubling the floor area of the building. The significant increase in floor area is created by the construction of a full basement and a complete second level, whereas the existing building only has a partial second level. However, the building footprint size is nearly identical.

In addition to the Preliminary and Final Development Plans, the application includes requests to rezone 1217 Clover Drive from I-3 to C-3(PD) and combine the three parcels into one larger lot through a Type II Preliminary and Final Plat.

## ANALYSIS

### Rezoning

The applicants request rezoning 1217 Clover Drive from I-3 General Industrial to C-3(PD) Freeway Commercial Center (Planned Development) to allow for the expansion of the furniture store. Retail uses are not allowed in the I-3 zoning district. As a result, 1217 Clover Drive must be rezoned to allow for the retail use. The proposed rezoning is illustrated in Figure 1. Rezoning carries a higher level of discretion than quasi-judicial actions. 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.

The subject properties, including 1217 Clover Drive, are guided Regional Commercial in the Comprehensive Plan. The Regional Commercial designation allows for retail uses that require easy access from the freeway system, such as “big box” retail. The intent of the C-3 zoning district is the following:

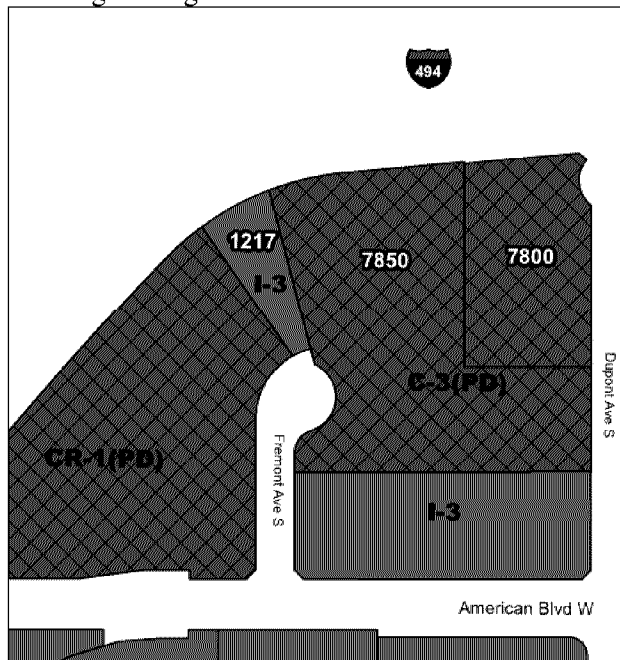
*The Freeway Commercial Center (C-3) District is designed to provide opportunities for high intensity retail and mixed uses in high profile locations near freeway corridors and interchanges that have high quality accessibility and transit service potential.*

Based on the intent, the C-3 zoning district is consistent with the Regional Commercial land use category in the Comprehensive Plan. Given the size of the proposed furniture store, the use can be described as high-intensity retail and is consistent with the C-3 zoning district. It should be noted that the site is a high profile location near Interstate Highways 494 and 35W. In addition, high frequency transit service (Routes #4 and #542) is available at Lyndale Avenue and American Boulevard West, approximately ¼ mile to the east of the subject properties.

