

### GENERAL INFORMATION

Applicant: KTJ 348, LLC (Owner)  
Bank of America (User)

Location: 611 West 98<sup>th</sup> Street

Request: Major Revision to Preliminary Development Plans and Final Development Plans for a new one-story, freestanding bank with a drive through ATM

Existing Land Use and Zoning: Restaurant (vacant); zoned B-4(PD) Neighborhood Commercial Center (Planned Development)

Surrounding Land Use and Zoning: North – Medical office and bank; zoned B-4(PD) and B-2 South, East and West – Retail shopping center (multi-tenant); zoned B-4(PD)

Comprehensive Plan Designation: Community Commercial

### HISTORY

City Council Action: 06/03/1985 – Approved Preliminary Development Plans for the Oxboro Center (Case #9207B-85).

04/01/2019 – Approved rezoning of the property from B-2 (PD) to B-4(PD) as part of the 98<sup>th</sup> Street Station Area Plan implementation.

### CHRONOLOGY

Planning Commission	02/20/2020	Public hearing continued
Planning Commission	04/23/2020	Public hearing continued
Planning Commission	05/21/2020	Recommended approval (Vote 6-0)
City Council	06/01/2020	Consent Business

## DEADLINE FOR AGENCY ACTION

Application Date:	01/14/2020
60 Days:	03/14/2020
120 Days:	05/13/2020
<b>Applicable Deadline:</b>	<b>07/07/2020 (Extended by Applicant)</b>
Newspaper Notification:	Confirmed (02/06/2020 Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed (500-foot buffer – 10 day notice)

## STAFF CONTACT

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## PROPOSAL

Bank of America is proposing to construct a new free-standing bank at 611 West 98<sup>th</sup> Street, within the Oxboro Center Planned Development. The one-story, 4,020 square foot bank replaces an existing, 4,773 square foot vacant restaurant (formerly Baker's Square). The building would be constructed closer to West 98<sup>th</sup> Street as guided by the underlying B-4 zoning district. A single ATM only drive-through lane is proposed along the west side of the building. The site is subject to cross parking and access easements that serve both the multi-tenant retail building immediately west of the subject property and the broader shopping center at large.

## ANALYSIS

### Code Compliance

The recommendations of the 98<sup>th</sup> Street Station Area Plan resulted in the subject property rezoning in 2019 to the B-4 zoning district. Banks or financial institutions are a permitted use in the B-4 zoning district.

Table 1 provides an analysis of the proposed development and associated site improvements according to the B-4 zoning district development standards and other City Code performance standards. Areas of noncompliance, as well as requests for deviation, are identified in Table 1. Additional discussion regarding conformance to various performance standards or requests for flexibility are provided in specific sections of the staff report.

