

## GENERAL INFORMATION

Applicant:	Walser Real Estate, LLC (Owner) Walser Toyota (User)
Location:	4401 American Boulevard West
Request:	<ol style="list-style-type: none"><li>1) Rezone a portion of 4401 American Boulevard West from CS-0.5(PD) to C-1(PD) for the expansion of a motor vehicle sales facility (Class I and II)</li><li>2) Major Revision to Preliminary Development Plans and Final Development Plans to construct a new three-story parking ramp with roof parking</li></ol>
Existing Land Use and Zoning:	Class I and II motor vehicle sales facility; zoned Commercial Service (Planned Development) and Single-Family Residential, CS-0.5(PD) and R-1
Surrounding Land Use and Zoning:	North – Interstate 494; public right-of-way South – Single-family residential dwellings; zoned R-1 East – Restaurant; zoned CS-0.5(PD) West – Office and multiple-family residential apartments; zoned CS-0.5 and R-4(PD)
Comprehensive Plan Designation:	Regional Commercial (RC)

## HISTORY

City Council Action:	<p>05/03/99 – Adopted ordinance to rezone 4401 West 80<sup>th</sup> Street from CS -0.5 to CS- 0.5( PD) and approved Preliminary and Final Development Plan for a Class I and II Motor Vehicle Sales business with conditions (Case #5751ABC-05).</p> <p>05/01/00 – Approved a one -year extension of the conditional use permit for a Class I and II Motor Vehicle Sales business as part of a Planned Development at 4401 West 80th Street (Case #5751A-00).</p> <p>11/06/00 – Approved revised Final Development Plan for a Class I and II Motor Vehicle Sales business to alter building placement and size at 4401 West 80<sup>th</sup> Street with conditions (Case #5751B-00).</p>
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02/20/01 – Approved a revised Final Development Plan for a Class I and II Motor Vehicle Sales business to alter building placement and size at 4401 West 80<sup>th</sup> Street with conditions (Case #5751A -01).

01/20/2004 – Approved Reguiding and Rezoning 4301 American Boulevard West from Community Commercial to Regional Commercial and from CS-0.5 to CS-0.5(PD), Preliminary Development Plans and Conditional Use Permit to operate a Class I motor vehicle sales facility located at 4301 and 4401 American Boulevard West (Case #8133ABCD-03).

01/23/2006 – Approved Reguiding 4301 American Boulevard West from Community Commercial to Regional Commercial, a Major Revision to Preliminary Development Plans, Final Development Plans, and Conditional Use Permit for a Class I and Class II motor vehicle sales facility located at 4301 and 4401 American Boulevard West (Case #8133ABCD-05).

04/17/2006 – Approved the Preliminary and Final Plat of PA WALSER ADDITION (Case #8133A-06).

11/20/2007 – Approved a Major Revision to Final Development Plans for an addition to an existing Class I and Class II motor vehicle sales facility and related site improvements (Case #8133B-07).

06/06/2016 – Approved a Major Revision to Preliminary Development Plans, Final Development Plans, and Conditional Use Permit for a new five-story, 229,634 square-foot Class I and II motor vehicle sales and repair facility with administrative offices (Case #PL2016-63).

**Note: Project not constructed, Final Development Plans are now expired.**

## CHRONOLOGY

Planning Commission	04/23/2020	Recommended approval (Vote: 7-0)
Council	05/18/2020	Public hearing scheduled

## DEADLINE FOR AGENCY ACTION

Application Date:	03/18/2020
60 Days:	05/17/2020
120 Days:	07/16/2020
<b>Applicable Deadline:</b>	<b>07/16/2020 (Extended by City)</b>
Newspaper Notification:	Confirmed (04/09/2020 Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed (500-foot buffer – 10 day notice)

## STAFF CONTACT

Nick Johnson, Planner  
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## PROPOSAL

Walser Toyota is requesting to rezone a portion of 4401 American Boulevard West from CS-0.5(PD) to C-1(PD). The southern 150 feet of the property is currently zoned R-1 Single-Family Residential and is not the subject of the rezoning request. The rezoning application is submitted in conjunction with development plans to construct a new three-story parking structure with roof parking in the southwest portion of their existing motor vehicle sales site. The parking structure would replace existing surface parking and includes up to 415 off-street parking and motor vehicle inventory stalls. Levels one through three are intended to be utilized for motor vehicle inventory, while the roof is planned to be utilized for employee parking. The parking ramp is approximately 50 feet tall and constructed of precast concrete panels. Due to challenging soil conditions, the ramp will require pile foundations.