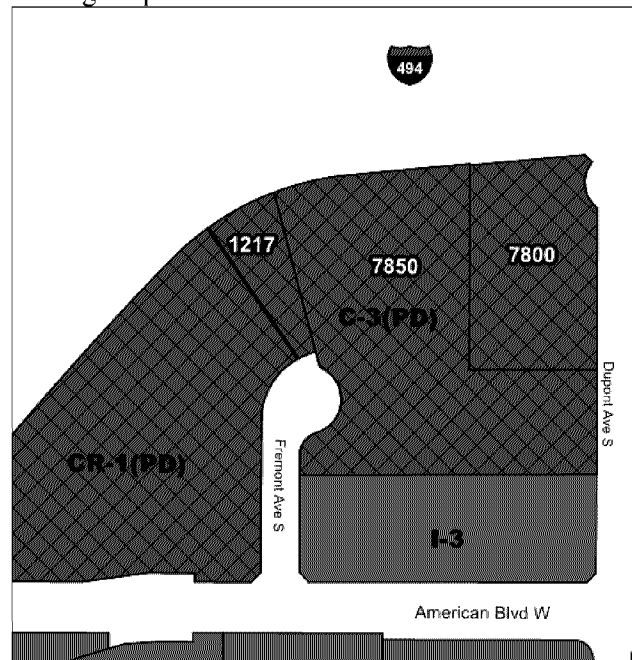
The existing zoning of 1217 Clover Drive, I-3 General Industrial, is not consistent with the Regional Commercial guidance. Retail sales and services is not a permitted use in the I-3 zoning district. Rezoning 1217 Clover Drive from I-3 to C-3 brings the site into harmony with the City's Comprehensive Plan. The addition of the Planned Development (PD) Overlay District relates to the Preliminary and Final Development Plans submitted by the applicant. If the subject Final Development Plans are approved, the PD Overlay must be extended over 1217 Clover Drive.

**Figure 1 – Rezoning 1217 Clover Drive form I-3 to C-3(PD)**

Existing Zoning



Zoning Map Amendment



To evaluate the public benefit associated with the requested zoning change, staff references the Comprehensive Plan to verify the proposed project is consistent with the City's land use goals and strategies. The Comprehensive Plan encourages high density development along the I-494 corridor and the channeling of non-residential growth to defined nodes and corridors near freeways and

transit. In addition, the Plan seeks to enhance land use compatibility when considering requests to change zoning. The rezoning of 1217 Clover Drive to C-3(PD) is consistent with the aforementioned goals and strategies of the Comprehensive Plan. Staff recommends approval of the request to rezone the property from I-3 to C-3(PD).

### **Platting**

To construct the proposed furniture store expansion, the Budget Truck Rental site (1217 Clover Drive) must be combined with the existing HOM Furniture parcels (7800 and 7850 Dupont Avenue South), requiring the approval of a Type II Preliminary and Final Plat. The applicant submitted the necessary plat applications in conjunction with the development application. The proposed plat, HOM Addition, combines the three parcels into one lot, which is 238,519 square feet (5.48 acres) in size. The proposed lot would meet the minimum lot area and width standards of the C-3 zoning district by a large margin.

The City's Engineering Division has reviewed the plat documents and provided review comments to the applicant. Additional details on the proposed plat, such as easement vacation and the conveyance of sidewalk, bikeway, transportation facility, drainage and utility easements, must be resolved. In addition, the applicant has submitted a right-of-way vacation request for the northeast corner of the Fremont Avenue South cul-de-sac. The Final Plat should reflect the right-of-way vacation should it be approved. Staff is supportive of the applications for Preliminary and Final Plat. Should the plat be approved, it must be recorded at Hennepin County prior to the issuance of any footing/foundation or building permits. Finally, the applicant must satisfy the City's park dedication requirements prior to recording as well.

### **Code Compliance**

Table 1 provides an analysis of the proposed development according to the development standards of the C-3 zoning district and other performance standards throughout the City Code. Areas of noncompliance or nonconformance are identified, and additional discussion regarding conformance to various performance standards is provided in specific sections of the staff report.

**Table 1 – City Code Compliance Analysis**

<b>Standard and Code Section</b>	<b>Proposed</b>	<b>Meets Standard?</b>
<b>Site Area</b> – 40,000 square feet (Sec. 21.301.01(d))	238,519 sq. ft.	Yes
<b>Minimum Lot Width</b> – 100 feet (Sec. 21.301.01(d))	400 feet	Yes
<b>Minimum Building Floor Area</b> 20,000 sq. ft. (Sec. 21.301.01(d))	209,213 sq. ft.	Yes
<b>Floor Area Ratio (FAR)</b> – Minimum 0.5, Maximum 1.0 (Sec. 21.301.01(d))	0.88	Yes

