

GENERAL INFORMATION

Applicant:	Walser Toyota (Owner and User)
Location	4217 and 4401 American Boulevard West
Request:	<ol style="list-style-type: none">1) Comprehensive Plan Map Amendment to reguide a portion of 4217 American Boulevard West from Community Commercial (CC) to Regional Commercial (RC)2) Rezoning a portion of 4217 American Boulevard West from Commercial Service 0.5 (Planned Development) (CS-0.5(PD)) to Freeway Office and Service (Planned Development)(C-1 (PD))3) Preliminary and Final Development Plans for a new approximately 122,000 square-foot class I and II motor vehicle sales facility and three story parking ramp with roof parking4) Preliminary and Final Plat to combine two lots into one lot
Existing Land Use and Zoning:	Class I and II motor vehicle sales facility and restaurant; zoned C-1(PD)/R-1 and CS-0.5(PD)/R-1
Surrounding Land Use and Zoning:	North – Interstate Highway 494; public right-of-way South – Single-family residential dwellings; zoned R-1 East – Hotel and 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) and Community Commercial (CC)

HISTORY

City Council Action:	06/04/1979 – Approved Rezoning from FD-1 to FD-1(PD) and a Preliminary Development Plan for a hotel and two restaurants located at 4201 W 80 th Street (Case #8558A-79). 10/01/1979 – Approved Final Development Plans and Final Site and Building Plans for a motel and two restaurants located at 4201 W 80 th Street (Case #8558B-79). 03/22/1982 – Approved a Major Revision to Final Development Plans, Final Site and Building Plans and
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Preliminary and Final Plat for a planned development with a hotel and two restaurants (Case #8558AB-82).

05/03/1999 – Adopted ordinance to rezone 4401 West 80th 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-99).

05/01/2000 – 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).

11/06/2000 – Approved revised Final Development Plan for a Class I and II Motor Vehicle Sales business to alter building placement and size at 4401 West 80th Street with conditions (Case #5751B-00).

02/20/2001 – 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 80th 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.**

05/18/2020 – Approved Rezoning a portion of 4401 American Boulevard West from CS-0.5(PD) to C-1(PD) and a Major Revision to Preliminary Development Plans and Final Development Plans for a three-story parking ramp with roof parking (Case #PL2020-55). **Note: Project not constructed.**

CHRONOLOGY

Planning Commission	05/13/2021 – Recommended approval (Vote: 6-0)
City Council	06/07/2021 - Hearings, Ordinances and Resolutions

DEADLINE FOR AGENCY ACTION

Application Date:	03/16/2021
60 Days:	05/15/2021
120 Days:	07/14/2021
Applicable Deadline:	07/14/2021 (Extended by City)
Newspaper Notification:	Confirmed (04/29/2021 and 05/27/2021 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

PROPOSAL

Walser Toyota has submitted plans to redevelop their dealership facility located at 4401 American Boulevard West by expanding onto 4217 American Boulevard West, the former Senser's restaurant site. The new dealership and office facility would be three stories in height and be approximately 122,000 gross square feet, including sales, office, and automotive repair facilities. Walser Toyota intends to relocate its corporate headquarters to the subject property, increasing the overall facility employment. In addition to the dealership, a three-story parking structure with roof parking is proposed on the east side of the property, mainly to accommodate automobile inventory storage. The existing dealership building located on the west side of 4401 American Boulevard West would ultimately be demolished and replaced with surface parking.

The proposed project would be constructed in three phases. The initial construction phase would include the three-story parking ramp on the east side. Per the applicant's project description, the ramp must be constructed first to provide extra parking and inventory storage prior to disruption and disturbance to other portions of the site. This step is intended to keep the motor vehicles sales facility in operation throughout construction. The second phase of construction would include the new dealership and office building in the central portion of the site. The third and final phase of construction would include the demolition of the existing dealership building in the western portion of the site and construction of new surface parking west of the new dealership building.

Walser proposes removing 4217 American Boulevard West from its existing planned development (PD) shared with Denny's restaurant and AmericInn hotel (4209 and 4201 American Boulevard West, respectively), which was established in 1982. These parcels share access to American Boulevard West with the former Senser's restaurant site, as well as a modest amount of shared parking. The property owners of these sites have submitted letters of consent for 4217 American Boulevard West to be removed from the existing PD to facilitate the Walser Toyota dealership redevelopment, so long as existing shared access and parking are preserved with the new development. Further analysis about these elements of the plan are found in subsequent sections of the staff report. The consent letters from the adjoining property owners are attached to the staff report.