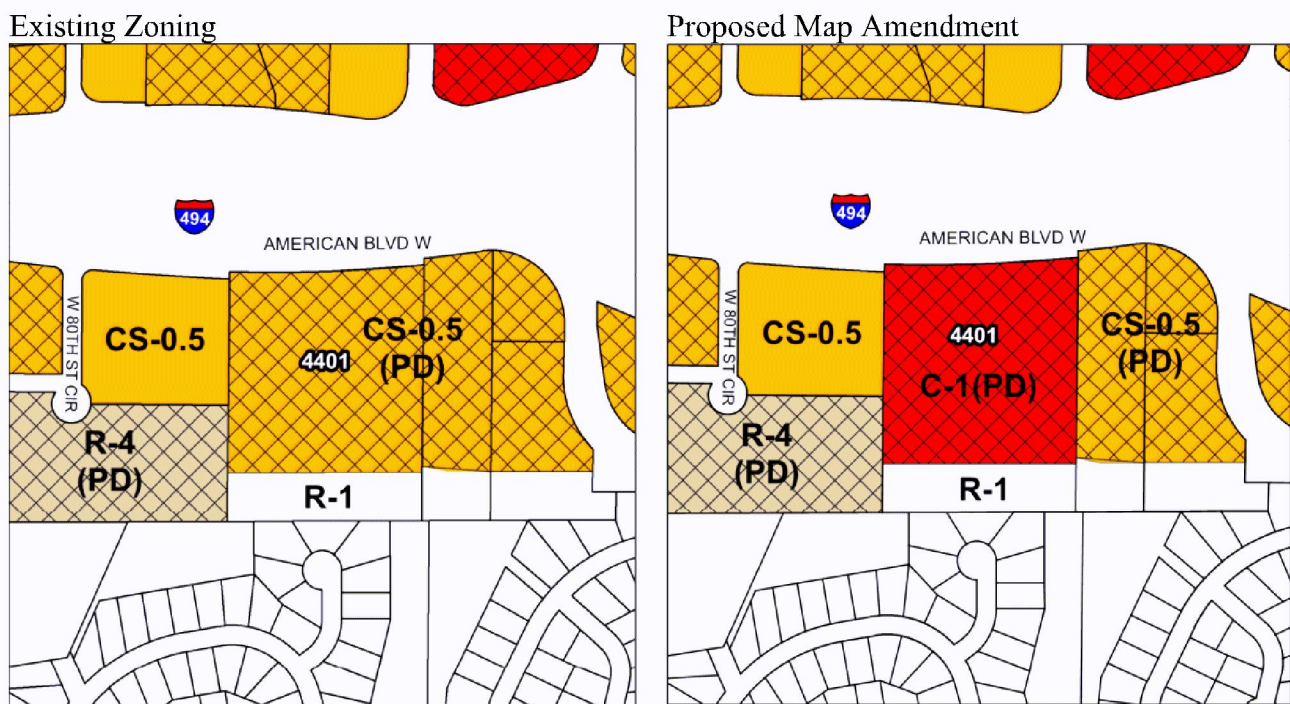
Per the applicant's project description, the proposed parking structure in the southwest corner of the site is the first phase of a multi-phase development that would result in the reconstruction of the motor vehicle sales and repair facility on the east side of the site. In addition to a new car dealership, future phases of development would include the expansion of the proposed parking ramp to the north in the current location of the existing car dealership structure. The phase I parking ramp is intended to increase the supply of both off-street parking and motor vehicle inventory prior to disturbance of the site where surface parking is currently located. Future development phases would require additional public hearings and approvals prior to construction. The applicant obtained approval in 2016 for a five-story motor vehicle sales and repair facility with structured parking. The development project did not go forward and the associated Final Development Plan approval has subsequently expired.