Standard and Code Section	Proposed	Meets Standard?
<b>Building Setback Along Streets</b> – 35 feet (Sec. 21.301.02(e))	14.2 feet	Deviation requested – see further discussion
<b>Building Side Yard Setback</b> – 20 feet (Sec. 21.301.02(e))	40 feet	Yes
<b>Parking Setback Along Street</b> – 20 feet (Section 21.301.06)	10' proposed (north) 0' existing condition (east)	Deviation requested – see further discussion
<b>Parking Setback Rear and Side Yard</b> 5 feet (Section 21.301.06)	5 feet	Yes
<b>Impervious Surface Coverage</b> – 95 percent (Sec. 21.301.01(d))	87.5 percent	Yes
<b>Building Height</b> – No limit (Sec. 21.301.10(1)(A))	48 feet	Yes
<b>Parking Quantity Required</b> – 299 spaces (Section 21.301.06(d))	297 spaces	No – see further discussion
<b>Parking Stall Size</b> (90 degree) – 9' x 18' (Sec. 21.301.06(c)(2)(C))	8.2' x 18' (existing condition)	Deviation requested – see further discussion
<b>Parking Stall Size</b> (compact) – 8' x 16' (Sec. 21.301.06(c)(2)(C))	8' x 16'	Yes
<b>Drive Aisles</b> – 24 feet for 90 degree parking (Sec. 21.301.06(c)(2)(C))	22.5 feet (existing condition)	Deviation requested – see further discussion
<b>Sidewalks</b> – 5 feet in width, seven feet when perpendicular to surface parking (Section 21.301.04)	6 feet perpendicular to surface parking	No – see further discussion
<b>Trash and Recycling Collection Area</b> Total - Minimum 938 sq. ft. (Trash – 455 sq. ft., Recycling – 483 sq. ft.) (Sec. 19.51 and MN Admin Rules 1303.1500)	Trash and recycling area not identified	No – see further discussion
<b>Tree Requirement</b> – 95 trees (Sec. 19.52(c)(2))	74 trees (ash trees are prohibited)	No – see further discussion
<b>Shrub Requirement</b> – 239 shrubs (Sec. 19.52(c)(2))	89 shrub units	No – see further discussion
<b>Parking Lot Island Trees</b> – One per island (Sec. 21.301.06(c)(2)(H)(iii))	Two islands do not have trees	No – see further discussion
<b>Free-Standing Sign Setback Along Street Frontages</b> – 20 feet from planned widened right-of-way (Article X)	10 feet	Deviation requested – see further discussion

### **Building Design**

The proposed furniture store renovation and expansion would result in a two-story retail building with a full basement. All three floors would include both retail and warehouse space. The

demolition of the attached Budget Truck Rental facility allows for expansion of the building in the northwest corner to provide a three-bay truck court to serve the proposed warehouse space. The proposed building would be 48 feet in height at its tallest point.

The renovation is proposed to be phased, with the demolition and construction of the western 2/3 of the building scheduled to commence first. The eastern portion of the store would remain open during the construction of the 1<sup>st</sup> Phase. Following the completion of Phase 1, the eastern portion of the building would be renovated within an enclosed envelope. The construction process would be a multi-year effort to achieve completion.

The new building exterior is proposed to be constructed of precast architectural concrete panels, with glass, stucco and other secondary materials. The project description notes that secondary materials will not exceed 15 percent of any building elevation. The primary materials listed would comply with City Code for acceptable exterior materials. However, detailed calculations of building materials on each elevation have not been provided. The exterior materials will need to be reviewed in greater depth prior to a building permit is issued. A condition of approval is recommended that the exterior finish materials be approved by the Planning Manager.

### **Building Location**

The expanded furniture store footprint would be similar to the existing condition (existing building – 78,700 SF, proposed building – 80,800 SF). The proposed building location of the new furniture store would be substantially equivalent. As noted previously, the new warehouse and delivery area would extend westward into the existing Budget Truck Rental facility location. In addition, the southwest corner of the building would extend closer to Fremont Circle, whereas the northwest corner of the building would shift further away from Clover Drive. Generally speaking, the western portion of the building would shift southward. Given the design uncertainties of Phase 1 of the 494-35W Interchange Project, shifting the building further south away from highway rights-of-way is beneficial. Potential impacts to the site resulting from the 494-35W Interchange Project are discussed further in the access, circulation and parking and traffic sections of the report.

