

GENERAL INFORMATION

Applicant:	Boisclair Corporation
Location:	10041 Penn Avenue South
Request	Major Revision to Preliminary and Final Development Plans to construct a four-story, 68-unit apartment building.
Existing Land Use and Zoning:	Multiple-family residential; zoned RM-24 (PD), Multi-family residential (Planned Development)
Surrounding Land Use and Zoning:	North – Senior independent/assisted living; zoned RM-24(PD) East – Office; zoned B-1 South – Place of Assembly Parking and railroad; zoned R-1 West – Single and Multiple-family residential; zoned R-4
Comprehensive Plan Designation:	High Density Residential

HISTORY

City Council Action:	08/18/1977 – Approved a Final Development Plan for a three-story, 45-unit (18 one-bedroom and 27 two-bedroom) apartment building with 45 garage parking spaces and 53 surface parking spaces at 10041 Penn Avenue South (Case #8231A-77).
City Council Action:	09/24/2018 – Approved a rezoning of 10041 Penn Avenue from R-1(PD) to RM-24(PD) for the development of a 43-unit apartment building, a Major Revision to Preliminary and Final Development Plans for a new, four-story, 43-unit apartment building, and a Type III Preliminary and Final Plat to subdivide one lot into two lots. (Case #PL2018-167) NOTE: No building permit issued, project not constructed.
City Council Action:	02/25/2019 – Approved a Platting Variance to allow Plat filing and delay payment of park dedication payment until prior to building permit issuance for the proposed development. (Case #PL2019-8)

CHRONOLOGY

Planning Commission	05/07/2020 – Recommended approval (Vote: 6-0)
City Council	05/18/2020 – Consent Business

DEADLINE FOR AGENCY ACTION

Application Date:	04/01/2020
60 Days:	05/31/2020
120 Days:	07/30/2020
Applicable Deadline:	07/30/2020 (Extended by the City of Bloomington)
Newspaper Notification:	Confirmed (04/23/20 Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed (500-foot buffer – 10 day notice)

STAFF CONTACT

Nick Johnson, Planner
Phone: (952) 563-8925
E-mail: nmjohnson@BloomingtonMN.gov

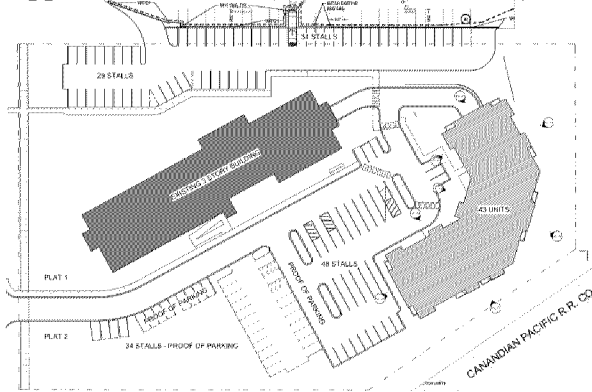
BACKGROUND

On September 24, 2018, the City Council approved a rezoning from R-1(PD) to RM-24(PD), a Major Revision to Preliminary and Final Development Plans to construct a new four-story, 43-unit affordable multi-family residential building and associated site improvements, and a Type III Preliminary and Final Plat to subdivide one lot into two lots. The applicant has not submitted a building permit for the new structure since the approval of the Final Development Plans. This application would modify the Preliminary and Final Development Plans approved in 2018 by expanding the proposed building footprint and unit count. No changes to the zoning or Plat are required, as the proposed development is consistent with previous approvals granted in Case #PL2018-167.

On February 25, 2019, the City Council approved a Platting Variance to allow for the completion of the Plat process without satisfying park dedication fee requirements prior to recording, thereby subdividing the property from one parcel into two parcels. The approved variance allows for the required park dedication fee to be paid to the City prior to the issuance of a building permit for the proposed development as opposed to prior to plat recording.

Boisclair Development proposes revising the previously approved Preliminary and Final Development Plans to construct a new four-story, 68-unit affordable multi-family apartment building on a site developed in 1977 with a 45-unit multiple family building. Figure 1 shows a comparison between the site plan and building footprint approved in 2018 (Case #PL2018-167) and the site plan and building footprint proposed in the subject application. The proposed apartment building would be 90,100 gross square feet with a 22,585 square-foot parking garage underneath. The proposed unit mix is 14 one-bedroom units, 36 two-bedroom units and 18 three-bedroom units. The existing 45-unit building on-site contains 18 one-bedroom units and 27 two-bedroom units. Subject to approval, a total of 113 housing units affordable to households at 60 percent of Area Median Income (AMI) would be provided. The proposed building has a community room, media room and fitness room on Level Two.