PROPERTY HISTORY

Walser Toyota received approval for and completed multiple motor vehicle sales facility expansions over the years. The dealership site, under previous ownership, was initially approved in 1999 on the site of the former Lincoln Del restaurant. In 2004, Walser Toyota applied to reguide and rezone the adjoining property (4301 American Boulevard West), the Grandma's Saloon and Deli site. Development plans were initially submitted to expand the motor vehicle sales use by constructing additional surface parking. The City Council did not support the initial request. Walser Toyota revised their development application in response to City Council consideration by proposing Preliminary Development Plans for a five-story dealership building with a three-story parking ramp. The Comprehensive Plan Amendment was approved contingent on the future approval of Final

Development Plans for the new dealership building. Unfortunately the larger dealership building was never constructed. In 2006, Final Development Plans were approved without the larger dealership building, memorializing and completing the reguinding and rezoning of 4301 American Boulevard West. These actions resulted in substantial surface parking expansion utilized for automobile and inventory parking and storage without the commensurate expansion in building area and employment.

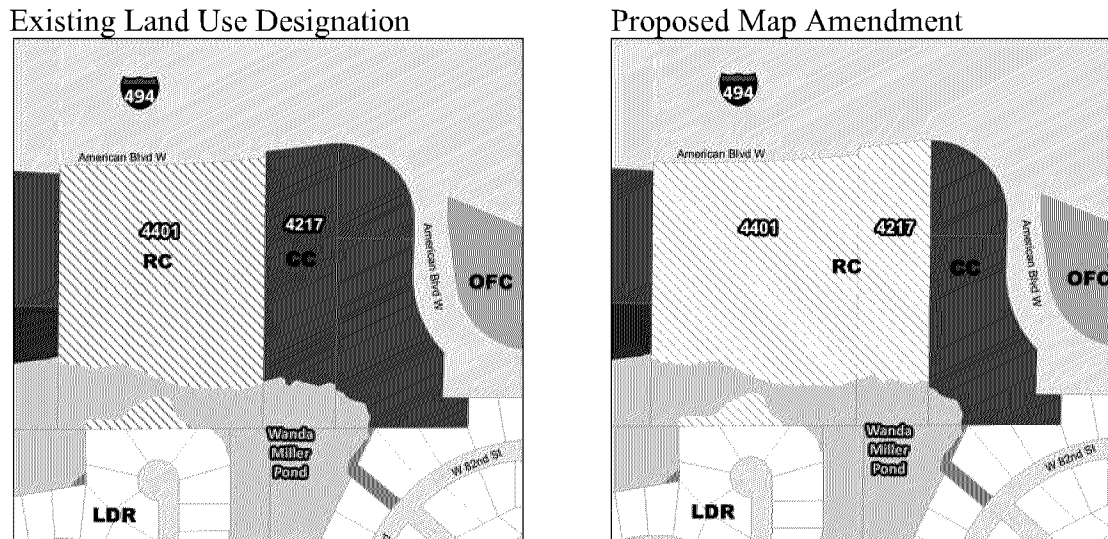
The subject application represents the third attempt to redevelop the Walser Toyota site in the last five years. In 2016, Walser obtained approval of a new five-story dealership building with an attached parking structure (Case #PL2016-63). The 2016 plan did not materialize, as it would not allow for proper phasing to keep the dealership in operation during construction. A new Preliminary and Final Development Plan application (Case #PL2020-55) was submitted in 2020 to construct a phased parking ramp in the southwest corner of 4401 American Boulevard West. The plans approved last year would allow for the appropriate phasing to keep the facility in operation during construction. However, the vacation and acquisition of the former Senser's restaurant property presented an opportunity to construct a parking structure in a single phase, thereby saving significant money in the construction process.

