



Development Review Committee

Approved Minutes

Development Application, #PL202000068

Mtg Date: April 14, 2020

McLeod Conference Room

Bloomington Civic Plaza

1800 West Old Shakopee Road

Staff Present:

Brian Hansen (Eng., Chair) 952-563-4543
Rozlyn Tousignant (Eng.) 952-563-4627
Laura McCarthy (Fire Prev, Chair) 952-563-8965
Tim Skusa (Bldg. & Insp) 952-563-8953
Steve Segar (Utilities) 952-563-4533
Rena Clark (Park & Rec) 952-563-8890
Maureen O'Brien (Legal) 952-563-8781
Megan Rogers (Legal) 952-563-4889

Kent Smith (Assessing) 952-563-8707
Jason Heitzinger (Assessing) 952-563-4512
Erik Solie (Env. Health) 952-563-8978
Mike Thissen (Env. Health) 952-563-8981
Londell Pease (Planning) 952-563-8926
Nick Johnson (Planning) 952-563-8925
Eileen O'Connell (Public Health) 952-563-4964
Cherie Shoquist (HRA) 952-563-8946

Project Information:

Project	Penn Place Apartments
Site Address	10041 Penn Avenue South
Plat Name	Bloomington 23 rd Addition
Project Description	Major Revision to Preliminary and Final Development Plans to revise a previously approved but not yet constructed project to construct a new four-story, 43-unit apartment building (Case #PL2018-167) by expanding the building footprint and increasing the unit count to 68 total units.
Application Type	Preliminary and Final Development Plan
Staff contact	Nick Johnson (952) 563-8925 or nmjohnson@bloomingtonmn.gov
Applicant Contact	Ryan DuPuis (612) 223-7960 or ryand@kaaswilson.com
Planning Commission	05/07/2020 – Public Hearing scheduled
City Council	05/18/2020 – Anticipated Development Business

NOTE: All documents and minutes related to this case can be viewed at www.blm.mn/plcase, enter the permit number, "PL202000068" into the search box.

Guests Present:

Name	Email
Ryan DuPuis	ryand@kaaswilson.com
Lori Boisclair	lboisclair@boisclaircorporation.com
Link Wilson	

Introduction: Londell Pease, Planning

This application requests a Major Revision to Preliminary and Final Development Plans to revise a previously approved but not yet constructed project to construct a new four-story, 43-unit apartment building (Case #PL2018-167) by expanding the building footprint and increasing the unit count to 68 total units. The new “L” shaped building is located on the south side of the site. Parking is provided underground, between the two buildings to the north. The parking to the north is partially on and shared with the property to the north. Access would be retained from Penn Avenue and connects access through the property to the north is provided at the northeast corner. A new emergency vehicle access is proposed near the north side of the site. Stormwater treatment is a mix of an underground and above ground system.

Discussion/Comments: Please review the comment summary and plans for comments.
All comments are not discussed at the meeting.

- Renae Clark (Park and Recreation):
 - No comment.
- Jason Heitzinger (Assessing):
 - Heitzinger noted that Park Dedication fee would need to be recalculated and be applicable prior to the issuance of a building permit.
- Erik Solie (Environmental Health):
 - No comment.
- Tim Skusa (Building and Inspection):
 - Skusa highlighted that the State of Minnesota has adopted new codes and that the applicant will want to be mindful of any applicable changes.
- Laura McCarthy (Fire Prevention):
 - McCarthy commended the updates to the north exit.
 - McCarthy addressed traffic diversion to be discussed with the applicant going forward.
 - McCarthy requested hydrant coverage on the center north portion of the property.
- Brian Hansen (Engineering) provided the Public Works comments and noted the following:
 - Hansen noted that the minimum 7' wide sidewalk width must be maintained when parking is adjacent to the sidewalk.
 - Hansen explained that the existing sidewalk removal along Penn Avenue should wait until a new sidewalk has been constructed to maintain pedestrian access.
 - Hansen noted that the property is within the Nine Mile Creek Watershed District and that it may be subject to Nine Mile permitting requirements.
- Steve Segar (Utilities):
 - Segar addressed the notion of a looping water main, or tying into Presbyterian Home's water main.
 - Segar shared that the plans for the existing service reflect a change from a 6" to an 8", asking the applicant to look into the discrepancy.
 The applicant stated this was to address the looping suggestion from the previous pre-DRC meeting. Segar noted that staff would look into the matter.
- Eileen O'Connell (Public Health):
 - O'Connell asked whether the apartments would be smoke free.
 The applicant noted it was pending on that decision but they are considering a smoke-free option.
- Megan Rogers (Legal):
 - No comment.
- Cherie Shoquist (HRA):
 - Shoquist thanked the applicant for the Affordable Housing Plan, noting staff will work with the applicant on incentives moving forward.
- Londell Pease (Planning):