**Table 1 – City Code Compliance Analysis**

<b>Standard and Code Section</b>	<b>Proposed</b>	<b>Meets Standard?</b>
<b>Minimum Site Area</b> – 40,000 square feet (Sec. 21.301.01(d))	51,580 square feet	Yes
<b>Minimum Site Width</b> – 150 feet (interior lots) (Sec. 21.301.01(d))	212 feet	Yes
<b>Minimum Building Area</b> – 4,000 square feet (Sec. 21.301.01(d))	4,020 square feet	Yes
<b>Minimum Front Building Setback</b> 10 feet minimum, 40 feet maximum (Sec. 21.301.02(e))	21.4 feet	Yes
<b>Minimum Rear Building Setback (south)</b> 15 feet minimum (Sec. 21.301.02(e))	128 feet	Yes
<b>Minimum Side Building Setback (east and west)</b> 10 feet minimum (Sec. 21.301.02(e))	East – 47 feet West – 85 feet	Yes
<b>Maximum Impervious Surface Coverage</b> 95 percent maximum (Sec. 21.301.01(d))	88.0 percent	Yes
<b>Floor Area Ratio (FAR)</b> – Minimum 0.2, maximum 0.5 (2.0 with residential) (Sec. 21.301.01(d))	0.08	Deviation requested – see further discussion
<b>Maximum Building Height</b> – Six stories/80 feet (Sec. 21.301.10(b)(1)(A))	One story/25 feet	Yes
<b>Exterior Building Materials</b> – Glass, stucco, stone, brick, architectural concrete and metal (Sec. 19.68.08(c)(1))	Glass, brick and metal	Yes
<b>Minimum Front Parking/Drive Aisle Setback</b> 20 feet or may be reduced in mixed use districts if screening is provided (Sec. 21.301.06(c)(2)(I))	Seven feet	Yes – screening must be provided
<b>Minimum Side Parking/Drive Aisle Setback</b> Five feet (Sec. 21.301.06(c)(2)(I))	0 feet (east) 0 feet (west)	Yes – permitted via cross parking/access easement
<b>Minimum Parking Quantity</b> – 17 spaces (Sec. 21.301.06(d))	48 spaces (subject to cross parking easements)	Yes
<b>Minimum Parking Stall</b> – 9 by 18 feet for 90 degree parking (Sec. 21.301.06(c)(2)(C))	9 feet by 18 feet	Yes
<b>Minimum Drive Aisle Width</b> – 24 feet for 90 degree parking (Sec. 21.301.06(c)(2)(C))	24 feet	Yes
<b>Minimum Sidewalk Width</b> – Five feet, seven feet when perpendicular to surface parking (Sec. 21.301.04(d)(1)(B))	Typical – 6 feet Adj. to parking – 8 feet	Yes
<b>Trash and Recycling Collection Area</b> 20 square feet (Sec. 21.301.17(e)(1))	Size unknown	No – see further discussion

Standard and Code Section	Proposed	Meets Standard?
<b>Tree Requirement</b> – 21 trees (Sec. 19.52(c)(2))	17 trees	No – see further discussion
<b>Shrub Requirement</b> – 52 shrub (Sec. 19.52(c)(2))	66 shrub units	Yes
<b>Freestanding Sign Setback Along Public Street</b> – 20 feet (Sec. 19.115.02)	10 feet	Deviation requested – see further discussion

The proposed development is subject to a number of additional City Code performance standards as a result of being zoned Neighborhood Commercial Center (B-4) and having a drive-through facility. Table 2 provides a compliance review of these standards in consideration of the subject development.

**Table 2 – Mixed Use District and Drive-Through Facility Standards Analysis**

Standard and Code Section	Proposed	Meets Standard?
<b>Street Enclosure</b> – 50% of the primary street (West 98 <sup>th</sup> Street) must be enclosed by buildings (Sec. 21.301.02(f)(3))	37.4 percent	Deviation requested – see further discussion
<b>Windows</b> – 50% ground-level building façade transparent windows for primary facades along streets. (Sec. 21.301.03(b)(1))	Northern elevation – 53 percent	Yes
<b>Parking Placement</b> – Off-street parking must not be located between a building and a public street (Sec. 21.301.02(f)(2))	Parking proposed to the rear (south) of the site behind the structure	Yes
<b>Drive-Through Location</b> – Drive-throughs must not be located between a building and a street (Sec. 21.301.02(f)(7)(A))	Located west of the building (ATM Only)	Yes
<b>Number of Drive-Through Lanes</b> The number of drive-throughs in the B-4, C-5 and LX is limited to one lane per business (Sec. 21.301.02(f)(7)(B))	One drive-through lane	Yes
<b>Stacking Spaces</b> – Minimum of six stacking spaces must be provided per drive-through lane (Sec. 21.301.05(a))	Four stacking spaces	Deviation requested – see further discussion
<b>Drive-Through Screening</b> – Drive-throughs in the B-4 district must be screened from public streets (Sec. 21.301.02(f)(7)(D))	Four-foot brick screen wall	Yes

