

GENERAL INFORMATION

Applicant:	PHD Properties, LLC (Owner)
Location:	9101 Old Cedar Avenue South
Request:	Rezoning from R-4 to RM-50 and Final Site and Building Plans for a 32-unit multiple-family apartment building
Existing Land Use and Zoning:	Multiple-family residential; zoned R-4 Multiple Family Residential
Surrounding Land Use and Zoning:	North – Multiple-family dwelling; zoned R-4 South – Retail sales and services (vacant); zoned B-2 East – Single-family residential; zoned R-1 West – multiple-family dwelling and townhouse; zoned R-4
Comprehensive Plan Designation:	High Density Residential

HISTORY

City Council Action:	05/29/73 – Approved Final Site and Building Plans for a 46-unit apartment building. (Case 7376B-72)
City Council Action:	06/25/73 – Approved Preliminary and Final Plat of Orest 2 nd Addition. (Case 7376C-73)
City Council Action:	11/02/81 – Approved Final Site and Building Plans to convert party room to one additional apartment. (Case 7376A-81).

CHRONOLOGY

Planning Commission Action:	12/22/16 – Recommended approval of a rezoning from R-4 to RM-50 and Final Site and Building Plans for a 32-unit multiple-family apartment building subject to conditions.
City Council Agenda:	01/23/17 – Public hearing scheduled

PROPOSAL

PHD Properties, LLC requests a Rezoning of 9101 Old Cedar Avenue South from R-4 Multiple Family Residential to RM-50 Multiple-Family Residential with the intention of constructing a new 32-unit multi-family apartment building. The applicant is also seeking Final Site and Building Plan approval for the proposed development. The site currently has a 47-unit apartment building named Palacio Del Sol. The proposed apartment building would increase the total number of multiple-family dwellings on the site to 79 units.

The 32-unit apartment building would be constructed on the eastern half of the site on top of a new 31-stall underground parking garage. The building would have 16 one-bedroom units and 16 two-bedroom units. Additional site improvements include the construction of 27 surface parking stalls, a drive-lane around the property, an improved courtyard and swimming pool area, and landscaping and lighting improvements. The applicant is also requesting to enter into a proof of parking agreement for seven parking stalls that would not be constructed.

ANALYSIS

Rezoning

The applicant requests a rezoning from R-4 Multiple-Family Residential to RM-50 Multiple-Family Residential. The requested RM-50 Zone is necessary to allow the proposed number of residential units on the site. The current R-4 zoning district allows a maximum residential density of 12 units per acre. The RM-50 zoning district allows a maximum residential density of 50 units per acre. The proposed residential density of the subject property when including the proposed 32-unit apartment building would be 34.05 units per acre.

Rezoning carries a high level of City Council discretion. Although there are no explicit findings 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.

In terms of consistency with the Comprehensive Plan, the subject property is currently designated High Density Residential. The High Density Residential designation is intended for residential properties with a residential density greater than 10 units per acre. In addition, the intent of the RM-50 District is to “provide appropriate development standards for multiple-family residential uses with direct access to arterial or collector streets in proximity to areas of employment and well served by mass transit and public open space”. The subject property is served by both East Old Shakopee Road and Old Cedar Avenue South, an arterial road and major collector road respectively. From a transit service perspective, Metropolitan Transit Route 539 offers one hour service to Creekside Center, Normandale Village, Valley West, Normandale

Community College and the Mall of America. The site is close to areas of employment in the adjacent commercial node. Larger employment areas are located nearby in the South Loop District. Rezoning to RM-50 Multiple-Family Residential would be consistent with the High Density Residential designation as guided by the Comprehensive Plan as well as with the intent of the RM-50 Zoning District.

The existing zoning district, R-4, is a remnant district from the 1970's. As properties develop, it is common for sites to be rezoned to accommodate new or expanded uses, as long as the uses proposed are consistent with the Comprehensive Plan. The proposed zoning district, RM-50, allows for a higher residential density than the R-4 district, which has a maximum density of 12 dwelling units per acre. The existing development is presently legally non-conforming with over 20 units an acre.