- Pease asked that the applicant please review the entire comment summary as I am only discussing the major points.
- Pease explained that the minimum drive aisle width or angled parking spaces between the two buildings does not meet the City Code/ITE requirements (21.301.06). The plans submitted are altered, the access and parking narrowed, from those reviewed at the pre-application meeting. Verify the stall dimensions meet ITE requirements and provide a minimum 20 foot drive aisle for each access aisle.
- Pease noted that the calculation of developable land area is incorrect. Developable land area is the entire lot before buildings, 173,112 SF. The developable land area requires 69 trees and 173 shrubs. Several trees are on the adjoining property and may not be counted toward required trees for this development. Any trees removed from the adjoining property to accommodate the parking and access must be replaced on a 1:1 ratio unless a tree survey for the property is provided to verify compliance. It appears that site is legally non-conforming for tree count and the number must be maintained. It appears several existing trees preserved are not included in the calculations. Include retained trees (exclude preserved Ash trees) to the landscape plans to allow a complete evaluation.
- Pease addressed the buildings' different finishes. Elevation 3 (as shown on the plans) has a blend of colors which provide a visual massing break. Could this be considered for elevation 6, where the elevation is along Penn Avenue?
- Pease explained that there are a total of 33 spaces that are on separate properties. Any loss in parking due to access for the property to the north must be fully allocated to that property. Any remaining shared spaces must be permanently allocated as defined in the easement between this site and the site to the north.



Comment Summary

Application #: PL2020-68
Address: 10041 Penn Avenue South
Request: Major Revision to Preliminary and Final Development Plans to constructed four-story, 68-unit apartment building.
Meeting: Post Application DRC - April 14, 2020
Planning Commission - May 07, 2020
City Council - May 18, 2020

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

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

- 1) Comply with all MN Building Codes effective on March 31, 2020.
- 2) Must meet MN Accessibility Code
- 3) Provide a code analysis with the plans.
- 4) Separate permit and review by Minnesota State Elevator inspector for elevators, escalators and moving walkways.
- 5) SAC review by MET council will be required.

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

- 1) Building/property shall be adequately signed for emergency response.
- 2) Standpipe coverage/hose valves shall be located in stairwells and within 200' of all areas.
- 4) Emergency responder radio coverage meeting the requirements of appendix L in the 2015 MSFC shall be provided throughout the property and within the structures.
- 5) Standpipes requirement in all stairwells and hose valves shall be located at the floor landing
- 6) Fire alarm and annunciator panels and Knox box locations to be determined by the Fire Prevention Division. This project may require multiple panels and Knox boxes.
- 7) Hydrant on the north side needed.
- 8) Hydrant coverage shall be provided within 50' of the FDC and within 150' of all portions of the structure.
- 9) Horizontal exits will require additional requirements for standpipes.
- 23) Access shall be provided to/from all stairwells on all floors and parking levels.

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

- 1) Minimum 7' sidewalk width when adjacent to parking.