**Requests for Planned Development (PD) Flexibility**

The project description identifies four specific requests for flexibility from the Zoning Code as part of the Final Development Plan application:

- **Floor Area Ratio (FAR)** – The minimum FAR in the B-4 zoning district is 0.2. In the case of the subject property, that would require a minimum building floor area of 10,316 square feet, whereas a 4,020 square-foot structure is proposed (39.0% of district minimum). The request to reduce the required FAR is based on the cross parking/access easements that encumber the site, totaling approximately 34,550 square feet in area (67.0 percent of the site). The easement exhibit provided by the applicant illustrates the constraints associated with these easements. When subtracting the portion of the site encumbered by shared parking and access easements, the resulting site area and minimum floor area required to achieve a FAR of 0.2 would be 17,030 square feet and 3,406 square feet respectively. The nature and size of the areas subject to easement increase the minimum floor area requirement of the subject property, while at the same time reducing the available building pad.

Given the many easements in place, the only means to achieve the required minimum floor area for this site would be to construct a three-story building. The likelihood and feasibility of building a large structure on a smaller site would be challenging from a market and code-compliance standpoint. A larger structure would require more off-street parking than is available.

The subject property has been vacant since May of 2019. From staff’s perspective, the requested flexibility to reduce the minimum FAR from 0.2 to 0.08 is consistent with the intent of the PD Overlay District and provides a public benefit. Constructing a new building fronting along West 98<sup>th</sup> Street advances the intent of the B-4 zoning district and 98<sup>th</sup> Street Station Area Plan. The minimum building area of the district, 4,000 square feet, is achieved with the subject application. Much of the reduced FAR is due to required drive aisles serving the larger development. Staff is supportive of the flexibility request to reduce the minimum FAR.

- **Street Enclosure** – In the B-4 zoning district, a minimum of 50 percent of primary street frontage, West 98<sup>th</sup> street, must be enclosed by buildings. The proposed site plan and building would result in a street enclosure of 37.4 percent. This request is also grounded in the existence of cross-parking and access easements to which the site is subject. The east side of the property includes the shared driveway that serves the broader Oxboro Center shopping center. The west side of the property is encumbered by shared parking and access easements to the adjacent retail building that houses Duluth Trading Company. The easement exhibit provides a good visual of how the easements restrict structure location and site design. It is not feasible for the proposed bank to encroach into these easements, as they are vital from joint access, circulation, and off-street parking supply standpoints. Staff

supports the requested deviation to reduce the street enclosure from 50 percent to 37.4 percent.

- **Drive-Through Stacking Spaces** – The application seeks to reduce the required drive-through facility stacking spaces from six to four. The project description does not specify an exact proposed quantity of stacking spaces, but staff is confident four stacking spaces is adequate for an ATM only drive-through. Based on the site plan submitted, five stacking spaces could be provided with the proposed ATM location. Reducing the stacking requirement to four spaces will be adequate and allow future flexibility on optimal ATM location. In staff's experience, drive-throughs that serve ATMs only do not generate stacking and wait times as traditional drive-throughs, such as restaurants or coffee shops. Staff finds the requested deviation is supportable and reasonable to reduce the required stacking for an ATM-only drive-through to four spaces. Staff is recommending a condition that four stacking spaces for the drive-through ATM be maintained.
- **Ground Sign Setback** – The application seeks to allow a ground sign located 10 feet from the front property line/street easement. Freestanding signs in the B-4 zoning district are subject to a 20-foot front yard setback along streets (Sec. 19.115.02). Given the proximity of the proposed structure to West 98<sup>th</sup> Street as required in the B-4 zoning district, there is limited area to site the proposed ground sign between the building and the street. The only way the proposed sign could comply with the required setback would be if the sign were off-set from the building, which is also challenging due to the drive-through location on the west and shared driveway on the east. Staff is supportive of the reduced ground sign setback. Staff is recommending a condition additional signage comply with City Code.