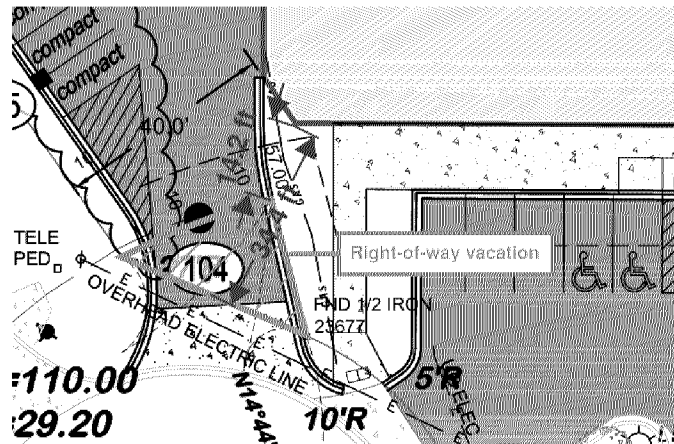
Extending the western portion of the building southward would result in a 14.2-foot setback from the property line along Fremont Avenue. City Code requires a 35-foot front setback in the C-5 zoning district. The applicants are requesting a deviation through the PD Overlay District for a reduced front setback. The reduced setback can be reviewed in Figure 2. Staff is supportive of the reduced front setback to Fremont Circle for two reasons:

- 1) **Right of Way Vacation** – The right-of-way for the Fremont Avenue cul-de-sac has an odd configuration due to a previous connection from Fremont Ave to Dupont Avenue envisioned through the HOM Furniture property that was never constructed. A public road connection through the HOM property will not be constructed in the future. Through the request of a street right-of-way vacation, the front property line can be moved south, increasing the front setback from 14.2 feet to approximately 34 feet. Following the street right-of-way vacation, the setback would nearly be compliant to the C-3 requirement. HOM Furniture has formally

submitted the right-of-way vacation request. The Engineering Division has reviewed the request and is supportive.

- 2) **Potential 494-35W Interchange Impacts** – Shifting the western portion of the building slightly southward is beneficial in that it would move the structure further away from public right-of-way that may be needed to construct future interchange ramps. In staff's judgment, this circumstance warrants consideration of a reduced setback through PD flexibility.

**Figure 2 – Front Setback Southwest Corner**



Staff is supportive of a deviation to reduce the front setback to Fremont Avenue South from 35 to 14.2 feet from the existing property line. As noted above and shown in Figure 2, once the right-of-way vacation occurs, the setback will likely increase to approximately 34 feet, representing a condition that would be nearly compliant.

### **Landscaping, Screening and Lighting**

Based on the developable landscaping area for the site, City Code requires 95 trees and 239 shrubs. The applicant is proposing to provide 95 trees (83 new, 12 preserved). However, 21 trees (four existing, 17 proposed) are ash, which is on the City's prohibited species list and may not be counted towards the landscape requirement. As a result, only 74 compliant trees are provided. The landscape plan must include 95 total trees that are allowed by the City Code. The number of shrubs provided is also deficient, as 89 shrub units are proposed. The landscape plan indicates that 239 shrubs are provided. However, 199 of the 239 shrubs provided are perennial plants. Based on the City Code (Sec. 19.52), four perennial plants equal one shrub. In addition, only 50 percent of the shrub requirement may be comprised of perennial plants. As a result, the landscape plan must be revised to provide the required quantity of shrub units and ensure that perennials account for 50 percent or less of the total requirement.

The City's supplemental landscaping policy requires that building foundation plantings be provided along 50 percent of building elevations that face public street frontages. The northern building elevation meets this requirement, whereas the eastern building elevation facing Dupont Avenue



South does not. Foundation plantings must be added within the landscape area of the eastern building foundation. Regarding parking islands, two islands do not have deciduous trees. City Code requires all parking lot islands to have one deciduous tree. Should the development be approved, the landscape plan must be revised to include the Code required quantity of trees, and all parking lot islands must have one deciduous tree.