Approved Site Plan (Case #PL2018-167)



SITE PLAN KEY

- 1 BUILDING ENTRANCE
- 2 GARAGE ENTRANCE
- 3 COMMON AREA
- 4 PARKING
- 5 SITE CLOSURE
- 6 SITE CLOSURE
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Owner: [redacted]
 Date: 10/1/2010
 Project: [redacted]
 Scale: 1" = 10' (Horizontal)
 Scale: 1" = 10' (Vertical)
 Drawn by: [redacted]
 Checked by: [redacted]
 Approved by: [redacted]

Parking includes a 60-space underground parking garage for the new structure, 46 existing garage stalls for the existing building, plus 115 surface stalls to serve both buildings. Total site parking would be 221 parking spaces. A total of 33 spaces are partially on the adjoining property to the north, which are subject to a shared parking agreement with Presbyterian Homes. When factoring in the shared parking stalls, there is a parking ratio of 1.96 parking spaces per dwelling.

A 455-square foot trash collection and recycling room is provided near the center of the proposed underground parking garage. An attached trash collection enclosure is proposed for the existing apartment building accessible from the driveway down to the underground parking garage on the east side of the building. The applicant has not submitted a photometric lighting plan for review.

ANALYSIS

Land Use:

The primary land use approvals are in place. The Comprehensive Land Use Plan designation of High Density Residential allows more than 10 units per acre. The proposed 28.4 units per acre is consistent with Comprehensive Plan.

In 2018, the applicant requested and the City Council approved rezoning the property to RM-24(PD). The intent of the RM-24 is to provide appropriate development standards for multiple-family residential uses with access to arterial or collector streets in proximity to neighborhood commercial uses and public open space. The site is located along and access from Penn Avenue, an arterial street. It is less than a quarter mile from the Nine Mile Creek trail. The property borders railroad right of way and office, multiple family and commercial uses.

Code Compliance:

Table 1: City Code Requirements (without OHO allowances)

Standard	Provided	Meets Code?
Lot Size – Sec 21.301.01(c)(1) Minimum 40,000 square feet	173,112 square feet	Yes
Site Width – Sec. 21.301.01(c)(1) - Min. 200 feet	340.53 feet for the site	Yes
Density – Sec. 21.301.01(c)(1) Minimum 12 u./ac. and Maximum 24 u./ac.	28.43 u./ac (3.974 acres)	Yes – OHO flexibility
Impervious Surface – Sec. 21.301.01(c)(1) Maximum 85 percent	60.2 Percent	Yes
Minimum Unit Size – Sec 21.301.01(c)(3) Efficiency Unit – 400 square feet One Bedroom – 650 square feet Two Bedroom – 800 square feet Three Bedroom – 950 square feet	<u>New Building Only</u> Efficiency Unit – Not applicable One Bedroom – 797 square feet Two Bedroom – >1,082 square feet Three Bedroom – >1,341 square feet	Yes
Minimum Building Setbacks – Sec. 21.301.02(d)(1) Front – 40 feet (west) Rear – 30 feet (east) Sides – 10 feet plus 0.25 feet for each foot in height over 30 feet (13.5 feet required)	<u>New Building Only</u> Front – 284 feet (west) Rear – 35 feet (east) Side – 13.6 feet (south) 46 feet (north)	Yes