Staff has evaluated the flexibility requests through the Planned Development Overlay District (Sec. 19.38.01). Staff supports the requested flexibility requests. Additional analysis of the flexibility requests can be found in the Findings section of the staff report.

### **Building Design**

The proposed 4,020 square-foot building is one story and 20 feet in height. The main entrance of the building is on the east building elevation, facing the Oxboro Center driveway entrance in between West 98<sup>th</sup> Street and the surface parking lot on the south side of the building. The City Code requires a street-side entrance only for streets where on-street parking is permitted, which is not the case for West 98<sup>th</sup> Street. The interior design and layout of the bank are intended to be a café-style without traditional service counters. The floor plan includes private offices and a workroom on the north side of the building along West 98<sup>th</sup> Street, a seating/waiting area in the central portion of the building, a 24-hour ATM area in the southeast corner, and a break and wellness room along the western wall.

The applicants submitted updated architectural elevations with new exterior building materials. The building is proposed to be clad primarily with glass, brick and metal panels, with stone masonry units as a secondary material. The exterior materials proposed are code-compliant. Metal panels are permitted as long as they meet minimum standards for durability and finish warranty. The

applicant will need to submit specifications or detail sheets on all exterior materials proposed. A canopy is proposed on the west elevation above the drive-through ATM.

The City's structure design standards for mixed use zoning districts (Sec 21.301.03(b)(1)) require that the ground level portion (between two and ten feet in height) of the primary facade must consist of 50 percent transparent windows. These standards are intended to provide an attractive street-level environment for the highest pedestrian-orientation as well as crime prevention through environmental design (placing eyes on the street). The primary facade is the northern building elevation along West 98<sup>th</sup> Street. The revised building elevations submitted meet the window requirement for the primary façade.

Finally, when multiple nonresidential buildings are constructed on one site, the structure design standards in City Code (Sec. 21.301.03(a)(3)) also require these structures to be related in architectural style, color scheme and building materials. The subject property is included in the broader planned development for Oxboro Center, and the broader planned development is considered to be one site per City Code. The revised architectural plans for the proposed bank do relate well to the buildings in Oxboro Center, which are primarily brick and brown and red in color. Staff finds the architectural unity requirement for nonresidential buildings on one site are met.

#### **Landscaping, Screening and Lighting**

Based on the developable landscaping area for the site, City code requires 21 trees and 52 shrubs. A code-compliant quantity of shrubs is provided, but additional trees are needed to meet the tree planting requirement. 17 trees are proposed to be installed as part of the landscape plan. The plans note there are five existing trees located within the streetscape of West 98<sup>th</sup> Street. However, City Code Sec. 19.52(c)(5) specifies trees planted within public-right-of-way as part of an approved streetscape plan do not receive credit towards landscaping requirements. As such, four additional trees must be provided on the landscape plan to satisfy minimum planting requirements.

In addition to landscape material quantities, the City's supplemental landscaping policy calls for foundation plantings along 50% of building elevations that face public streets. The northern building elevation, facing West 98<sup>th</sup> Street does not currently meet this standard, with foundation plantings currently planned for 30 percent of the northern elevations. Additional foundation plantings must be provided.

Related to screening, the City's mixed use district standards require drive-through facilities in the B-4 zoning district to be screened from public streets. The proposed ATM-only drive-through is screened with the continuation of an existing brick wall at the northwest corner of the site. The screening is intended to block headlights from extending towards West 98<sup>th</sup> Street, as well as provide separation and buffer from the pedestrian environment. Rooftop mechanical equipment visible from the public right-of-way or adjacent properties must also be screened with materials consistent with the exterior building material.