## ANALYSIS

### Rezoning/Land Use

The subject property existing base zoning is split between CS-0.5 and R-1. The northern 80 percent of the site is zoned CS-0.5(PD), while the southern 20 percent (150 feet from the southern property line) is zoned R-1. The applicant requests rezoning the northern 80 percent of the site from CS-0.5(PD) to C-1(PD), as shown in Figure 1. In the CS-0.5 zoning district, a Class I motor vehicle sales facility is a conditional use, whereas it is a permitted use in the C-1 zoning district. The C-1 zoning district is intended to provide for a variety of non-retail uses that benefit from exposure and/or proximity to freeway corridors and interchanges, including Class I and II motor vehicle sales. There are currently only three other sites in the city zoned C-1, all of which are Class I and II motor vehicle sales facilities. A motor vehicle sales facility is a conditional use in the CS-0.5 zoning district, previously requiring the approval of Conditional Use Permits as the current facility was developed and expanded through the years. Rezoning the site to the C-1 zoning district would remove the requirement for a Conditional Use Permit, as motor vehicle sales uses are permitted in the C-1 district.

**Figure 1: Rezoning from CS-0.5(PD) to C-1(PD)**



A rezoning action has 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 or not there is a public benefit from the change.

Regarding consistency with the Comprehensive Plan, the subject property is guided Regional Commercial, which is the appropriate guidance for a regional motor vehicle sales facility. Regional Commercial is intended for retail and service uses that require easy access from the freeway system. Most major automobile sale facilities in the city are guided Regional Commercial, as automobile sales is specifically referenced in the definition. Rezoning the subject property to the C-1 zoning district is consistent with the Comprehensive Plan guidance of Regional Commercial.

The CS-0.5 zoning district was developed and adopted in 1981 and is located in Chapter 19 of the City Code, whereas the C-1 district was adopted more recently and is in Chapter 21. The C-1 zoning district differs from the CS-0.5 zoning district in that it was specifically developed with motor vehicle sales facilities in mind, designating the use as permitted. Motor vehicle sales are allowed in the CS-0.5 district as a conditional use when part of a planned development (PD). Both districts are intended for and allow uses that benefit from close proximity to freeways, but the CS-0.5 district does not require a minimum floor area ratio (FAR). Without a minimum FAR, a reduction in overall building size would be permitted in the CS-0.5 zoning district as long as the minimum building area of 20,000 square feet was maintained. The C-1 zoning district has a minimum FAR of 0.4, but also includes special provision for motor vehicle sales uses that allows an FAR below the minimum value as long as the facility is not reduced in floor area below the existing condition. As such, an existing motor vehicle sales facility cannot be reduced in size to create space for additional surface parking or inventory storage.

From a public benefit standpoint, rezoning a property with a major Class I and II motor vehicle sales use to the C-1 zoning district is in greater conformance to the intended vision and application of the Zoning Code. The C-1 zoning district provisions would not allow for the motor vehicle sales facility to be reduced in floor area for the purposes of maximizing the storage of automobile inventory. The C-1 zoning district was intended to be utilized for Class I and II motor vehicle sales uses, so it remains a more appropriate base zoning for the subject property. Rezoning the property from the CS-0.5 zoning district to the C-1 district also removes the need for a Conditional Use Permit for the subject property. Staff is supportive of the requested rezoning action.

### **Code Compliance**

The Final Development Plans for the proposed three-story parking ramp and associated site improvements have been reviewed according to the C-1 zoning district standards and other applicable performance standards in City Code. Areas of noncompliance, as well as requests for deviation, are identified in Table 1. A review of standards that specifically pertain to motor vehicle sales facilities and parking structures is also included in Table 1. Additional discussion regarding conformance to various performance standards or requests for flexibility are provided in specific sections of the staff report. Note the following review does not focus on the existing motor vehicle sales facility with few exceptions.