Traffic Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Parking of 60 degrees must follow ITE Parking stall guidelines. Stall Length currently shown as small as 14 feet 6 inches and must be 18 feet per ITE and City Code. If angled parking and one way circulation approved by Fire, aisle widths must not be reduced to less than 20.
- 2) Existing sidewalk removal along Penn Avenue should not be completed until the new sidewalk is constructed.
- 3) Contractor shall obtain a Public Works permit for obstructions and concrete work within the right-of-way. Permit is required prior to removals or installation. Contact Sean Jenkins (sjenkins@BloomingtonMN.gov or 952-563-4545) for permit information.
- 4) All construction and post-construction parking and storage of equipment and materials must be on-site. Use of public streets for private construction parking, loading/unloading, and storage will not be allowed.

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

- 1) Combination fire and domestic services must terminate with a thread on flange or an MJ to flange adapter.
- 2) All unused water services must be properly abandoned at the main. All unused sanitary sewer services must be properly abandoned at the property line. Plans are not clear about existing water service.
- 3) A minimum 10-foot horizontal separation and 18-inch vertical separation is required between watermain and sewers. Provide table to show all utility crossing and clearances.
- 4) Provide peak hour and average day water demand and wastewater flow estimates.
- 5) Loop water system (supply from two points) to provide increased reliability of service and reduction of head loss.
- 6) Provide Meter detail, see <https://www.bloomingtonmn.gov/sites/default/files/media/handouts-util-water-meter.pdf>.
- 7) See note on hydrant re-use on Utilities plan sheet. Install new hydrant, re-use of existing may not pass testing requirements.
- 8) Provide table of all utility crossings to verify separation and no conflicts.
- 9) Revise construction limits to show utilities connections. City records show existing is 8" DIP watermain to building service Tee.
- 10) Utility as-builts must be provided prior to issuance of Certificate of Occupancy.
- 11) 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. Penn Ave. is Hennepin County Rd.
- 12) Utility permits are required for connections to the public storm, sanitary, and water system. Contact Utilities (952-563-8777) for permit information.

Water Resources Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Curb cut does not provide pre-treatment of infiltration area.
- 2) Structure must provide pre-treatment of infiltration area. Provide details of pretreatment for the underground system and provide representative details of the underground system.
- 3) Infiltration areas must drain within 48 hours. Decrease depth or increase size of all basins accordingly.
- 4) Penn Avenue is a county road. Please provide copy of permit for any discharges to county right-of-way.
- 5) The swppp plan is generated using an old template. Revise and resubmit to meet requirements of 2018 NPDES/SDS permit: <https://www.pca.state.mn.us/sites/default/files/wq-strm2-80a.pdf>. City requires 90% TSS Removal.
- 6) Utility as-builts must be provided prior to issuance of Certificate of Occupancy.
- 7) A maintenance agreement must be signed by the property owner and recorded at Hennepin County.
- 8) A National Pollutant Discharge Elimination System (NPDES) construction site permit and Storm Water Pollution Prevention Plan (SWPPP) must be provided.

- 9) Provide a turf establishment plan.
- 10) HDPE pipe connections into all concrete structures must be made with water tight materials utilizing an A-Lok or WaterStop gasket or boot, cast-in-place rubber boot, or approved equal. Where the alignment precludes the use of the above approved watertight methods, Con Seal 231 WaterStop sealant, or approved equal will only be allowed as approved by the Engineer.
- 11) Submit a copy of Nine Mile Creek Watershed District permit and comments prior to issuance of City of Bloomington permits (www.ninemilecreek.org)

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

- 1) Keep pond out of all drainage and utility easements.
- 2) Cutting 6 feet in a drainage and utility easement. Must relocate any existing utilities.
- 3) Private common utility easement/agreement must be provided.
- 4) Private common driveway/access easement/agreement must be provided.
- 5) 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.