New pole and wall-mounted LED site lighting is proposed. City Code (Sec. 21.301.07(d)) requires a minimum of 2.0 foot-candles of illumination on the parking surface, which can be reduced by 50 percent along the property perimeter of parking areas. The primary building entrance must have a minimum of 10 foot-candles within 12 feet of the entrance (twice the door opening width). The proposed lighting may be impacted by proposed landscaping. The proposed lighting or landscape plan must be modified to minimize long term impact on the lighting. The plans must be revised and approved prior to the issuance of a building permit.

**Access, Circulation, and Parking**

Site access will continue to be provided via a shared driveway to West 98<sup>th</sup> Street (CSAH 1). Additional access is available to Lyndale Avenue South through the Oxboro Center development. Circulation within the subject site is modified from the existing condition as a result of siting the bank closer to the front property line as required by the B-4 zoning district structure placement standards.

The proposed site circulation is revised with the site plan, cross access and parking easements to the benefit of the subject property and adjacent properties must be revised and recorded. Upon recording of the revised easements, the applicant must furnish copies of the recorded agreements to the Engineering Division. Proof of recording of the revised easement must be provided prior to the issuance of a building permit for the new bank.

City Code requires 17 off-street parking spaces for the proposed bank. One parking space must be provided per 240 square feet of gross floor area. The site plan proposes 48 parking stalls on-site, although many of stalls are subject to a cross-parking easement for the adjacent properties within Oxboro Center. 15 parking spaces are proposed in areas not subject to cross-parking easements. With the additional parking spaces subject to easement that are available for the bank, staff is confident there is adequate parking to serve the proposed use. In addition, the proposed bank would represent a net reduction in off-street parking demand compared to the existing restaurant use. The other design specifications of the parking proposed, such as drive aisle width and parking space size, are code-compliant.

**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. The Stormwater Management plan calculations are under review for compliance with the City of Bloomington Comprehensive Surface Water Management Plan. A maintenance plan has not been provided and will be required to be signed and filed at Hennepin County. This site is located within the Lower Minnesota River Watershed District, which does not require an additional permit.



**Utilities**

The subject property is served by both City sanitary sewer and water. The existing sanitary sewer service likely needs to be repaired, which may require work within the County right-of-way. The utility plans for the site must be approved by the City Engineer prior to the issuance of a building permit for the site. Fire hydrant coverage and adequate supply for fire protection will also be evaluated as part of the review of the utility plans.

**Traffic Analysis**

Access to the subject property is not proposed to substantially change, except for the closing of the exiting access that is less than 40 feet from 98<sup>th</sup> Street. This change will enhance traffic flow and decrease conflicts associated with the current design. Anticipated trip generation for the site is anticipated to be less than the previous restaurant use. There is adequate capacity on both West 98<sup>th</sup> Street (CSAH 1) and Lyndale Avenue South for traffic generated from the bank. The project must include bicycle parking facilities, as noted in the recommended conditions attached to the staff report.

**Transit and Transportation Demand Management (TDM)**

This redevelopment will require a Tier 2 TDM plan, which allows the property owner to choose from a menu of TDM options. The owner has not yet submitted a Tier 2 TDM checklist.

**Fire Prevention and Public Safety**

The 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. Access to other structures in the development must be maintained. The applicant must ensure the proposed landscaping plans don't interfere with access to the building. Hydrant locations must 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. A Knox box will be required at the main entrance and other areas as designated by the Fire Prevention Division. 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.

**Miscellaneous**

Regarding signage, both a ground and wall signs are shown on the site and architectural plans respectively. As previously discussed, the applicant is seeking flexibility through the Planned Development Overlay District to reduce the freestanding sign setback, which staff supports. The wall signs shown on the architectural plans appear to comply with the Class VIII Sign District (Sec. 19.115.02) regulations for wall signage. Wall signs are permitted on all four building elevations in the B-4 zoning district, but must be designated as either primary or secondary through the approval or amendment of a Uniform Sign Design (USD). Staff is recommending a condition that all signage for the bank facility comply with City Code and the approved Final Development Plan of record should flexibility related to the ground sign setback be granted.