From a comparison standpoint, both zoning districts allow for multiple-family dwellings or apartments, but the RM-50 zoning district permits up to 50 residential units per acre. The RM-50 zoning district requires sites have direct access to arterial or collector streets, be in close proximity to areas of employment, and be served by mass transit and public open space. The subject property has direct access to both a collector street and arterial street and is in proximity to multiple areas of employment. As noted above, the site is served by mass transit via the all-day 539 bus route. Finally, the subject property has access to the MN River Valley Wildlife Area via Old Cedar Avenue South. In the judgment of staff, the subject property meets the necessary criteria to be rezoned to the RM-50 zoning designation.

To evaluate the public benefit associated with the requested zoning change, staff referenced the Comprehensive Plan to determine if the proposed project is consistent with the City's land use and housing goals. The Housing Element of the Comprehensive Plan encourages the development of multi-family housing on sites near transit, services, amenities and employment. In addition, the Housing Element supports the development of life cycle housing. New multi-family residential development is a critical component of the diverse housing stock needed to achieve life cycle housing in the community. In staff's judgment, the proposed rezoning does support multiple goals of the Comprehensive Plan and does benefit the public. The Planning Commission and staff recommend approval of the request to rezone the property from R-4 to RM-50.

Code Compliance

The proposed 32-unit apartment building, underground parking garage, surface parking improvements and other elements are reviewed according to the performance standards for structures in the RM-50 zoning district and other specific City Code sections. Table 1 provides an overall Code compliance analysis for the subject development. The sections that follow provide greater detail to inform recommended conditions of approval and modifications to the proposed plans.

Table 1: City Code Analysis for Parking Structures in RM-50 Zoning District

Standard and Code Section	Proposed	Meets Standard?
Building Setbacks Public street setback – 40 feet Rear setback – 30 feet (Section 21.301.02(d)(1))	Setbacks (smallest proposed): Public street setback – 68 feet Rear setback – 33.5 feet	Yes
Building Height 4 stories/60 feet (Section 21.301.10(b)(1)(A))	4 stories/57.4 feet	Yes
Minimum Lot Size – 80,000 square feet (Section 21.301.01(c)(1))	101,328 square feet	Yes
Minimum Building Floor Area One Bedroom – 650 square feet Two Bedrooms – 800 square feet (Section 21.301.01(c)(3))	Floor Area (smallest proposed): One Bedroom – 683 sq. ft. Two Bedroom – 1,084 sq. ft.	Yes
Minimum Usable Open Space – 300 square feet per dwelling unit – 23,700 square feet required (Section 21.203.08(c)(1)).	33,093 square feet	Yes
Storage Spaces – 1 lockable storage space per unit (in cubic feet): No dedicated bicycle storage – 175 Dedicated bicycle storage – 96 (Sec 21.302.09(d)(7))	33 storage units 96 cubic feet in size	Yes Dedicated Bicycle Storage Required
Surface Parking Stall Dimensions 9 feet by 18 feet for 90 degree parking (Section 21.301.06(c)(2)(C)(i))	All surface parking stalls on site are 9 feet x 18 feet	Yes
Structure Parking Stall Dimensions 8.5 feet by 18 feet for 90 degree parking (Section 21.301.06(h)(2)(C))	All new structure parking stalls are 9 feet x 18 feet	Yes
Drive Aisles - Aisles adjacent to 90 degree parking must be 24 feet wide. All other drive aisles must be a minimum of 20 feet per Fire Code (Section 21.301.06(c)(2)(C)) and Section 21.301.06(h)(2)(C)).	All drive aisles within surface and structure parking areas are 24 feet in width.	Yes