**Table 1: City Code Compliance Analysis**

<b>Standard and Code Section</b>	<b>Proposed</b>	<b>Meets Standard?</b>
<b>Minimum Site Area</b> – 120,000 square feet (Sec. 21.301.01(d))	464,226 square feet	Yes
<b>Minimum Site Width</b> – 200 feet (Sec. 21.301.01(d))	600 feet	Yes
<b>Side Yard Building Setback (west)</b> 20 feet (Sec. 21.301.02(e))	20.5 feet	Yes
<b>Rear Yard Building Setback (south)</b> 30 feet (Sec. 21.301.02(e))	259.5 feet	Yes
<b>Maximum Impervious Surface Coverage</b> 90 percent (Sec. 21.301.01(d))	59.7 percent	Yes
<b>Minimum Floor Area Ratio (FAR)</b> – 0.0 for existing motor vehicle sales uses, but FAR may not decrease (Sec. 21.302.01(j))	No modifications to existing facility, FAR is not reduced	Yes
<b>Maximum Building Height</b> Southern 300 feet of site – 50 feet/3 stories Remainder of site – No limit (Section 21.301.10(b)(1)(a))	Within southern 300 feet – 50 feet/3 stories Remainder of building – 52.3 feet/3 stories	Yes
<b>Parking Islands</b> – Minimum 8 feet wide and have a deciduous tree (Sec. 21.301.06(c)(2)(H))	7.7 feet w/tree (southeast islands)	No – see further discussion
<b>Structured Parking Space Dimensions</b> 8.5 feet by 18 feet for 90 degree parking (Sec. 21.301.06(h))	9 feet by 18 feet	Yes
<b>Structured Parking Drive Aisle</b> – 24 feet for 90 degree parking (Sec. 21.301.06(h))	23 feet	No – see further discussion
<b>Landscaping Requirements</b> – 11 trees and 27 shrubs (Sec. 19.52(c)(2))	11 trees 27 shrubs	Yes
<b>Noise Restrictions</b> – Outdoor loudspeakers or public address systems are prohibited (Sec. 21.302.01(b))	No information provided	Unknown – see further discussion
<b>Vehicle Storage</b> – Vehicles must be stored in approved areas (Sec. 21.302.01(f)(1))	No information provided	Unknown – see further discussion
<b>Vehicle Loading/Unloading</b> – Vehicles in the ramp must not be loaded or unloaded between 8:00 p.m. and 7:00 a.m. (Sec. 21.302.01(g))	No information provided	Unknown – see further discussion

Standard and Code Section	Proposed	Meets Standard?
<b>Parking Structure Design</b> Exterior materials and design must be compatible with surrounding buildings (Sec. 21.301.06(h)(2)(B))	White precast concrete with scoring patterns	Deviation requested – see further discussion
<b>Vehicle Headlights</b> – Parking structure must be designed to block vehicle headlights (Sec. 21.301.06(h)(2)(B)(i))	South, East and West – Four-foot wall North – Cable railings	Deviation requested – see further discussion

### **Building Design**

The three-story parking ramp with roof parking is constructed out of concrete, with white precast concrete towers and spandrels with decorative patterns and scoring serving as the exterior material. Architectural concrete, excluding tilt-up panels, is a permitted material in the C-1 zoning district as long as it is integral in color. The City Code requires parking structures be compatible with surrounding buildings in exterior materials and design. The existing motor vehicle sales facility is faced with brick, red and brown in color. The proposed parking structure is not compatible with the existing dealership building. Walser Toyota is requesting flexibility to allow white precast concrete for the parking structure given that it is the first phase of a multi-phase dealership redevelopment in the future. The corporate logo and colors/theme for Toyota is red and white, and the exterior materials of the future dealership is planned to compliment the proposed parking ramp. Staff is supportive of the requested deviation related to structure compatibility based on future development plans. Additional review and approval of future phase exterior materials, including a review by the Planning Commission and City Council, must be completed.