Standard	Provided	Meets Code?
Minimum Parking Setbacks – Sec. 21.301.06 Front (along any street) – 20 feet Side/Rear – 5 feet	Front – 40 feet Side/Rear – Zero to 32 feet	Shared easement – See further discussion
Maximum Building Height - Sec. 21.301.10(b)(1) 4 stories and 60 feet	4 stories – 44 feet	Yes
Minimum Usable Open Space – Sec. 21.203.08(c)(1) 600 sq. ft. per unit (67,800 square feet)	72,685 square feet with decks	Yes
Minimum Storage Space – Sec 21.302.09(d)(7) One lockable storage space per unit: - w/o bicycle storage – 175 cubic feet - with bicycle storage – 96 cubic feet	34 - 96 cubic feet storage units 750 square feet bicycle storage	Yes – OHO flexibility
Parking Location – Sec 21.301.06(b)(1) Within 400 feet of entrance	A majority - yes	Yes – See further discussion
Minimum Parking Required - Section 21.301.06 One bedroom – 1.8 spaces per unit Two bedroom – 2.2 spaces per unit Three bedroom – 2.6 spaces per unit Plus one per 100 S.F party room	New building – 158 spaces required 14 one bedroom – 25.2 spaces 36 two bedroom – 79.2 spaces 18 three bedroom – 46.8 spaces 707 square feet – 7.1 spaces	Yes – OHO flexibility
Minimum Parking Stall Size - Section 21.301.06 Surface – 9 X 18 for 90 degree Underground – 8.5 X 18 for 90 degree	Surface – 9’ x 18’ Underground – 9’ x 18’	Yes
Minimum Enclosed Parking - Section 21.301.06 One enclosed stall per unit – 113 parking stalls	106 garage stalls	Deviation requested – see further discussion
Minimum Drive Aisle Width - Section 21.301.06 For 90 degree parking – 24 feet	24 Feet	Yes
Parking Islands – Sec 21.301.06 Minimum of 8 feet wide with one tree	Missing island and tree along the north parking lot	No – See further discussion
Trash Collection - Section 21.301.17 Interior storage plus minimum size	471 square feet in the garage with area on each floor	Yes
Lighting – Sec. 21.301.07 Surface parking min. 1.0 foot-candles Garage parking min. 3.0 foot-candles	Not provided	No – See further discussion
Minimum Landscaping – Sec. 19.52 Trees Trees – 69 required Shrubs – 173 required 3 ft. screen for parking < 40 feet along street	Trees – 64 on site – 13 adjacent site Shrubs – 135 + 437 Perennials All parking 40 feet or greater from street	No – See further discussion
Minimum Sidewalk Width - Sec 21.301.04(d) Private – 5 feet unobstructed Along Penn – 8 feet	Provided throughout the site	Yes

Building Design:

The primary building materials proposed include cast in place concrete for the parking garage and fiber cement board for the building elevations. Building massing relief is provided with windows, balconies and varied fiber cement board colors. The proposed building is consistent with the multiple-family dwelling architectural performance standards in the RM-24 Zoning District with building materials consistent with the City Code (Sec. 19.63.08(b)).

Landscaping, Screening and Lighting:

The 173,112 square foot lot requires 69 trees (one tree for every 2,500 square feet) and 173 shrubs (one shrub for every 1,000 square feet) of developable area. This includes a required tree in each parking lot island. The applicant incorrectly calculated the developable area as 68,689 square feet. The plan lists 77 trees, 13 of which are on the property to the north and may not be included in the required trees for the development. The approved adjoining site landscape plan shows 27 trees and 24 shrubs would be removed for the parking and access expansion. The plant materials on the adjoining property must be replaced. The applicant must provide a landscape planning showing a minimum of 96 trees, 69 trees for the proposed development site and 27 trees on the adjoining site.

A total of 135 shrubs and 437 perennials are provided. Up to 50 percent of the required shrubs may be perennials with four perennials equaling one shrub. Therefore, a total of 244 shrubs are proposed, 207 on the site and 37 shrubs on the adjoining property. Similar to the tree removal on the adjacent property, a minimum of 24 shrubs removed from the adjoining property must be replaced.

The applicant has not submitted photometric plans for review. The 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 parking garage must have a minimum light level of 3.0 foot-candles with a reduction to 1.5 foot-candles along the 25-foot perimeter. The applicant must provide full photometric plans demonstrating full compliance prior to permit issuance.

Access, Circulation, and Parking:

The primary access from Penn Avenue remains with a secondary access through the parking lot to the north via a joint access and parking agreement. A new Penn Avenue emergency only access is provided along the north side of the existing building. Penn Avenue is a Hennepin County facility, and a County access permit will be required as a result.

The existing 45 unit apartment has 99 parking stalls (46 garage stalls and 53 surface stalls). This parking quantity exceeds City Code requirements by seven spaces. As shown in Table 2, the existing and proposed development provides 226 spaces where 244 spaces are required, a 9.5 percent reduction below the typical Code requirement. However, 33 spaces are partially on the adjoining property. The applicant proposes 31 of the 33 spaces would be allocated to the adjoining

property for parking calculation purposes. Therefore, the net parking spaces provided would be 195 spaces, or a 20 percent parking reduction. The proposed parking reduction is allowed as an OHO incentive and is discussed further in the OHO flexibility section of this report.