Standard and Code Section	Proposed	Meets Standard?
Sidewalk Width - Private sidewalks - a minimum width of five feet (unobstructed). Public sidewalks adjacent to collector/arterial streets - minimum width of eight feet (unobstructed) (Section 21.301.04(d)(1)(A) and (B)).	Small segment of private sidewalk is less than 5 feet wide. Public sidewalks are at least 8 feet in width. Owner requests a petition and waiver for certain segments of public sidewalk.	Revisions required (see comments)
Landscaping – Trees / Shrubs – One tree per 2,500 sq. ft. and one shrub per 1,000 sq. ft. of disturbed area (Sec 19.52(c)(2)).	41 trees 115 shrubs (including perennial equivalents)	Yes
Landscape Yard –20 feet adjacent to streets and 5 feet for interior lot lines (Section 19.52(c)(4)).	Along E Old Shakopee Rd: 20’ Along Old Cedar Ave.: 20.2’ Northern boundary: 5’	Yes
Parking Island Trees – A minimum of one deciduous tree must be provided per parking lot island (Section 21.301.06(c)(2)(H)(iii)).	Trees are provided in all new and modified islands	Yes
Screening – Perimeter parking lot screening required for surface lots (Section 19.52(d)(4)(A)).	Northern boxwood bushes	Revisions required (see comments)
Parking Islands – Minimum of 8 feet– existing and proposed islands (Sec 21.301.06(c)(2)(H)(iv)).	Islands (smallest proposed): 8.0 feet	Yes
Trash Collection. In a fully enclosed space accessible from within the principal building (Sec. 19.51)	Existing Building – 248 sq. ft. Proposed building – 157 sq. ft.	Yes
Parking and Security lighting - 1.0 foot-candles for surface parking 3.0 foot-candles for garage parking (Section 21.301.07(c)(12 and13))	Light levels do not meet Code in a limited number of areas. Plans for garage lighting not yet submitted.	Revisions required (see comments)

Building Design

The proposed apartment building would have an exterior of brick, with limited sections of metal as a secondary material (4% of southeastern elevation). The design of the new building is intended to be complimentary to the existing 47-unit apartment building in terms of material and color palette. The building façade is broken up through windows, balconies and varying shades of brick. In staff’s judgment, the proposed apartment building meets the intent of the

architectural performance standards for multiple-family dwellings and is compliant with City Code in terms of design and building materials.

Landscaping, Screening and Lighting

City Code requires one tree to be planted for every 2,500 square feet and one shrub for every 1,000 square feet of developable area. The subject property requires 41 trees and 101 shrubs to be installed based upon 101,328 square feet of developable area. The applicant is proposing to install 41 trees and 115 shrubs (using perennial equivalency).

The City Code has specific screening requirements for surface parking lots. Staff has identified two small areas where the screening requirements for surface parking are currently not met. Minor revisions to the proposed landscape plan are required to provide the necessary three-foot screen for surface parking areas adjacent to or visible from public streets.

The lighting proposed for the subject property must meet a minimum light level of 1.0 foot-candles for surface parking with a reduction to 0.5 foot-candles along the 25 foot perimeter of the parking lot. The applicant has submitted a photometric lighting plan utilizing existing and new poles with LED fixtures in all of the surface parking areas. In reviewing the plan submitted, there are multiple locations that do not meet minimum light levels. The photometric plan will need to be revised in order to meet Code. In addition, there are light poles proposed at the same location as an overstory tree. The applicant must provide revised plans that either relocate the tree or the proposed light to resolve the resulting conflict.

No photometric plans have been provided for the parking structure lighting. The interior portions of the garage must have a minimum light level of 3.0 foot-candles with a reduction of 1.5 FC within the 25 foot perimeter. Staff is recommending a condition that photometric lighting plans for the whole subject area, including the parking garage, be approved prior to the issuance of building permits.

Parking

The existing conditions of the subject property include one area of surface parking (44 stalls) on the south side of the existing apartment building and an underground parking garage (47 stalls). The proposed site improvements would include 34 new surface parking stalls (7 of which are proposed as proof of parking) and 31 parking stalls in a new underground parking garage below the proposed apartment building. In addition, one parking stall is proposed to be added to the existing underground parking garage. The floor plan for the existing underground parking garage is included in the attached architectural plans. As a result, the total amount of parking on site would be 157 stalls, 79 of which would be located in underground garages. The Code-required amount of parking is identified in Table 2.