Walser Toyota is requesting flexibility to allow cable railing to be utilized as a vehicle barrier on the north building elevation only, where the parking structure would be expanded to the north in the future. City Code requires vehicle headlights within parking ramps be blocked from the exterior. Given the limited benefit associated with temporary headlight screens and that the lower floors of the north elevation of the proposed parking structure are blocked by the existing motor vehicle sales facility, staff would be supportive of a deviation to allow cable railings on the north elevation. However, the ground level of the western and southern elevations, both of which face residential uses, also were open in design, allowing headlights to shine through. Staff is not supportive of providing flexibility to forgo screening for vehicle headlights in these areas. Staff was recommending a condition that the ramp be designed to block headlights on all levels of the western and southern building elevations. Following the Planning Commission meeting, the applicant submitted new building elevations showing headlight screening on the ground floor of the western and southern building elevations. As such, staff has modified the condition (Condition #14) pertaining to headlight screening to reflect the updated building elevations.

**Access, Circulation, and Parking**

Site access to American Boulevard West is not proposed to be changed with the Final Development Plans. Circulation around the site and existing motor vehicle sales facility is maintained for emergency and delivery vehicles, as demonstrated on the floor plans for the parking structure. The ground level of the parking ramp remains open for egress/ingress purposes on both the north and east sides of the parking ramp. In terms of internal circulation, the minimum drive-aisle width within a parking structure is 24 feet. Some of the drive aisles within the parking ramp are 23 feet in width. The drive aisle width deficiency must be corrected.

The project results in a net increase of approximately 300 inventory/parking spaces, depending on utilization. As the motor vehicle sales facility is not being expanded, a parking analysis of the existing facility is not needed, given the parking/inventory supply is increasing. When a new motor vehicle sales and repair facility is proposed to be constructed in future phases of the redevelopment, a full analysis of the parking requirement and supply will be completed at that time. For the existing project, parking and inventory spaces must be identified utilizing some signage or striping. Staff is recommending a condition that Walser Toyota prepare a signage/striping plan to identify areas of automobile inventory and off-street parking.

Two parking islands are proposed to be added to the site, to the east and northeast of the parking ramp. Both islands must have eight feet in internal width and a deciduous tree. Both parking islands have slightly less internal width than the eight feet required and must be expanded. The City Engineer must approve access, circulation and parking plans prior to the issuance of a building permit.

**Landscaping, Screening and Lighting**

Based on an approximate site disturbance of 27,450 square feet, 11 trees and 27 shrubs must be added to the site for the proposed project. A code-compliant landscape plan has been submitted. However, staff would urge the applicant to consider a better distribution of plantings, including locating some trees along the west elevation of the parking ramp. Staff is recommending a condition that a landscape surety be provided for the project according to the procedures outlined in the Landscaping and Screening Policies and Procedures manual. Should the property owner proceed with future development phases to reconstruct the motor vehicle sales facility, the full site would need to come into conformance with the City's landscape requirements. Regarding screening, parking structure entrance areas must be screened from abutting single-family uses utilizing methods suitable for surface parking lot screening. The landscape plan includes the installation of juniper shrubs at the southeast entrance/exist of the parking structure, the only entrance/exit that should be visible to the single-family residential homes to the south. Code-required screening for parking structure entrances/exits must be maintained into the future.

The applicant has submitted a photometric lighting plan for the proposed parking structure roof. Employee and/or customer parking areas and supporting drive-aisles must have a maintained minimum illumination level of 2.0 foot-candles on the roof and 5.0 foot-candles in the enclosed

levels of the ramp. There are some areas of the roof of the parking ramp that do not meet minimum illumination levels for customer/employee parking. Light fixtures, including the fixtures in the ramp, must be 90-degree cutoff with a flat lens to minimize glare and decrease light pollution. The proposed mounting height of the roof lighting is 12 feet, complying with the maximum mounting height of 33 feet. All safety and security lighting must be extinguished within one hour after the end of business. Prior to the issuance of a building permit, a revised lighting plan for all levels of the parking structure must be submitted for review and approval.