There is a potential decrease in parking as a required island and tree would be required along the north parking tier, where the sidewalk connection is provided. As the area does not include parking required for this development, that change will not impact the parking analysis.

A proposed decreased setback along the north property line is allowed subject to the access and parking easement between the two properties. The parking along the north extends west beyond the shared parking lot. The parking lot setback is less than 5 feet. If this area is included in the easement, the reduced setback is allowed. If this is not included in the easement, the parking must be shifted to provide the required five foot setback. There is adequate area for compliance, therefore staff does not support a deviation for the reduced setback without the joint parking agreement. The joint parking agreement would need to be provided to the City prior to the issuance of a building or parking lot permit.

Table 2: Parking Analysis for Penn Place Apartments (existing and new)

Unit type (#)	Code Requirement	Spaces Required
Studio/One Bedroom units (32)	1.8 spaces per unit (1 inside a garage)	58 spaces (32 garage spaces)
Two Bedroom units (63)	2.2 spaces per unit (1 inside a garage)	139 spaces (63 garage spaces)
Three Bedroom units (18)	2.6 spaces per unit (1 inside a garage)	47 spaces (18 garage spaces)
Party room (707 S.F.)	1 space per 100 sq. ft.	7 spaces
Total Parking Requirement		244 spaces (113 inside a garage)
Parking Proposed (31 shared)		226 spaces (106 inside a garage)

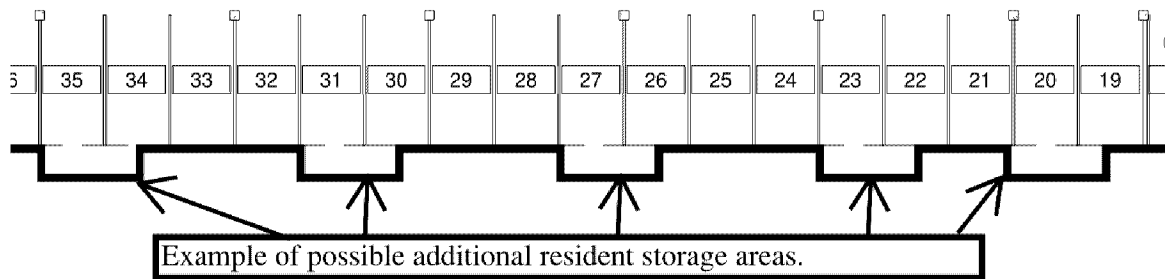
The proposed 106 garage stalls is seven below the 113 enclosed spaces required, a 6.2 percent reduction. The applicant requested a deviation for the reduction in garage stalls required in the original Final Development Plan. The Final Development Plans approved in 2018 (Case #PL2018-167) included a deviation to reduce enclosed or garage parking by seven stalls. The applicant requests no change from the previously approved reduction of seven garage stalls.

OHO Flexibility request:

The Affordable Housing Plans states the existing 43 units would be affordable at 30 percent AMI and the new structure would be affordable at 60 percent AMI. The applicant requests the following flexibility as allowed in the Opportunity Housing Ordinance (OHO):

- **Density Increase** – A density increase from 24 units per acre to 28.3 units per acre is requested. Per the OHO (Sec. 9.16), each low income household unit affordable to households at or below sixty percent (60%) of AMI qualifies the overall development for one (1) bonus dwelling unit up to a maximum of a fifty percent (50%) density increase over the base zoning district allowance. The applicant's proposal to construct 68 new dwelling units and maintain the existing 45 units at or below 60 percent AMI is permitted by City Code. The OHO allows a maximum density increase up to 36 units per acre, far above the 28.43 units per acre requested in the subject application.
- **Parking Stall Reduction** – The OHO allows a reduction in required parking based on the proposed affordability (Sec. 9.19). The applicant states all units are low income units at or below 60 percent AMI. The affordable housing plan submitted states the existing building will be at 30 percent AMI and the new structure at 60 percent AMI. Given that over nine percent of the total units will be preserved at 30 percent AMI, the development qualifies for parking flexibility of 40 percent as it is within a designated transit area. There are 195 spaces dedicated to the proposed development and an additional 31 shared parking spaces. This OHO decrease in parking requires the residents will not be charged fees for access to parking, including the garage spaces.
- **Storage Space Reduction** – The OHO allows a reduction in the required number of storage spaces outside the dwelling unit by fifty percent (50%) provided that the affordable housing agreement pursuant to Section 9.32 provides that the owner will not charge the opportunity housing units for access to storage space. The applicant is proposing 34 Code complying storage units on the first floor. While this flexibility is allowed, the applicant has areas in the garage that could provide additional storage units. While additional storage is not required, staff believes increasing the storage available would enhance the livability of the units and should be considered. See Figure 2 for areas to increase storage opportunity, which would provide low cost additional storage if the parking were assigned and the storage assigned to the adjacent parking space tenant.