ANALYSIS

Comprehensive Plan Map Amendment

To facilitate the motor vehicle sales expansion, the application includes a Comprehensive Plan Map Amendment to reguide 4217 American Boulevard West from Community Commercial (CC) to Regional Commercial (RC), as shown in Figure 1. The reguinding action is intended to expand the class I and II motor vehicles sales facility use onto 4217 American Boulevard West. The Regional Commercial (RC) land use designation explicitly allows automobile sales, whereas other commercial or business designations, including Community Commercial (CC), do not allow automobile sales. As a result, reguinding 4217 American Boulevard West is necessary for the automobile sales use expansion and for the proposed development to proceed. The access requirements of the Regional Commercial designation are very high, requiring close proximity to freeways and adjacency to arterial or collector roads. The site is served by American Boulevard West, a minor arterial roadway, and is in close proximity (approximately ¼ mile) to Interstate Highway 494 via France Avenue South (CSAH 32). The subject property meets the access requirements of the Regional Commercial land use designation.

Figure 1: Reguiding from Community Commercial to Regional Commercial



There are no explicit findings to support or approve a Comprehensive Plan Map Amendment. Rather, when evaluating a request to reguide a parcel for development purposes, the City must evaluate whether or not the proposed development is consistent with the goals of the Comprehensive Plan, specifically the Land Use Element. In this case, multiple goals and strategies from the Land Use Element are relevant to the proposed reguiding action, including:

- **Strategy 1.1 – Encourage a balance of uses** – Establish a range of land uses that support a diverse employment base and diversified local economy.
- **Strategy 1.2 – Encourage growth to occur in appropriate locations** – Use land use controls to channel most non-residential development to defined nodes and corridors with appropriate access, sufficient road capacity, and regular transit service.
- **Strategy 1.4 – Mitigate land use conflicts** – When considering development proposals and requests to change zoning or guide plan designations, evaluate the surrounding land uses and their level of compatibility with the proposed land use. The location of inherently incompatible land uses adjacent to one another will be strongly discouraged, unless the incompatibility can be sufficiently mitigated.

Should the proposed redevelopment of the Walser Toyota dealership proceed as proposed in the application documents, with the relocation of Walser’s Corporate Headquarters to the site, the applicant estimates there would be an increase of employment at the subject site in a range between 150-175 jobs. The establishment or relocation of these added jobs to the new Walser dealership and office building would unequivocally be a positive outcome for the local economy, with resulting benefits to the local hospitality, retail and service sectors. The proposed development, if completed as proposed, is supportive of Strategy 1.1 identified above. In addition, the Walser Toyota redevelopment site is located in an established commercial corridor, American Boulevard West, with appropriate access and roadway capacity. Finally, the expanded dealership and office

building, with associated parking structure, is compatible with surrounding land uses (office, hotel, restaurant, etc.) to the east and west in the judgment of staff. The proposed development incompatibility with single-family residential land uses to the south is adequately mitigated by the physical distance or separation between the structures and single-family residential properties (over 250 feet). In the judgment of staff, the proposed Comprehensive Plan Map Amendment is consistent with the goals and strategies of the Land Use Element.

In addition to evaluating the goals and strategies, the City must evaluate the public benefit associated with the Comprehensive Plan Map Amendment and associated development. As noted above, an increase of employment between 150-175 jobs at the Walser Toyota facility is a significant public benefit to the local economy. Completion of the full extent of development proposed in the Preliminary and Final Development Plans objectively provides a public benefit that merits support of the Comprehensive Plan Map Amendment. However, if the reguiding request for 4217 American Boulevard West was intended solely to utilize property for automobile inventory storage, either on surface of structured parking, without the benefit of the new dealership and office building, the public benefit associated with the project would no longer merit support of reguiding 4217 American Boulevard West in the judgement of staff.

Expansion of automobile sales uses in Bloomington in the form of a Comprehensive Plan Map Amendment must include increases in finished building floor area and employment worthy of supporting the use expansion. In the judgment of staff, the full extent of development shown in the Preliminary and Final Development Plans and commitments made by Walser Toyota with respect to employment is worthy of supporting the Comprehensive Plan Map Amendment. Given the proposed development must be constructed in multiple phases, with the dealership and office building being constructed in the second phase, staff recommends the approval of the development be conditioned upon Walser Toyota entering into a performance agreement with the City that establishes performance criteria for the use of 4217 American Boulevard West as expanded auto sales/storage. Further discussion about the performance agreement and project phasing are found in a subsequent section of the staff report. In summary, staff recommends approval of the Comprehensive Plan Map Amendment to reguide the former Senser's restaurant site from Community Commercial to Regional Commercial subject to compliance with a performance and phasing agreement.

