



# Development Review Committee

## Approved Minutes

Pre-Application, PL2018-339  
Meeting Date: October 2, 2018  
McLeod Conference Room  
Bloomington Civic Plaza  
1800 West Old Shakopee Road

---

### Staff Present:

Laura McCarthy (Fire Prev, Chair) 952-563-8965	Kent Smith (Assessing) 952-563-8707
Duke Johnson (Bldg & Insp) 952-563-8959	Erik Solie (Env. Health) 952-563-8978
Brian Hansen (Eng.) 952-563-4543	Nick Johnson (Planning) 952-563-8925
Kelly Beyer (Bldg & Insp) 952-563-4519	Glen Markegard (Planning) 952-563-8923
Eileen O'Connell (Pub. Health) 952-563-4964	Mike Hiller (Planning) 952-563-4507
	Doug Grout (HRA) 952-563-8940

### Project Information:

Project	Penn American Phase III w/Restaurant
Site Address	8000 KNOX AVE S, BLOOMINGTON, MN 55431 1901 AMERICAN BLVD W, BLOOMINGTON, MN 55431 8049 MORGAN CIR, BLOOMINGTON, MN 55431 1951 AMERICAN BLVD W, BLOOMINGTON, MN 55431
Plat Name	HAYS PENN AVENUE 6TH ADDITION; HAYS PENN AVENUE 2ND ADDITION; HAYS PENN AVENUE 6TH ADDITION; HAYS PENN AVENUE 2ND ADDITION;
Project Description	Update to Case #PL201800176, PDP and FDP for Penn American Phase III with a drive-through restaurant instead of a hotel located at the northeast site. Informal DRC review to focus on the restaurant only.
Application Type	Preliminary Development Plan; Final Development Plan
Staff Contact	Nick Johnson, Planner; <a href="mailto:nmjohnson@bloomingtonmn.gov">nmjohnson@bloomingtonmn.gov</a> , (952) 563-8925
Applicant Contact	Dan Elenbaas, Kimley Horn; <a href="mailto:dan.elenbaas@kimley-horn.com">dan.elenbaas@kimley-horn.com</a>
Post Application DRC	YES

NOTE: To view all documents and minutes related to this review, please go to [www.blm.mn/plcase](http://www.blm.mn/plcase) and enter "PL201800339" into the search box.

### Guests Present:

Name	Email
Dan Elenbaas, Kimley-Horn	<a href="mailto:Dan.elenbaas@kimley-horn.com">Dan.elenbaas@kimley-horn.com</a>

---

Ryan Dunlay, Stuart Development

rdunlay@stuartco.com

## INTRODUCTION –:

- Nick Johnson (Planning):
  - Update to Preliminary and Final Development Plans for Penn American Phase III. The previous review contemplated a hotel at the northeast corner of the development. The plans have been changed to replace the hotel with a 2-story, 330-seat restaurant that is 12,385 sq. ft. in size.

## Discussion/Comments:

**PLEASE NOTE: Below is not a complete list of comments. Please read the comment summary and review plan mark-ups for a full list of comments.**

- Kent Smith (Assessing):
  - Property is currently exempt from taxes but will be taxable upon sale.
  - Depending upon how these parcels will be replatted (individually or combined), the park dedication fee will be different. No credit for previous existing building since it had been vacant for a long period of time.
- Erik Solie (Environmental Health):
  - Internal trash room and exterior grease trap is required.
  - Submit a food equipment application with building submittal application for review.
- Duke Johnson (Building and Inspection):
  - Confirmed the applicants do not intend to fast track the applications, but rather will be submitting separate building permits for the components.
  - SAC determination is required and must be satisfied before building permits can be submitted.
  - When 80-85% of the architectural drawings are complete contact B & I to set up a Code Review meeting.
- Laura McCarthy (Fire Prevention):
  - Turning radius calculations for the entire site will be Ladder 1.
  - Clarified the drive through stacking is two lanes that merge into a single lane for pick up. Order takers are on foot. Verified there will be no canopy over drive through or stacking lanes.
  - Be mindful that landscaping must not interfere with fire/emergency access.
  - Verified the mezzanine seating is for dining and no rooftop seating is planned.
  - The adjacent residential center parking area must be rated for a minimum 40 tons as this will be used as emergency/fire access.
- Brian Hansen (Engineering):
  - Alliant parking study addendum is anticipated to be ready by the submission time of 2 pm on October 3.
  - Coordination is key in this area as there are infrastructure changes being made along Knox Avenue.