Figure 2: Additional storage options within the garage.



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. Landscape yards must be kept free of stormwater management facilities with the exception of rain gardens. The owner is proposing to construct an underground stormwater infiltration system and other surface infiltration areas. A Nine Mile Creek Watershed District Permit must be obtained and submitted to the City prior to the issuance of a building permit.

Utilities:

Connections to public sanitary sewer and watermain are proposed to be made within Penn Avenue and are adequate to accommodate the proposed expansion. Hennepin County is the roadway authority for Penn Avenue, and any work occurring within it requires a county permit as a result.

Traffic Analysis:

No significant impacts to the adjacent traffic patterns due to this building addition have been identified. A significant improvement is a secondary access via the joint access and parking agreement with the property to the north and an emergency vehicle access along the north side of the site onto Penn Avenue. Hennepin County is the roadway authority for Penn Avenue and their approval would be required for any additional access onto the roadway. The applicant has been in contact with Hennepin County and they have indicated they would be supportive of this additional access for emergency vehicles only. A right-of-way permit from Hennepin County is required prior to construction of the second curb cut onto Penn Avenue.

Fire Prevention and Public Safety:

The access and circulation design must meet or exceed the minimum standards of the fire code with a minimum 20 foot wide access around the building 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 with a turning radius to accommodate BFD ladder 1.

A looped water supply feeding a single, combined water service into the building is required for the domestic and sprinkler system water demand. Hydrant coverage shall be provided within 150 feet of all exterior walls and within 50 feet of the fire department connection. Hydrant locations will be approved by the Utilities and Fire Prevention Divisions.

The building must be addressed plainly and visible from the street or road using numbers that contrast with the background. The numbers must be a minimum of four inches, be Arabic numbers or alphabetic letters with a minimum stroke width of 0.5 inches. Knox boxes and annunciator panels will be required at the main entrances and other areas as designated by the Fire Prevention Division. The applicant shall ensure the proposed landscaping plans don't interfere with access to the building.

All stairwells shall have an access door to the interior on all floors including the first floor. The Fire Code requires wet standpipe hose valves within 200 feet of all areas within the structure. 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.

Public Correspondence:

The City has received two emails of correspondence regarding this application. The first email inquired about dimensional requirements for parking and other standards. The second email is in support of the subject application.

Planning Commission Review:

The Planning Commission held a public hearing on the subject application on May 7, 2020. With the exception of the applicant, no one spoke at the hearing. The Planning Commission spoke in favor of the changes proposed in the revised development plans. They discussed the proposed playground located at the southwest corner of the new residential building and the need for a barrier to restrict access in between the playground and adjacent railroad tracks to the southeast. The Planning Commission unanimously recommended approval of the subject Preliminary and Final Development Plans (Vote: 6-0), adding a condition that a safety plan be provided for the playground that addresses the railroad hazard. The full detail of the Planning Commission discussion is found in the attached Planning Commission minutes.

FINDINGS

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

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan.	Finding Made – There is no conflict between the proposed development and the Comprehensive Plan. The proposed development is consistent with the Comprehensive Plan’s High Density Residential designation.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	Finding Made – The proposed development is not located in an area with an adopted District Plan.
(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.	Finding Made – The building’s height, density, massing, design and other characteristics are consistent with the existing structure and the property to the north. The flexibility or deviations are consistent with the Opportunity Housing Incentives and would not have an adverse impact on the surrounding neighborhood and are in the public interest, as the project furthers multiple goals of the Comprehensive Plan, specifically the Housing Element.
(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.	Finding Made – The planned development is proposed to be completed in one phase. The development is not dependent on 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; and	Finding Made – The subject property is located on a minor arterial roadway. Given the size and characteristics of the proposed development, an excessive burden is not anticipated 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.	Finding Made – The proposed development is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare. The building design and site circulation are consistent with multi-family developments in Bloomington.