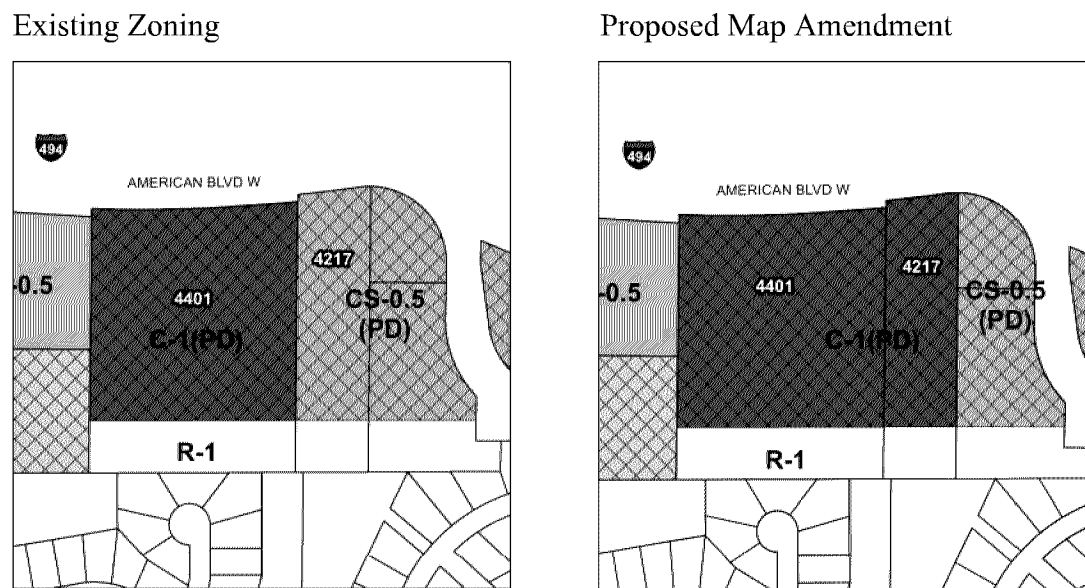
Notice of the proposed Comprehensive Plan Map Amendment was provided to adjacent and affected jurisdictions and governmental units on April 30, 2021 for review and comment. Responses received to date are included in the agenda packet. All the responding jurisdictions thus far did not have any comments pertaining to the reguiding request. Staff has not received letters of opposition or objection to the proposed Comprehensive Plan Amendment from adjacent or affected jurisdictions, but has received correspondence from nearby property owners or residents.

Land Use/Rezoning

In addition to the request to reguide 4217 American Boulevard West, the application includes a request to rezone approximately the northern 4/5 of the site from CS-0.5(PD) to C-1(PD), as shown

in Figure 2. 4217 American Boulevard West, similar to the existing Walser property located at 4401 American Boulevard West, is split in its zoning, with the majority of the site being zoned CS-0.5(PD) and the southern 150 feet being zoned R-1. The split zoning approach was utilized to buffer single-family residential properties to the south around Wanda Miller Pond. 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 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 only four sites in the city zoned C-1, all of which are Class I and II motor vehicle sales facilities. 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 Comprehensive Plan consistency, the subject application includes a request to reguide 4217 American Boulevard West from Community Commercial (CC) to Regional Commercial (RC). Regional Commercial is the appropriate guidance for a regional motor vehicle sales facility. Most major automobile sales facilities in the city are guided Regional Commercial, as automobile sales is specifically referenced in the definition. Should the Comprehensive Plan Map Amendment to reguide

the property to Regional Commercial be approved, rezoning the subject property to the C-1 zoning district would be consistent with the guidance of the Comprehensive Plan.

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 recently and is in Chapter 21. The C-1 zoning district differs from the CS-0.5 zoning district being 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 provisions for the motor vehicle sales use expansion. When a motor vehicle sales facility is proposed to be expanded in land area, there must be a building floor area expansion equivalent to the minimum FAR of 0.4 for the expansion area. Incorporating the former Senser's site into the broader C-1 zoning of the existing Walser Toyota property ensures the full motor vehicle sales site will be subject to the most current and relevant performance standards for motor vehicle sales facilities.