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

- 1) Verify the trash collection and storage location for the existing structure is fully enclosed. Trash must be fully enclosed inside a building attached to structure it serves. See 21.301.17 for more information.
- 2) Parking lot and exterior security lighting must meet Section 21.301.07. A minimum of 1.0 foot-candles maintained (0.81 LLF or lower) is required on the parking surface. Parking garage lighting must provide 3.0 foot-candles maintained with a reduction to 1.5 for the perimeter of the garage wall. Please review 21.301.07 for building and garage entrance requirements.
- 3) A three foot high screen for a parking lot adjacent to all public streets where the yard is 40 feet or less. The parking at the northwest corner measures at 40 feet and screening would be required.
- 4) Each parking lot island must be 3 feet shorter than the adjoining spaces, minimum of 8 feet wide (inside to inside measurements) and must have a minimum of one tree.
- 5) The minimum drive aisle width or parking spaces between the two buildings does not meet the City Code requirements (21.301.06). The plans submitted are altered, the access and parking narrowed, from those reviewed at the pre-application meeting. Verify the stall dimensions meet ITE requirements and provide a minimum 20 foot drive aisle for each access aisle.
- 6) Calculation of developable land area incorrect. Developable land area is the entire lot before buildings, 173,112 SF. The developable land area requires 69 trees and 173 shrubs. Several trees are on the adjoining property and may not be counted toward required trees for this development. Any trees removed from the adjoining property to accommodate the parking and access must be replaced on a 1:1 ratio unless a tree survey for the property is provided to verify compliance. It appears the site is legally non-conforming for tree count and the number must be maintained. The current number of trees proposed is below City Code required trees. Although, it appears several existing trees preserved are not included in the calculation. Please include retained trees (exclude preserved Ash trees) to the landscape plans to allow a complete evaluation.
- 7) Ornamental trees should not exceed 25 percent of the required trees. Any additional ornamental trees would increase the number of trees over that required.
- 8) Several trees are proposed within the easements. Please relocate trees out of the easements. In addition, evaluate utility locations for the final landscape designed to minimize long term issues.
- 9) The shared parking lot along the north property line has a sidewalk within the required island. The island should be widened to allow a tree or a deviation requested. Staff recommends the island be modified.
- 10) Are the access drives between the buildings both two ways or is the southern lane one way only?

- 11) The ends of the building are have different finishes. Elevation 3 (as shown on the plans) has a blend of colors which provide a break in the massing appearance. Could this be considered for elevation 6, where the massing is along Penn Avenue?
- 12) The access to the new garage appears to have a wall height up to 9 feet high. Will there be a barrier at the top of the wall to protect acqittal falls?
- 13) There are a total of 33 spaces that are on two separate properties. Any loss in parking due to access for the property to the north must be fully allocated to that property. Any remaining shared spaces must be permanently allocated as defined in the easement for this site and the site to the north.
- 14) With the single family homes across Penn Avenue, construction access and staging should be reviewed. In addition, construction phasing must identify full access for the existing building throughout the construction process.

PENN PLACE APARTMENTS

Opportunity Housing Ordinance – Affordable Housing Plan

Residential developments of 20 units or more must submit an Affordable Housing Plan to the City of Bloomington as a part of the application for a final site and building plan, a final development plan or for NOAH preservation.

The Affordable Housing Plan, Example Plan and additional information regarding the incentives are available at: [blm.mn/OHO Incentives and Tools](http://blm.mn/OHO_Incentives_and_Tools). The greater the level of affordability, the greater the eligibility for incentives. Carefully consider the affordability level that will apply to this project. A table of the incentives at a glance is available at: www.bloomingtonmn.gov/sites/default/files/Opportunity%20Housing%20Incentives%20Table.pdf.

Affordable Housing Tools and Incentives

- ☒ Density bonus
- ☐ Floor area ratio bonus
- ☒ Height bonus
- ☒ Parking stall reduction
- ☒ Enclosed parking space conversion
- ☒ Minimum size reduction
- ☐ Alternative exterior materials allowance
- ☒ Storage space reduction
- ☒ Landscape fee in-lieu reduction
- ☐ Development fee reimbursements
- ☒ Development fee deferment
- ☐ Expedited review of plans
- ☐ Land write down
- ☒ Housing Tax Increment Financing
- ☒ Project based housing vouchers

Affordable Housing Trust Fund

- ☐ Revolving Loan Fund

Eligibility for incentives and awards of public assistance funding must be approved by the Housing and Redevelopment Authority or the Port Authority and the City Council.