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

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan.	Finding Made - There is no conflict between the proposed development and the Comprehensive Plan. The proposed development is consistent with the Comprehensive Plan’s High Density Residential designation.

Required Finding	Finding Outcome/Discussion
(2) The proposed use is not in conflict with any adopted District Plan for the area.	Finding Made - 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.	Finding Made - The proposed development would modify the approved preliminary development plan to add an additional affordable apartment building. The final development plan is consistent with this preliminary development plan revision.
(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.	Finding Made - The building's height, density, massing, design and other characteristics are consistent with the existing structure and the property to the north. The flexibility or deviations are consistent with the Opportunity Housing Incentives and would not have an adverse impact on the surrounding neighborhood and are in the public interest, as the project furthers multiple goals of the Comprehensive Plan, specifically the Housing Element..
(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.	Finding Made – The planned development is proposed to be completed in one phase. The development is not dependent on 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; and	Finding Made – The subject property is located on a minor arterial roadway. Given the size and characteristics of the proposed development, an excessive burden is not anticipated 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.	Finding Made – The proposed development is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare. The building design and site circulation are consistent with multifamily developments in Bloomington.

RECOMMENDATION

Planning Commission and staff recommend approval through the following motion:

In Case #PL2020-68, having been able to make the required findings, I move to approve a Major Revision to Preliminary and Final Development Plans to construct a four-story, 68-unit apartment building at 10041 Penn Avenue, subject to the conditions and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL2020-68

Project Description: Major Revision to Preliminary and Final Development Plans to revise a previously approved but not yet constructed four-story, 43-unit apartment building (Case #PL2018-167) by expanding the building footprint and increasing the unit count to 68 total units.

Address: 10041 Penn 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 Permit 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.
2. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
3. Prior to Permit A private common parking/access agreement for shared parking be filed with Hennepin County and proof of filing provided to the Engineering Division.
4. Prior to Permit Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
5. Prior to Permit Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands (Sec 19.64).
6. Prior to Permit All trash and recyclable materials must be stored inside the principal building (Sec. 21.301.17).
7. 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.
8. Prior to Permit Landscape plan, with revisions discussed in the staff report, must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52).
9. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
10. Prior to Permit Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
11. Prior to Permit A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division.
12. Prior to Permit An erosion control surety must be provided (16.08(b)).
13. Prior to Permit A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) must be provided if greater than one acre is disturbed (State of MN and Federal regulation).
14. Prior to Permit Sidewalk as approved by the City Engineer must be installed along Penn Avenue at the developer's expense (Section 21.301.04(b)(1)).

15. 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.
16. 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).
17. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
18. 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).
19. Prior to Permit A Minor Revision to the Final Development Plan must be submitted and approved for 9901 Penn Avenue and 10030 Newton Avenue South (Presbyterian Homes of Bloomington) for site modifications necessary to accommodate shared parking.
20. Prior to Permit A sidewalk must be provided to link the primary entrance of each building on site with the public sidewalk network. (Section 21.301.04)
21. Prior to Permit Lockable storage lockers for all new dwelling units must be provided as required in City Code Section 21.302.09(d)(7) and as allowed in the Opportunity Housing Ordinance.
22. 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.
23. Prior to Permit Park dedication fee must be paid.
24. Prior to C/O Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
25. Prior to C/O 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).
26. 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.
27. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
28. Ongoing Development must comply with the Minnesota State Accessibility Code (Chapter 1341).
29. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.
30. Ongoing Opportunity housing units may not be charged fees for access to parking on-site.
31. Ongoing All construction related loading, unloading, pick-up, drop-off, staging, stockpiling or parking must occur on site and off public streets.
32. Ongoing Alterations to utilities must be at the developer's expense.
33. Ongoing Development must comply with the Minnesota State Accessibility Code.
34. Ongoing Recyclable materials must be separated and collected (Sec. 10.45).

35. Ongoing Prior to installation of a playground as shown on the Final Development Plans, a safety plan that includes a barrier restricting access to the adjacent railroad track must be reviewed for approval by the Planning Manager.