- Eileen O'Connell (Public Health):
  - Provided handouts regarding requirements for mother's rooms.
- Nick Johnson (Planning):
  - Confirmed the applicant want to include the restaurant in the final dev plans.
  - Review comments 2-11 relate to nonconformities that have previously been identified to the applicant. The majority of the nonconformities relate to performance standards for structures in mixed-use zoning districts. All requests for flexibility as part of an application for a planned development must be identified.
  - Precast concrete panels are not a permitted primary exterior building material per Section 19.63.08(c) of the City Code.
  - Odor control devices must be provided for the restaurant.
  - Exterior trash is not permitted per Section 19.51 of the City Code.
  - The proposed restaurant requires a conditional use permit.

This item will need to come back for a formal DRC review after development application submittal.



## Comment Summary

**Application #:** PL201800339

**Address:** 8000 Knox Avenue South, Bloomington, MN 55431  
1901 and 1951 American Boulevard West, Bloomington, MN 55431  
8049 Morgan Circle, Bloomington, MN 55431

**Request:** Update to Case #PL201800176, PDP and FDP for Penn American Phase III with a drive-through restaurant instead of a hotel located at the northeast site. Informal DRC review to focus on the restaurant only.

**Meeting:** Pre-Application DRC – October 2, 2018

---

**NOTE: All comments are not listed below. Please review all plans for additional or repeated comments.**

**Planning Review - Pre-App Contact:** Nick Johnson at nmjohnson@BloomingtonMN.gov, (952) 563-8925

- 1) City Code requires 121 parking spaces for the proposed restaurant. A parking study was performed to study a 200-seat restaurant. The parking study must be updated to reflect the new seat count of 330 seats, 64 of which are seasonal.
- 2) The minimum building area in the C-5 zoning district is 20,000 square feet (Sec. 21.301.01(d)). The proposed restaurant is 12,385 square feet (62% of the Code requirement).
- 3) The maximum building setback along public streets in C-5 is 20 feet. The proposed restaurant is 151 feet from American Boulevard West and 25 feet from Knox Avenue South.
- 4) 50 percent of the linear primary street (W 80th 1/2 St) frontage must be enclosed by buildings. 34 percent of West 80th 1/2 Street is enclosed by the proposed restaurant. 30 percent of the secondary street (Knox Ave) frontage must be enclosed by buildings. 27 percent of Knox Avenue South is enclosed by the proposed restaurant.
- 5) In the C-5 zoning district, restaurants are limited to one drive-through lane (Sec. 21.301.05).
- 6) In mixed-use district (C-5), the drive-through is limited to one lane and may not be located between the building and a public street.
- 7) Per the requirements for corner lots in mixed-use districts (C-5), parking may not be located within 100 feet of the intersection of two public streets.

- 8) The ground level portion of a building facade between two feet and ten feet above grade must consist of a minimum of 25% transparent windows, including windows on entrances (Sec. 21.301.03).
- 9) Drive-through lanes must not conflict or interfere with pedestrian movements.
- 10) Drive-through must be screened from public streets and sidewalks (Sec. 21.301.02(f)(7)).
- 11) A minimum 20 foot landscape yard is required along all public street frontages.
- 12) Exterior materials must meet Section 19.63.08(c) of the City Code. One proposed primary material, precast concrete panels, are not Code-compliant.
- 13) Thin brick may not be counted as a primary exterior material.
- 14) Odor control devices approved by the Environmental Health Division must be utilized.
- 15) Interior trash and recycling storage must be provided per Section 19.51 of the City Code.
- 16) Parking lot and exterior security lighting for the restaurant must meet Section 21.301.07 of the City Code. A minimum of 2.0 foot-candles is required on the parking surface (which may be reduced to 1.0 foot-candles for the outer perimeter 25 feet of the parking lot). The primary building entrance must have a minimum of 10.0 foot-candles within a radius twice the door opening width.
- 17) For questions about liquor license requirements, contact Doug Junker in the Licensing Division at (952) 563-4923.
- 18) Signage must comply with Article X - Sign Regulations, Chapter 19 of the City Code and the Uniform Sign Design (USD) of Penn American Phase III.
- 19) The application requires a Conditional Use Permit. The application fee is \$880. Please revise the application form.