Table 2: Parking Analysis for Palacio Del Sol Apartments

Unit type (# of units)	Code Requirement	Spaces Required
Studio/One Bedroom (45 units)	1.8 spaces per unit (1 inside a garage)	81 spaces (45 inside a garage)
Two Bedroom (34 units)	2.2 spaces per unit (1 inside a garage)	75 spaces (34 inside a garage)
Total spaces required		156 spaces (79 inside a garage)
Spaces provided		157 spaces (79 inside a garage)

From a parking quantity standpoint, the proposed parking structure and site improvements would provide Code-compliant parking. The applicant is requesting to forgo or delay construction of seven of the new proposed parking stalls through a proof of parking agreement. Seven stalls of the total number of parking stalls proposed (157) would represent 4.5 percent of the total parking quantity on-site. The property owner has communicated to staff that the existing parking lot is currently underutilized. According to the owner, several of the residents of the existing apartment building utilize transit as a primary means of transportation. The site is well-served by public transit. Based on the level of transit service available to the site, the minimal proportion (4.5%) of stalls proposed as proof of parking, and that the Code-required level of garage parking is provided, staff is supportive of the proof of parking request. Staff is recommending as a condition of approval that the property owner enter into a proof of parking agreement with the City. This agreement would be recorded against the property so that the City would still have the ability to execute against the agreement in case of change of ownership.

Access and Circulation

Currently, the site has one full-access on East Old Shakopee Road and two full access points along Old Cedar Avenue. The proposed development would rebuild the access to East Old Shakopee Road. This will widen the access slightly and increase the tapers at the street. The proposal includes a circulation drive around the existing and proposed buildings. It should be noted that City staff has been engaged in ongoing communications with Hennepin County about the future design of East Old Shakopee Road. At this time, a design for the future roadway has not yet been approved. Staff does not believe that the proposed development would conflict with future improvements to East Old Shakopee Road at this time.

There is no existing sidewalk along East Old Shakopee Road and a 5-foot sidewalk along Old Cedar Avenue. The applicant proposes reconstructing the sidewalk along Old Cedar Avenue in compliance with the minimum standard. The Code requires an 8-foot concrete sidewalk along

Collector or Arterial streets. Therefore, an 8-foot sidewalk is proposed along Old Cedar Avenue. Since there are no connecting sidewalks on either side of the site, the applicant will request a petition and waiver for the sidewalk along East Old Shakopee Road and connecting segments along Old Cedar Avenue. The petition and waiver process will allow the City to install missing segments of sidewalk when connecting sidewalks on adjacent properties are proposed. The cost of the sidewalk would be assessed to the property owner at the time of construction. It should be noted that a portion of private sidewalk located at the rear entrance of the building (northwest elevation) is only four feet in width. City Code requires that private sidewalks be a minimum of five feet in width so plans will need to be changed accordingly.

Stormwater Management

Stormwater will be managed to meet the City of Bloomington Comprehensive Surface Water Management Plan requirements for stormwater rate control (quantity), stormwater quality, and volume. The Stormwater Management plan calculations and narrative are under review by the City's Engineering Division. The owner is proposing to construct two underground stormwater infiltration systems. One underground system will be located within the northern drive aisle, and the other system will be located beneath the surface parking and drive aisles southeast of the new apartment building.

Utilities

Private sanitary sewer and watermain are provided and are adequate to accommodate the proposed expansion.

Fire Preventions and Public Safety

Maintaining access, water supply, and addressing are critical factors. These factors will need to be addressed through all phases of the project. All access and circulation design must meet or exceed the minimum standards for fire prevention and be maintained in accordance to the approved plan, including a surface to provide all weather driving capabilities. Apparatus access roads shall be asphalt or concrete and support a minimum of 80,000 pounds. Additional hydrants may be required to provide an adequate water supply for firefighting operations in and around all areas of the project and subsequent development.

The structure 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.

Any changes made to the current plans, including building location, access roads, water supply, landscaping and addressing, shall be reviewed by the Fire Marshal to insure continued compliance with the fire code.

Status of Enforcement Orders

There are no open enforcement orders for this property.