Regarding screening, the City Code requires parking lot screening for parking areas within the 40 feet of public right of way. The parking areas east and south of the building along Dupont Avenue currently do not meet this requirement. However, the proposed design matches the existing condition. The parking area east of the existing furniture store is at a zero-foot setback. The existing parking area south of the building is not proposed to be disturbed. As a result, these areas are proposed to remain or match the existing condition. Staff supports a deviation to allow the existing condition to be carried forward.

The applicant has submitted a lighting plan for the exterior portions of the site. Parking for a retail use must be a minimum of 2.0 foot-candles (which can be reduced to 1.0 foot-candle along the outer perimeter 25 feet of the parking lot). There are multiple areas within the surface parking lot that are below the minimum lighting requirements. In addition, the primary building entrances for the retail store must have a minimum light level of 10.0 foot-candles extending a radius of twice the width of the door opening. These deficiencies must be addressed through the submittal of revised lighting plans. The lighting plan must be approved prior to the issuance of building permits.

**Access, Circulation, and Parking:**

The site access may change due to the future 494-35W Interchange Project's impact to Clover Drive. It is possible that segments of Clover Drive will be abandoned altogether. As a result, alternative access from the existing condition must be considered. The existing site has two driveways to Clover Drive. These driveways would be removed, and a new access would be provided to Dupont Avenue South in the northeast corner of the property. The two existing access drives to Fremont Avenue South would remain. The proposed circulation of the site would allow for vehicle movements around the entirety of the building. The applicant has not yet submitted an autoturn exhibit utilizing BFD Ladder 1. The applicant must submit this exhibit as part of the final review of civil plans.

The applicant proposes to construct 297 surface parking spaces, 12 of which as proof of parking. The project description notes that the parking requirement can be increased to 307 stalls through the use of compact parking stalls. The proposed surface parking is provided in multiple areas around the site. The main field of parking is south of the building, and additional surface parking is provided around the circulation drive on the east, north and west side of the site. The City Code requires 299 parking stalls. Table 2 provides a breakdown of the parking quantity requirement.

**Table 2 – Parking Quantity Analysis**

Use Description	Standard	Proposed	Stalls Required
Large Item Retail Sales	140 spaces plus additional 1 space per 1,000 sq. ft. of gross floor area over 50,000 sq. ft.	185,938 sq. ft.	275.9
Warehouse	One space per 1,000 sq. ft.	23,265 sq. ft.	23.3
<b>Total Parking Requirement Per City Code</b>			<b>299</b>
<b>Parking Proposed</b>			<b>297</b>
<b>Parking Deficit</b>			<b>2 (0.6%)</b>

The site is currently short two parking stalls, representing a 0.6 percent deficit. The application is not seeking a deviation for the quantity of parking. The project description notes that additional parking can be provided by converting additional stalls to compact parking. The applicant requests that such a conversion can be structured through a proof of parking agreement. In addition to the 12 proof of parking stalls along the west boundary, conversion of additional compact stalls can be added to a proof of parking agreement. As the applicant has demonstrated that the parking lot is underutilized for the subject use, staff is supportive of a proof of parking agreement in this case. The applicant will either need to provide the Code-required quantity of parking, or demonstrate that they can provide 299 parking stalls as part of a proof of parking agreement. Staff has added a condition that the applicant enter into a proof of parking agreement prior to issuance of the building permit. Finally, the snow storage area identified in the plan may not be adequate given the size of the parking lot. Snow storage should be evaluated to determine if additional area is available to avoid a decrease in site parking during the winter months.

In terms of parking stall, island, and drive aisle dimensions, the southern parking area that is proposed to remain does not meet Code in multiple locations. For example, multiple stalls are 8.2 feet in width, and the southeastern drive aisle is 22.5 feet in width. These are existing conditions that are proposed to remain unchanged. Staff is supportive of deviations to allow these existing non-conforming dimensions to continue, as redesigning to Code-compliant dimensions will decrease existing and future site parking further below Code.