### **Stormwater Management**

Stormwater must be managed to meet the City's and Watershed District's requirements for stormwater rate control (quantity), stormwater quality and volume. A stormwater management facility is planned immediately south of the new parking structure. The Stormwater Management Plan calculations and narrative are under review and must comply with the requirements of the City of Bloomington Comprehensive Surface Water Management Plan. A maintenance plan would need to be provided and will be required to be signed and filed at Hennepin County. The maintenance plan must also address other existing facilities on-site. This site is located within the Nine Mile Creek Watershed District, so an additional permit will be required prior to building permit issuance.

### **Utilities**

The subject property is served by both City sanitary sewer and water service. Utility work associated with the project is limited. Fire hydrant coverage and adequate fire protection will be evaluated as part of the review of the utility plans. The utility plans for the site must be approved by the City Engineer prior to the issuance of a building permit.

### **Traffic Analysis**

No significant impacts to the adjacent traffic patterns due to this building addition have been identified. The site is served by American Boulevard West, a minor arterial roadway according to the City's functional roadway classification with adequate capacity. The proposed parking ramp would allow additional motor vehicle inventory to be stored on-site, but not otherwise substantively increase other forms of traffic to and from the subject property.

### **Fire Preventions and Public Safety**

The approved access road must be maintained in accordance to the approved plan including a surface to provide all weather driving capabilities. Apparatus access roads must be asphalt or concrete and support a minimum of 80,000 pounds and accommodate the turning radius for BFD ladder 4.

A looped water supply is required for the development. Hydrant coverage must be provided within 150 feet of all exterior walls and within 50 feet of the fire department connection. The applicant has agreed to install hydrants (2) along the east side of the parking ramp for this phase of the project.

Hydrant locations will be approved by the Utilities and Fire Prevention Divisions. The applicant shall ensure the proposed landscaping plans don't interfere with access to the parking ramp.

Standpipe hose valves must be at the landing in all stairwells and within 130 feet of all areas of the parking 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, must be reviewed by the Fire Marshal to ensure continued compliance with the Fire Code.

### **Miscellaneous**

The City Code includes performance standards for motor vehicle sales facilities (Sec. 21.302.01). Two operational elements of the plan that are currently unknown by staff relate to noise and vehicle delivery. First, motor vehicle sales facilities are not allowed to utilize outdoor loudspeakers or public address systems. As such, these devices are not permitted within the proposed parking ramp. Staff is recommending a condition that prohibits the use of speakers or public address systems within the parking ramp. Second, when the motor vehicle sales facility is within 300 feet of properties residentially zoned and used, the loading and unloading of motor vehicles is prohibited between the hours of 8:00 p.m. and 7:00 a.m.. Staff is recommending a condition that the facility abide by this operational requirement, particularly within the parking structure.

### **Status of Enforcement Orders**

The property is not subject to any open enforcement orders.

### **Public Correspondence**

The City has received six emails/letters from neighboring residents and one other interested party. Five of the emails/letters submitted express a variety of concerns, including stormwater management, lighting, structure location, operations, maintenance of the property and southern berm, and snow removal. Two of the emails express general opposition to the overall project. An email from the president of the Fountain Lake Condo Association (4575 80<sup>th</sup> Street Circle) requests that additional trees be planted along the west side of the parking ramp to break up the building mass. The representatives of Walser Toyota express no objection to providing additional plant material along the western elevation.

### **Planning Commission Review**

The Planning Commission held a public hearing on the subject application on April 23, 2020. With the exception of the applicant's representatives, no one from the public spoke at the hearing. The Planning Commission discussed a variety of topics at the meeting, including parking ramp design

and site landscaping. The full detail of the Planning Commission discussion is found in the attached draft minutes from the April 23<sup>rd</sup> meeting.