The bank facility must include an interior trash and recycling collection area. The architectural floor plan does not currently designate the location of this facility. Staff is recommending a condition that the facility comply with trash and recycling storage requirements.

**Status of Enforcement Orders**

The property is not subject to any open enforcement orders.

**Public Correspondence**

Hennepin County submitted an email with review comments for the proposed development. A County right-of-way permit is required for any disturbance within the public right-of-way of CSAH 1 related to utility or stormwater management work. From a site design perspective, the County also requested that the drive-through for the proposed bank be shifted further south away from West 98<sup>th</sup> Street to buffer the enhanced pedestrian area and streetscape along CSAH 1. It is important to note that the proposed drive-through is for ATM use only. In staff's experience, ATM drive-throughs do not experience as significant levels of queuing as other types of drive-through facilities. The portion of the proposed drive-through that is in closer proximity to West 98<sup>th</sup> Street would mostly be utilized for turning movements to enter the drive-through lane, which is oriented towards the south. Staff does not anticipate high queuing volumes near West 98<sup>th</sup> Street to access the drive-through ATM. In addition, site design is constrained by the fact that a cross-parking/access easement must be maintained to the benefit of adjoining property owners. The cross-parking/access easement is a limiting factor in the site redevelopment.

**Planning Commission Review**

The Planning Commission held a public hearing on May 21, 2020. No member of the public spoke at the hearing. Following discussion, the Planning Commission unanimously recommended approval of the subject Preliminary and Final Development Plans application (Vote: 6-0). The full details of the Planning Commission discussion can be found in the attached minutes.

**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 development is not in conflict with the Comprehensive Plan.	<b>Finding Made</b> – The subject property is guided Community Commercial, which is intended for general business activities. The proposed development, a free-standing bank, is not in conflict with the Comprehensive Plan.
(2) The proposed development is not in conflict with any adopted District Plan for the area.	<b>Finding Made</b> – The subject property is located within the 98 <sup>th</sup> Street Station Area Plan. The subject property and adjacent sites were rezoned to the B-4 zoning district as recommended by the Area Plan. With exception of requests for PD flexibility noted in the staff report, the subject development is designed to meet the intent of the B-4 zoning district and the Station Area 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 subject application includes deviation requests related to minimum floor area ratio, street enclosure, drive-through stacking spaces, and freestanding sign setback, all of which are within the parameters of the Planned Development Overlay Zoning District. The allowable buildable area is constrained by cross-access and parking easements to the benefit of adjacent properties in the planned development. The application proposes a new freestanding bank fronting along West 98 <sup>th</sup> Street in close proximity to the front property line. The proposed site design will allow for an improved streetscape along West 98 <sup>th</sup> Street, is consistent with the intent of the B-4 zoning district, improves vehicle flow along the eastern drive aisle and allows for improved site and structure design in comparison to the existing condition. The proposed deviations from City code are in the public interest.
(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 subject development is proposed to be constructed in a single phase and is not dependent upon any subsequent unit or phase of development.
(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.	<b>Finding Made</b> – The subject property is served by an arterial roadway with adequate capacity. The bank use is anticipated to generate less sewer and water use than the previous restaurant use. The proposed development will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve the planned development.