Evaluating a public benefit associated with the proposed rezoning, the public benefit associated with the subject development is strictly focused on increasing employment and building floor area. Should the applicant's proposed relocation of corporate offices and dealership and service facility expansion deliver 150-175 new jobs to the subject facility, the public benefit is significant. In addition, if the dealership facility is expanded as proposed, the motor vehicle sales site has expanded in a manner consistent with the goals of the C-1 zoning district to increase the overall floor area ratio (FAR). Both of these plan elements provide public benefit. As previously mentioned, staff is recommending that a performance and phasing agreement be finalized prior to the issuance of a building permit. Staff recommends approval of the rezoning action based on the applicant's commitment to adherence and compliance with a project performance and phasing agreement.

Project Phasing and Performance Agreement

As noted in the Comprehensive Plan Map Amendment and Rezoning analysis, the public benefit associated with the project is dependent on the full project construction, specifically the new motor vehicle dealership and office building where increased employment and floor area ratio are provided. Without these project elements, the development would conflict with the C-1 zoning district FAR requirements for motor vehicle sales site expansions. The new dealership and office building would be constructed in the second phase of the project following the completion of the three-story parking structure.

In addition to considerations pertaining to phased development or construction, the site and development history involving the subject applicant is also relevant. As part of previous expansions of the Walser Toyota dealership site, approvals were granted by the City Council (Case

#8133ABCD-05) in 2006 to expand the motor vehicle sales use on the adjoining property (4301 American Boulevard West), the former Grandma's Saloon and Deli restaurant site. The approval of the reguinding was granted on the basis of constructing a much larger dealership facility, as opposed to adding only surface parking to the dealership site. Ultimately, the larger dealership was never constructed, but the expansion surface parking remained. To ensure consistency with the City's policy goals pertaining to motor vehicle sales facilities and the broader development of the I-494 corridor, the previous expansion of surface automobile inventory without commensurate floor area and employment expansion must not occur again with the subject application.

To ensure all phases of the proposed development proceed in an orderly fashion and address these concerns, thereby complying with City Code and delivering public benefit, the applicant proposes a project phasing and performance agreement. The applicant team has participated in multiple meetings with City staff to discuss and address the concerns related to phasing and performance. To address staff concerns, Walser Toyota has submitted a performance proposal with commitment letters that would serve as the structure or foundation of a performance agreement should the project be approved. Walser's performance proposal is attached to the staff report. Conditions of approval and a development agreement is needed to memorialize the proposal.

Per Walser's proposal, the use of 4217 American Boulevard West, either for surface or structured parking, may not commence until the applicant has obtained a building permit for the proposed dealership and office building. In addition, Walser would need to provide the City with proof of receipt of deposit for major structural elements and materials needed to construct the dealership/office building. Successful completion of these two steps would allow temporary use of 4217 American Boulevard West for a period of two years while the new dealership is under construction. Successful completion of the dealership/office building would then result in permanent use of 4217 American Boulevard West as part of Walser's motor vehicle sales site. If the construction project was not substantially completed within the two year period identified in the agreement, the Community Development Director would have limited discretion to extend the interim use period based upon unforeseen circumstances or delays, so long as substantial progress is being made on constructing the new dealership. Finally, the applicant has provided a commitment from Walser Toyota and commits to providing future written commitments from Toyota Motor North America Inc., and Bank of America to demonstrate the intent and financing needed to construct the project. Staff is supportive of this general approach to ensure performance and recommends the execution and recording of the phasing and performance agreement, as part of the Development Agreement, be completed prior to permit issuance.

Preliminary and Final Plat

In conjunction with the Preliminary and Final Development Plans for the new automobile dealership, Type II Preliminary and Final Plat applications have also been submitted to combine the two subject properties into one platted lot. The proposed plat, PA WALSER 2ND ADDITION, does not include additional right-of-way dedication for American Boulevard West, as further dedication has been deemed unnecessary by the City Engineer. The plat must include the dedication of public drainage and utility easements, and sidewalk/bikeway easements.

Staff recommends approval of the Preliminary and Final Plat applications, subject to a list of recommended conditions. Should the plat be approved, it must be recorded at Hennepin County prior to the issuance of any footing/foundation or building permits. The applicant must satisfy the City's parkland dedication fee requirements prior to the plat being released for recording.

Code Compliance

The Preliminary and Final Development Plans for the proposed motor vehicle sales facility, 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. Table 1 identifies the project characteristics that comply with City Code requirements as presented. Table 2 identifies formal requests by the applicant for flexibility through the PD Overlay Zoning District. Finally, Table 5 identifies project characteristics that are not in compliance with City Code requirements. The following staff report sections provide additional detail and discussion regarding Code compliance, as well as analysis of requests for flexibility.