Following discussion, the Planning Commission unanimously recommended approval of the subject application while amending two of the conditions recommended by staff. Regarding the condition pertaining to site landscaping (Condition #16), it was recommended that additional plant material be provided along the western building elevation per the request of the Fountain Lake Condo Association. Related to vehicle headlight screening (Condition #14), the Planning Commission recommended that screening provided be at a minimum height that complies with the MN State Building Code. Both conditions have been revised to reflect the Planning Commission recommendation.

## FINDINGS

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

<b>Required Finding</b>	<b>Finding Outcome/Discussion</b>
(1) The proposed use is not in conflict with the Comprehensive Plan.	<b>Finding Made</b> – The subject property is guided Regional Commercial. The expansion of a Class I and II motor vehicle sales facility as proposed is not in conflict with the Comprehensive Plan.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	<b>Finding Made</b> – The subject property 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.	<b>Finding Made</b> – The applicant is requesting two deviations pertaining to the architectural design of the proposed parking structure. Both requested deviations are allowed under the parameters of the Planned Development Overlay Zoning District and relate to future development phases of a reconstructed motor vehicle sales facility on site. Deviations to allow exterior materials and design which are incompatible with the existing dealership building and to allow cable railing on the north side of the parking structure are necessary to facilitate the future reconstruction of a larger motor vehicle sales facility with less surface parking, which is in the public interest.

Required Finding	Finding Outcome/Discussion
(4) Each phase of the proposed development is of sufficient size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit without dependence upon any subsequent unit.	<b>Finding Made</b> – The proposed parking structure would be located directly behind the existing motor vehicle sales facility and still allow access to the loading docks located on the southern building elevation. Should the future development phases as proposed by the applicant not proceed, the subject parking structure can continue to serve the existing facility, adding employee parking and motor vehicle inventory. The construction of the parking structure is of sufficient size and arrangement that its construction and operation is feasible without dependence on any 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	<b>Finding Made</b> – The subject property is served by American Boulevard West, an arterial roadway with adequate capacity for any additional traffic generated by the proposed development. There is adequate capacity in the City's water system to serve the proposed parking ramp. The proposed development will not create an excessive burden on public streets, utilities or other facilities.
(6) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	<b>Finding Made</b> – The proposed parking ramp height is compliant with the City's structure height requirements. The ramp must be designed in a way to block vehicle headlights. Operational limitations in the City Code prohibit the use of public address systems or loudspeakers, and motor vehicle pick-up and drop-off will be restricted between the hours of 8:00 p.m. and 7:00 a.m.. Finally, stormwater must be managed to meet the City's Comprehensive Surface Water Management Plan and the Nine Mile Creek Watershed District regulations. The proposed development is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

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

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan.	<b>Finding Made</b> – The subject property is guided Regional Commercial. The expansion of a Class I and II motor vehicle sales facility as proposed is not in conflict with the Comprehensive Plan.

Required Finding	Finding Outcome/Discussion
(2) The proposed use is not in conflict with any adopted District Plan for the area.	<b>Finding Made</b> – The subject property is not located in an area with an adopted District Plan.
(3) The proposed development is not in conflict with the approved preliminary development plan for the site.	<b>Finding Made</b> – The subject application includes a Major Revision to the approved Preliminary Development Plans to allow a three-story parking structure with roof parking on the subject property. Upon approval of the Major Revision to Preliminary Development Plans, the proposed development is not in conflict with the Preliminary Development Plan of record for the site.
(4) All deviations from City Code requirements are in the public interest and within the parameters allowed under the Planned Development Overlay Zoning District or have previously received variance approval.	<b>Finding Made</b> – The applicant is requesting two deviations pertaining to the architectural design of the proposed parking structure. Both requested deviations are allowed under the parameters of the Planned Development Overlay Zoning District and relate to future development phases of a reconstructed motor vehicle sales facility on site. Deviations to allow exterior materials and design which are incompatible with the existing dealership building and to allow cable railing on the north side of the parking structure are necessary to facilitate the future reconstruction of a larger motor vehicle sales facility with less surface parking, which is in the public interest.
(5) The proposed development is of sufficient size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit without dependence upon any subsequent unit.	<b>Finding Made</b> – The proposed parking structure would be located directly behind the existing motor vehicle sales facility and still allow access to the loading docks located on the southern building elevation. Should the future development phases as proposed by the applicant not proceed, the subject parking structure can continue to serve the existing facility, adding employee parking and motor vehicle inventory. The construction of the parking structure is of sufficient size and arrangement that its construction and operation is feasible without dependence on any 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	<b>Finding Made</b> – The subject property is served by American Boulevard West, an arterial roadway with adequate capacity for any additional traffic generated by the proposed development. There is adequate capacity in the City's water system to serve the proposed parking ramp. The proposed development will not create an excessive burden on public streets, utilities or other facilities.