Required Finding	Finding Outcome/Discussion
(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 development will allow for a new structure that is more consistent with the intent of the B-4 zoning district and 98 <sup>th</sup> Street Station Area Plan while maintaining cross-parking and access easement to the benefit of Oxboro Center. Access and circulation within the retail shopping center will be adequately maintained. The proposed use 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 development is not in conflict with the Comprehensive Plan.	<b>Finding Made</b> – The subject property is guided Community Commercial, which is intended for general business activities. The proposed development, a free-standing bank, is not in conflict with the Comprehensive Plan.
(2) The proposed development is not in conflict with any adopted District Plan for the area.	<b>Finding Made</b> – The subject property is located within the 98 <sup>th</sup> Street Station Area Plan. The subject property and adjacent sites were rezoned to the B-4 zoning district as recommended by the Area Plan. With exception of requests for PD flexibility noted in the staff report, the subject development is designed to meet the intent of the B-4 zoning district and the Station Area 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 one-story, freestanding bank at the subject property. Upon the approval of the Major Revision to the 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 subject application includes deviation requests related to minimum floor area ratio, street enclosure, drive-through stacking spaces, and freestanding sign setback, all of which are within the parameters of the Planned Development Overlay Zoning District. The allowable buildable area is constrained by cross-access and parking easements to the benefit of adjacent properties in the planned development. The application proposes a new freestanding bank fronting along West 98 <sup>th</sup> Street in close proximity to the front property line. The proposed site design will allow for an improved streetscape along West 98 <sup>th</sup> Street, is consistent with the intent of the B-4 zoning district, improves vehicle flow along the eastern drive aisle and allows for improved site and structure design in comparison to the existing condition. The proposed deviations from City code are in the public interest.

Required Finding	Finding Outcome/Discussion
(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 subject development is proposed to be constructed in a single phase and is not dependent upon any subsequent unit or phase of development.
(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	<b>Finding Made</b> – The subject property is served by an arterial roadway with adequate capacity. The bank use is anticipated to generate less sewer and water use than the previous restaurant use. The proposed development will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve the planned development.
(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 development will allow for a new structure that is more consistent with the intent of the B-4 zoning district and 98 <sup>th</sup> Street Station Area Plan while maintaining cross-parking and access easement to the benefit of Oxboro Center. Access and circulation within the retail shopping center will be adequately maintained. The proposed use 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 motion:

In Case #PL2020-14, having been able to make the required findings, I move to approve a Major Revision to Preliminary Development Plans and Final Development Plans for a new one-story, freestanding bank at 611 West 98<sup>th</sup> Street, subject to the conditions and Code requirements attached to the staff report.

## RECOMMENDED CONDITIONS OF APPROVAL

Case #PL2020-14

**Project Description:** Major Revision to Preliminary Development Plans and Final Development Plans for a new one-story, freestanding bank.

**Address:** 611 West 98th Street

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 Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
2. 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.
3. Prior to Permit An erosion control surety must be provided (16.08(b)).
4. 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).
5. 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).
6. 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).
7. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
8. Prior to Permit A revised private common driveway/access agreement for shared parking and drive aisle facilities on site be filed with Hennepin County and proof of filing provided to the Engineering Division.
9. Prior to Permit Tier 2 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
10. Prior to Permit Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
11. Prior to Permit If applicable, Sewer Availability Charges (SAC) must be satisfied.
12. Prior to Permit Landscape plan must be revised as discussed in the staff report, approved by the Planning Manager and landscape surety must be filed (Sec 19.52).
13. Prior to Permit A minimum of three foot high drive-through screening must be provided along West 98th Street as approved by the Planning Manager (Sec. 19.52).
14. 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.
15. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).

16. Prior to Permit All trash and recyclable materials must be stored inside the principal building (Sec. 21.301.17).
17. 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.
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 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).
21. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
22. Ongoing The site and building improvements are limited to those as shown on the approved plans in Case File #PL2020-14.
23. Ongoing Alterations to utilities must be at the developer's expense.
24. Ongoing Development must comply with the Minnesota State Accessibility Code.
25. Ongoing All construction related loading, unloading, pick-up, drop-off, staging and parking must occur on site and off public streets.
26. Ongoing All rooftop equipment must be fully screened (Sec. 19.52.01).
27. Ongoing With exception of a deviation to reduce the front setback for a ground sign, signage must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan of record.
28. Ongoing A uniform sign design must be submitted for approval by the Planning Manager prior to the issuance of sign permits for primary and secondary wall signage (Sec. 19.115.02).
29. Ongoing 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.