**Building Department Review - Pre-App Contact:** Duke Johnson at  
djohnson@BloomingtonMN.gov, (952) 563-8959

- 1) SAC review by MET council will be required.
- 2) Must meet current MN State Building Code
- 3) Must meet MN Accessibility Code
- 4) Must meet MN Accessibility Code
- 5) Separate permit and review by Mn State Elevator inspector for elevators, escalators and moving walkways.

**Fire Department Review - Pre-App Contact:** Laura McCarthy at  
lmccarthy@BloomingtonMN.gov, (952) 563-8965

- 1) Provide reliable heat in room.
- 2) Insure kitchen hood suppression system is an approved UL300 listed system connected to the building sprinkler system.

**Environmental Health Review - Pre-App Contact:** Erik Solie at  
esolie@BloomingtonMN.gov, (952) 563-8978

- 1) Provide an Environmental Health Plan review application with plan submittal.
- 2) Provide equipment specification sheets for all proposed equipment.
- 3) Interior trash and recycling storage is required per 19.51 of the City Code. The minimum design requirements specified in 19.51(d)(2) must be provided.
- 4) Does Morgan Circle become private road renamed to Morgan Ave? If not where does public road end and private begin?

**Construction/Infrastructure Review - Pre-App Contact:** Brian Hansen at  
bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) No ADA connection from boulevard sidewalk shown
- 2) Provide Top of Wall and Bottom of Wall elevations
- 3) Label proposed contours
- 4) Difficult to read
- 5) Minimum 7' sidewalk width adjacent to parking stalls to allow for vehicle overhang
- 6) Minimum 0.5 %
- 7) Call out elevation of raised sidewalk. Will raised sidewalk be supported by bench grading behind the walk?

**Utility Review - Pre-App Contact:** Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Provide civil plans for the project. Plan sheets may include grading, drainage, utility, erosion control, traffic control, civil site, etc.
- 2) A Minnesota licensed civil engineer must design and sign all civil plans.
- 3) Utility as-builts must be provided prior to issuance of Certificate of Occupancy.
- 4) Contractor shall obtain a Public Works permit for underground work within the right-of-way. Permit is required prior to removals or installation. Contact Utilities (952-563-4568) for permit information.
- 5) Use updated city standard details for driveways, utilities, erosion control, etc. found on the website at [www.bloomingtonmn.gov/information-sheets-and-handouts-engineering-division](http://www.bloomingtonmn.gov/information-sheets-and-handouts-engineering-division)
- 6) Utility permits are required for connections to the public storm, sanitary, and water system. Contact Utilities (952-563-8777) for permit information.
- 7) Contact Met Council (651-602-1378) for Sewer Availability Charge (SAC) determination.

- 8) A minimum 10-foot horizontal separation and 18-inch vertical separation is required between watermain and sewers.
- 9) Provide peak hour and average day water demand and wastewater flow estimates.
- 10) Loop water system (supply from two points) to provide increased reliability of service and reduction of head loss.
- 11) Provide valves for system isolation (longest interval cannot exceed 400 feet) and for building isolation without shutting down supply to hydrants.
- 12) Install hydrants to provide fire protection for entire building. Each hydrant covers 150-foot radius.
- 13) Provide a minimum of 8-feet and a maximum of 10-feet of cover over all water lines, valves, services, etc.
- 14) Use Class 52 DIP water main for pipe 12-inches in diameter and smaller. A minimum 8 mil polywrap is required on all DIP.
- 15) An inspection manhole is required on all commercial sewer services.
- 16) Use standard short cone manholes without steps.
- 17) Any new or substantial remodel of a food service facility must provide an exterior grease interceptor and grease interceptor maintenance agreement.
- 18) Install interior chimney seals on all sanitary sewer manholes.
- 19) Taps of live water mains are done by City forces and paid for and coordinated with the Contractor.
- 20) Utility and mechanical contractors must coordinate the installation of all water and sewer service pipes into the building to accommodate city inspection and testing.
- 21) Sanitary sewer mainline, clean-outs, manholes, and services must be designed with adequate depth of cover or install high-density polystyrene insulation to prevent freezing.
- 22) Use schedule 40, SDR 26, or better for PVC sewer services.
- 23) Combination fire and domestic services must terminate with a thread on flange or an MJ to flange adapter.
- 24) All components of the water system, up to the water meter or fire service equipment must utilize protective internal coatings meeting current ANSI/AWWA standards for cement mortar lining or special coatings. The use of unlined or uncoated pipe is not allowed.