Regarding parking islands, there are multiple new islands in the southern parking field that must be shortened to be three feet shorter than the adjacent parking stall. This is a Code requirement related to vehicle maneuvering. The islands will need to be modified as part of updated civil plans. The City Code requires mid-row parking islands for interior parking rows that exceed 200 feet in length and perimeter parking rows that exceed 300 feet in length. As a result, three parking islands must be added to meet this requirement. The parking row along the southern boundary, row immediately adjacent to the eastern building elevation, and row immediately north of the building all exceed this

requirement. As a result, the parking total is likely to be reduced from 307 total stalls to 304 on the proof of parking exhibit. These mid-row parking islands must be provided.

Finally, parking and circulation area setbacks are also relevant to the site plan review. The applicant has requested a deviation from 20 feet down to zero feet for the parking stalls along Dupont Avenue. This setback would match the existing condition. In addition, the applicant is requesting a 10-foot setback along the drive aisle for Clover Drive. Given that Clover Drive may be abandoned due to the 494-35W Interchange Project, this deviation makes sense, as there will likely be a large public right-of-way adjacent to highway ramps. Staff is supportive of both of these deviations.

**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 are under review according to 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 existing building is currently served by public sanitary sewer, storm sewer, and watermain. New connections to public facilities will require utility permits from the Public Works Department. Any unused water or sanitary sewer service lines must be properly abandoned. The utilities plan is still under review by the City's Engineering Division. The utility plans must be approved by the City Engineer prior to a building permit being issued for the project.

**Traffic Analysis:**

No significant impacts to the adjacent traffic patterns due to this building addition have been identified. As noted in the circulation section, Clover Drive is located within MnDOT rights of way and is likely to be abandoned as part of the 494-35W Interchange Project for which construction is scheduled to begin in 2022. As long as access to Fremont and Dupont Avenues is maintained in the plan, providing access to American Boulevard, site access will be adequate and no traffic problems are anticipated. Both Fremont and Dupont are full access intersections at American Boulevard.

**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. There is still a concern with the adequacy of the turning radius on the NE corner of the property. The applicant will need to submit a turning radius diagram based on the current layout. Staff will work with the applicant on any changes needed to meet the minimum code requirements. 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. Provide turning radius throughout the property to accommodate ladder 1.

The applicant must ensure the proposed landscaping plans don't interfere with access to the building. Hydrants will be approved by the Utilities and Fire Prevention Divisions. 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.

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. 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, shall be reviewed by the Fire Marshal to ensure continued compliance with the Fire Code.

**Miscellaneous**

City Code Section 19.51 and the Minnesota State Building Code establish requirements pertaining to trash and recycling storage for the proposed facility. The facility must have a storage area that is 938 square feet in size, unless a trash compactor or waste management plan is approved. The architectural floor plans do not currently include a trash and recycling storage facility. Staff will need to verify compliance once the architectural plans are updated with greater detail.

Regarding signage, the application references and includes both wall signage on the northern and southern elevations and a dynamic pylon sign. The allowances for signage are regulated by the Class V Sign District as a result of the C-3 base zoning. Future wall signage must comply with the City Code in terms of size and area. The proposed dynamic pylon sign is located ten feet from the Clover Drive right-of-way, whereas the required setback in the Class V Sign District is 20 feet. As long as the support structure and associated footing is outside of the required utility easement, staff is supportive of a setback deviation based on the likelihood that Clover Drive will be abandoned. Based on a pylon sign with a proposed radius of nine feet, staff estimates that the remaining setback would be 13.5 feet. Staff would support this setback deviation. It should be noted that there are

restrictions on dynamic or video signs in terms of moving text, frequency of change, and other considerations. Staff has included a condition that all signage comply with City Code, with exception of a setback deviation for the pylon sign.

Finally, City Code (Sec. 19.52.01) requires that rooftop equipment be screened from adjoining properties. The project description notes that all roof-mounted mechanical equipment would be screened. Staff has added a condition memorializing this requirement.

### **Status of Enforcement Orders**

The properties are not subject to any open enforcement orders.