Planning Commission Review

The Planning Commission held a public hearing for the proposed rezoning and Final Site and Building Plans on December 22, 2016. No testimony from the public spoke was received at the hearing. The City has not received any written correspondence related to the subject applications. Following the staff presentation, the Planning Commission inquired about future improvements to East Old Shakopee Road in the context of the proposed 32-unit apartment building. Staff has distributed the subject plans to Hennepin County and MnDOT for review. Staff continues ongoing discussions with Hennepin County regarding future roadway design of East Old Shakopee Road. At this time, no design for East Old Shakopee Road has been approved. The applicant must obtain a Hennepin County access permit for any work in the right-of-way of East Old Shakopee Road (see recommended condition #14). The Planning Commission unanimously recommended approval of the requested Rezoning and Final Site and Building Plans subject to the conditions in the staff report.

REQUIRED FINDINGS

Section 21.501.01(d)(1-4) – Final Site and Building Plans

Required Finding (1): The proposed development is not in conflict with the Comprehensive Plan;

- The subject property is guided High Density Residential on the Comprehensive Plan, which designates the site for residential uses to exceed 10 units per acre. A 79 unit apartment building on 2.32 acres would be 34 units an acre and does not conflict with the Comprehensive Plan.

Required Finding (2): The proposed development is not in conflict with any adopted District Plan for the area;

- The property is not located within an area with an adopted District Plan.

Required Finding (3): The proposed development is not in conflict with City Code provisions;

- Subject to compliance with the conditions of approval, the proposed use meets all City Code requirements.

Required Finding (4): The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

- The proposed development is located on a site that is served by an arterial and collector road, public transit, and is in proximity to areas of employment and opportunities for recreation. The increase in residential units associated with the proposed development 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 Rezoning from R-4 to RM-50 and the Final Site and Building Plans for a 32-unit apartment building and associated site improvements. Staff recommends the following two motions:

In Case PL2016-196, I move to adopt an ordinance rezoning 9101 Old Cedar Avenue South from R-4 to RM-50.

In Case PL2016-196, having been able to make the required findings, I move to approve Final Site and Building Plans for the proposed 32-unit apartment building and associated site improvements located at 9101 Old Cedar Avenue South, subject to the conditions and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL201600196

Project Description: Rezoning the property from R-4 to RM-50 and Final Site and Building Plans for a 32-unit apartment building.

Address: 9101 OLD CEDAR AVE S

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 The Grading, Drainage, Utility, and Erosion Control plans must be approved by the City Engineer.
2. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
3. 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.
4. 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).
5. 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).
6. Prior to Permit A Minnesota Department of Health (MDH) watermain review and approval must be obtained or notification from MDH that this permit is not required must be submitted to the City (State of MN).
7. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52).
8. Prior to Permit Three foot high parking lot screening must be provided along Old Cedar Avenue and East Old Shakopee Road as approved by the Planning Manager (Sec. 19.52).
9. 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.
10. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
11. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
12. 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).
13. 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).

14. Prior to Permit A Hennepin County permit for work within the right-of-way must be obtained and a copy submitted to the Engineering Division prior to work beginning in the right-of-way.
15. Prior to Permit A Proof of Parking Agreement for 7 spaces must be approved and filed with Hennepin County.
16. Prior to Permit Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands (Sec 19.64).
17. Prior to Permit All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
18. Prior to Permit Sidewalks must comply with Section 21.301.04 of the City Code.
19. Prior to C/O A sidewalk must be provided to link the primary entrance of each building on site with the public sidewalk network.
20. Ongoing The site and building improvements are limited th those as shown on the approved plans in Case File #PL2016-196.
21. Ongoing Alterations to utilities must be at the developer's expense.
22. Ongoing Development must comply with the Minnesota State Accessibility Code (Chapter 1341).
23. Ongoing Signs must be in conformance with the requirements of Chapter 19, Article X of the City Code.
24. Ongoing Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
25. Ongoing All rooftop equipment must be fully screened (Sec. 19.52.01).
26. Ongoing All construction stockpiling, staging, and parking must take place on-site and off adjacent public streets and public rights-of-way.
27. Ongoing All loading, unloading, pickup and drop-off must occur on site and off public streets.
28. Ongoing Lockable storage spaces for all new dwelling units must be provided that comply with Section 21.302.09(d)(7) of the City Code.

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