Required Finding	Finding Outcome/Discussion
(7) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	<b>Finding Made</b> – The proposed parking ramp height is compliant with the City’s structure height requirements. The ramp must be designed in a way to block vehicle headlights. Operational limitations in the City Code prohibit the use of public address systems or loudspeakers, and motor vehicle pick-up and drop-off will be restricted between the hours of 8:00 p.m. and 7:00 a.m.. Finally, stormwater must be managed to meet the City’s Comprehensive Surface Water Management Plan and the Nine Mile Creek Watershed District regulations. The proposed development is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

## RECOMMENDATION

Planning Commission and staff recommend approval through the following motions:

In Case PL2020-55, I move to adopt an ordinance rezoning a portion of 4401 American Boulevard West from CS-0.5(PD) to C-1(PD).

In Case PL2020-55, having been able to make the required findings, I move to approve a Major Revision to Preliminary Development Plans and Final Development Plans to construct a three-story parking structure at 4401 American Boulevard West, subject to the conditions and Code requirements attached to the staff report.

## RECOMMENDED CONDITIONS OF APPROVAL

### Case PL2020-55

**Project Description:** Rezoning from CS-0.5 to C-1, a Major Revision to Preliminary Development Plans, and Final Development Plans to construct a three-story parking structure with up to 415 parking/inventory stalls to serve an existing motor vehicle sales facility (Class I).

**Address:** 4401 American Boulevard West

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 A building permit for all required changes to accommodate the proposed use be obtained.
3. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
4. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer. The width of new parking islands and parking structure drive aisles must comply with Section 21.301.06 of the City Code.
5. Prior to Permit Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
6. Prior to Permit Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
7. 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.
8. Prior to Permit A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division.
9. 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).
10. Prior to Permit An erosion control surety must be provided (16.08(b)).
11. 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).
12. 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).

13. Prior to Permit A parking structure signage and striping plan must be provided designating motor vehicle inventory spaces and off-street parking spaces available for customer or employee parking.
14. Prior to Permit The parking structure must be designed to block vehicle headlights at a minimum height consistent with the MN State Building Code on all floors and elevations except for the northern elevation.
15. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
16. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52). Additional landscape material must be provided along the western building elevation to break up building mass.
17. Prior to Permit Parking structure and site security lighting plans must be revised to satisfy the requirements of Section 21.301.07 of the City Code.
18. Prior to C/O The developer must submit electronic utility as-builts to the Public Works Department prior to the issuance of the Certificate of Occupancy.
19. Prior to C/O Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
20. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
21. Ongoing Vehicle loading and unloading must not take place between the hours of 8:00 p.m. and 7:00 a.m. (Sec. 21.302.01(g))
22. Ongoing Outdoor loudspeakers or public address systems are prohibited (Sec. 21.302.01(b)).
23. Ongoing Alterations to utilities must be at the developer's expense.
24. Ongoing All construction related drop-off, pick-up, loading, unloading, stockpiling, staging and parking must occur on site and off public streets.
25. Ongoing Three foot high screening must be provided along the southeastern entrance to the parking structure as approved by the Planning Manager (Sec. 19.52).
26. Ongoing Development must comply with the Minnesota State Accessibility Code (Chapter 1341).