### **Planning Commission Review**

The Planning Commission held a public hearing for the subject application on August 23, 2018. With the exception of the applicant, no one spoke during the hearing. The Planning Commission discussed the proposed pylon sign and the site parking. The full detail of the Planning Commission discussion can be found in the attached minutes. Following the discussion, the Planning Commission unanimously recommended approval (Vote: 7-0) of the subject applications. The City has not received any correspondence from the public on these applications.

## **FINDINGS**

### **Required Preliminary Plat Findings – Section 22.05(d)(1)-(8)**

<b>Required Finding</b>	<b>Finding Outcome/Discussion</b>
(1) The plat is not in conflict with the Comprehensive Plan.	<b>Finding Made</b> – The new plat is consistent with the intent and purpose of the Comprehensive Plan with regard to land use and function.
(2) The plat is not in conflict with any adopted district plan for the area.	<b>Finding Made</b> – The proposed plat is not located in an area with an adopted District Plan.
(3) The plat is not in conflict with city code provisions.	<b>Finding Made</b> – The proposed plat is in conformance with City Code requirements.
(4) The plat does not conflict with existing easements.	<b>Finding Made</b> – There are existing drainage, utility, sidewalk, and bikeway easements that will be vacated. New drainage and utility easements will be dedicated in the new plat and new sidewalk and bikeway easements will be conveyed by document.

<b>Required Finding</b>	<b>Finding Outcome/Discussion</b>
(5) There is adequate public infrastructure (roads, utilities, storm water systems, emergency services, schools and the like) to support the additional development potential created by the plat.	<b>Finding Made</b> – There will not be an excess burden on public infrastructure due to approving of this new 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 storm water storage needs.	<b>Finding Made</b> – The new plat is not anticipated to have a negative impact on the environment.
(7) The plat will not be detrimental to the public health, safety or welfare.	<b>Finding Made</b> – The new plat will be compatible in character and function with the existing uses of the surrounding area. By reason of scale, access and location, the plat is not anticipated to be detrimental to the public health, safety and welfare.
(8) The plat is not in conflict with an approved development plan or plat.	<b>Finding Made</b> – The new plat will not conflict with an approved development plan or plat.

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

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

**Required Preliminary Development Plan Findings - Section 21.501.02(d)(1-6):**

<b>Required Finding</b>	<b>Finding Outcome/Discussion</b>
(1) The proposed development is not in conflict with the Comprehensive Plan.	<b>Finding Made</b> – The subject property is guided Regional Commercial. There is no conflict between the proposed development and the Comprehensive Plan. The proposed retail use is consistent with the Comprehensive Plan's Regional Commercial designation.
(2) The proposed development is not in conflict with any adopted District Plan for the area.	<b>Finding Made</b> – The proposed development is not located in an area with an adopted District Plan.

<b>Required Finding</b>	<b>Finding Outcome/Discussion</b>
(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.	<b>Finding Made</b> – The majority of the proposed deviations are intended to address the existing constraints or conditions of the site. These conditions were legally constructed prior to current City standards. It is in the public interest to allow the renovation and expansion of the furniture store to proceed with the deviations requested.
(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.	<b>Finding Made</b> – 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.	<b>Finding Made</b> – Given that the proposed development involves a renovation and expansion of an existing retail use, the development is not anticipated to cause an excessive burden 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.	<b>Finding Made</b> – The retail use is served by an adjacent arterial roadway, as well as nearby freeways. The surrounding neighborhood includes many retail uses, and the expansion of an existing retail use is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

**Required Final Development Plan Findings - Section 21.501.03(e)(1)-(7)**

<b>Required Finding</b>	<b>Finding Outcome/Discussion</b>
(1) The proposed development is not in conflict with the Comprehensive Plan.	<b>Finding Made</b> – There is no conflict between the proposed development and the Comprehensive Plan. The proposed retail use is consistent with the Comprehensive Plan's Regional Commercial designation.
(2) The proposed development is not in conflict with any adopted District Plan for the area.	<b>Finding Made</b> – 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.	<b>Finding Made</b> – The applicant has simultaneously submitted an application for a Preliminary and Final Development Plan, which are consistent with each other.