**Traffic Review - Pre-App Contact:** Brian Hansen at [bhansen@BloomingtonMN.gov](mailto:bhansen@BloomingtonMN.gov), (952) 563-4543

- 1) Provide information about how this drive through functions based on data from other locations. Standard wait time, queue length, etc.
- 2) Provide appropriate MMUTCD references for signs proposed for circulating traffic. All private signage must be installed outside of the city right-of-way.
- 3) Show location of a bike rack and bike rack detail on the plan.

- 4) List the number of parking spaces required by city code and the number of spaces provided on the site plan.

**Water Resources Review - Pre-App Contact:** Steve Segar at ssegar@BloomingtonMN.gov, (952) 563-4533

- 1) Coordinate utilities (storm, sanitary and water) on Knox with City Project 2018-905.
- 2) Utility as-builts must be provided prior to issuance of Certificate of Occupancy.
- 3) Provide stormwater management plan meeting the requirements of Bloomington Comprehensive Surface Water Management Plan.
- 4) A maintenance agreement must be signed by the property owner and recorded at Hennepin County.
- 5) A National Pollutant Discharge Elimination System (NPDES) construction site permit and Storm Water Pollution Prevention Plan (SWPPP) must be provided. SWPPP not in the plan, referenced in notes.
- 6) An erosion control bond is required.
- 7) Submit a copy of Nine Mile Creek Watershed District permit and comments prior to issuance of City of Bloomington permits ([www.ninemilecreek.org](http://www.ninemilecreek.org))
- 8) Provide details for underground stormwater system. Pretreatment required on all storm sewer pipes going into system.
- 9) Verify Orange Line limits
- 10) What happens in this lot? Will it be mill & overlay/ Where does drainage split?
- 11) Underground stormwater system needs to show inspection and maintenance options. Provide details.
- 12) Coordinate utility locations with City Project 2018-905
- 13) Two storm sewer pipes shown, is one existing? See other sheets too, L100 and L103, etc.
- 14) What perimeter control will be used around restaurant site?
- 15) Inlet protection at low points must allow for emergency overflow to minimize street flooding. Use only at direct runoff CBs and MHs.

**PW Admin Review - Pre-App Contact:** Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Is W 81st Street public or private? Will it be City owned with access/use agreement like westerly part at Penn Ave?
- 1) See list of items that must be included on the preliminary plat per the Bloomington City Code, Chapter 22.
- 2) Property must be platted per Chapter 22 of the City Code and the approved plat recorded at Hennepin County prior to the issuance of a foundation or building permit.



Properties included: 1901 & 1951 Am Blvd W, 8000 & 8100 Knox Ave S, 8049 & 8050 Morgan Circle, 2000 & 2200 W 82nd St.

- 3) A title opinion or title commitment that accurately reflects the state of the title of the property being platted, dated within 6 months of requesting City signatures, must be provided.
- 4) Consent to plat form is needed from any mortgage companies with property interest.
- 5) Right-of-way dedication is required on the final plat.
- 6) Public drainage/utility and easements must be provided on the plat.
- 7) Private common utility easement/agreement must be provided.
- 8) Private common driveway/access easement/agreement must be provided.
- 9) Existing easements may be vacated. Contact Bruce Bunker at 952-563-4546 or [bbunker@BloomingtonMN.gov](mailto:bbunker@BloomingtonMN.gov) for information regarding the Public Rights-of-Way Vacation Application. It is the responsibility of the developer to determine if private utilities exist in the easement prior to submitting the application. Developer/owner to provide legal description and Engineering staff will prepare vacation document.
- 10) \$15 fee for certified copy of plat. Engineering staff will obtain a certified copy of the plat from Hennepin County.
- 11) A \_\_\_\_\_-foot sidewalk/bikeway easement shall be provided along all street frontages. Developer/owner shall provide legal description and Engineering staff will prepare easement document.

**Assessing Review - Pre-App Contact:** Kent Smith at [ksmith@BloomingtonMN.gov](mailto:ksmith@BloomingtonMN.gov), (952) 563-8707

- 1) Based on very limited information and assumption that property will be re-platted. Park dedication could be in the \$15,000 range, with no credit given for existing building as it has been vacant for over five years. Property is currently exempt from taxation (owned by Bloomington HRA) and will become taxable upon sale to developer or end user.