<b>Required Finding</b>	<b>Finding Outcome/Discussion</b>
(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.	<b>Finding Made</b> – The majority of the proposed deviations are intended to address the existing constraints or conditions of the site. These conditions were legally constructed prior to current City standards. It is in the public interest to allow the renovation and expansion of the furniture store to proceed with the deviations requested.
(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.	<b>Finding Made</b> – 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.	<b>Finding Made</b> – Given that the proposed development involves a renovation and expansion of an existing retail use, the development is not anticipated to cause an excessive burden 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.	<b>Finding Made</b> – The retail use is served by an adjacent arterial roadway, as well as nearby freeways. The surrounding neighborhood is primarily comprised of retail uses, and the expansion of an existing retail use is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

## RECOMMENDATION

The Planning Commission and staff recommend approval of the subject applications through the following motions:

In Case PL2018-206, I move to adopt an ordinance rezoning 1217 Clover Drive from I-3 to C-3(PD).

In Case PL2018-206, having been able to make the required findings, I move to adopt a resolution approving the Preliminary and Final Plat of HOM Addition, subject to the Code requirements and conditions attached to the staff report.

In Case PL2018-206, having been able to make the required findings, I move to approve the Preliminary and Final Development Plans for a furniture store expansion located at 7800 and 7850 Dupont Avenue South and 1217 Clover Drive, subject to the Code requirements and conditions attached to the staff report.



## RECOMMENDED CONDITIONS OF APPROVAL

### Case PL2018-206

**Project Description:** Rezoning from I-3 to C-3(PD) for 1217 Clover Drive, Type II Preliminary and Final Plat, Preliminary and Final Development Plans for the renovation and expansion of a furniture store.

**Address:** 7800 and 7850 Dupont Avenue South and 1217 Clover Drive

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 building permit for all required changes to accommodate the proposed use be obtained.
2. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
3. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
4. Prior to Permit Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
5. 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.
6. Prior to Permit A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division.
7. Prior to Permit An erosion control surety must be provided (16.08(b)).
8. Prior to Permit A Proof of Parking Agreement to provide 299 Code-compliant parking spaces must be approved and filed with Hennepin County.
9. Prior to Permit Sidewalk must be constructed to complete the connection around Fremont Avenue and must be constructed to link the front door with the existing sidewalk along Dupont Avenue. All sidewalks must comply with Section 21.301.04 of the City Code.
10. Prior to Permit Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
11. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52).
12. Prior to Permit All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
13. 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.
14. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
15. 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)).

16. 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).
17. 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).
18. 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.
19. Prior to C/O Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
20. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
21. 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.
22. Prior to C/O 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.
23. Ongoing Preliminary and Final Development Plans in Case File #PL2018-206 fully replace the approved plans in Case File # 09334ABC-15.
24. Ongoing Alterations to utilities must be at the developer's expense.
25. Ongoing All construction related pickup, drop-off, loading, unloading, staging and parking must occur on-site and off public streets.
26. Ongoing All rooftop equipment must be fully screened (Sec. 19.52.01).
27. Ongoing With exception of a deviation allowing for a setback of 13.5 feet to Clover Drive for a pylon sign, all signage must be in compliance with the requirements of Chapter 19, Article X of the City Code.
28. Ongoing Development must comply with the Minnesota State Accessibility Code.

## **RECOMMENDED CONDITIONS OF APPROVAL - PLAT**

**Case** PL2018-206

**Project Description:** Type II Preliminary and Final Plat

**Address:** 1217 Clover Drive, 7800 and 7850 Dupont Avenue South

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 Recording: A title opinion or title commitment that accurately reflects the state of title of the property being platted, dated within 6 months of requesting City signatures, must be provided.
2. Prior to Recording: A consent to plat form from any mortgage company with property interest must be provided.
3. Prior to Recording: Public drainage and utility easements must be provided as approved by the City Engineer.
4. Prior to Recording: A public 10-foot sidewalk and bikeway easement must be provided along the frontages of Fremont Avenue South and Dupont Avenue South as approved by the City Engineer.
5. Prior to Recording: Park dedication must be satisfied.
6. Prior to Permits: 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)).