Table 1: City Code Analysis – Site and Building Characteristics in Compliance

Standard and Code Section	Proposed	Meets Standard?
Minimum Site Area – 120,000 square feet (Sec. 21.301.01(d))	638,393 square feet	Yes
Minimum Site Width – 200 feet (Sec. 21.301.01(d))	815 feet	Yes
Minimum Structure Setbacks Front – 35 feet Rear – 30 feet Side – 20 feet (Sec. 21.301.02(e))	Front (north) – 181 feet Rear (south) – 252 feet Side (east) – 42 feet Side (west) – 247 feet	Yes
Maximum Impervious Surface Coverage 90 percent (Sec. 21.301.01(d))	75.2 percent	Yes
Minimum Floor Area Ratio (FAR) – 0.4 for expansions of motor vehicle sales uses (Sec. 21.302.01(j))	Expansion – 0.51 Overall – 0.24	Yes
Minimum Building Floor Area 20,000 square feet (Sec. 21.301.01(d))	121,959 square feet	Yes
Exterior Building Materials and Finish Glass, stucco, stone, brick, architectural concrete (excluding tilt-up) and metal	Glass, metal and precast architectural concrete panels	Yes

Standard and Code Section	Proposed	Meets Standard?
Minimum Parking Stall Size Surface – 9 feet by 18 feet Parking ramp – 8.5 feet by 18 feet (Sec. 21.301.06(c)(2)(C)) (Sec. 21.301.06(h)(2)(C))	Surface – 9 feet by 18 feet Ramp – 9 feet by 18 feet	Yes
Minimum Drive Aisles Width Surface and Ramp – 24 feet Automobile Inventory – 20 feet (Sec. 21.301.06(c)(2)(C)) (Sec. 21.301.06(h)(2)(C))	Surface and Ramp – 24 feet Auto Inventory – 22.4 feet	Yes
Minimum Landscaping Requirements 189 trees and 473 shrubs (Sec. 19.52(c)(2))	189 trees 482.75 shrub units	Yes
Minimum Free-Standing Sign Setback 20 feet (Sec. 19.122(b)(1)(D))	20.9 feet	Yes

Table 2: City Code Analysis – Requests for PD Flexibility

Standard and Code Section	Proposed	Meets Standard?
Maximum Building Height Southern 300 feet - 3 stories/50 feet Remainder of site – No limit (Sec. 21.301.10(b)(1)(A))	Southern - 3 stories/52.5 feet Remainder – 58 feet	Deviation requested – see further discussion
Vehicle Headlights – Parking structure must be designed to block vehicle headlights (Sec. 21.301.06(h)(2)(B)(i))	South, east and west elevations – Four-foot wall North elevation – Cable railing	Deviation requested – see further discussion

Table 3: City Code Analysis – Site and Building Characteristics Not in Compliance

Standard and Code Section	Proposed	Meets Standard?
Minimum Sidewalk Width Public – 8 feet (arterial street) Private – 5 feet unobstructed (7 feet when perpendicular to 90-degree parking) (Sec. 21.301.04(d)(1))	Public – 6 feet Private – 4.3 feet	No – See further discussion
Minimum Mid-Row Parking Islands Perimeter parking rows – 300 feet Interior parking rows – 200 feet (Sec. 21.301.06(c)(2)(H)(i))	Perimeter rows – 318 feet Interior rows – 280 feet	No – See further discussion

Standard and Code Section	Proposed	Meets Standard?
Minimum Parking Island Width 8 feet (Sec. 21.301.06(c)(2)(H))	7.7 feet	No – See further discussion
Trash and Recycling Storage 610 square feet (Sec. 21.301.17(e))	Unknown	No – See further discussion

Site and Building Design

The proposed exterior materials for the dealership and office building are glass, metal panels, and precast architectural concrete panels, which are integral in color. The proposed exterior materials are compliant with City Code, so long as the metal panels proposed meet minimum durability, finish and warranty requirements. 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. The City Code requires parking structures be compatible with surrounding buildings in exterior materials and design. The proposed parking structure would be compatible with the associated dealership building based upon the exterior materials and design of both structures. Parking structure elevations facing public street frontages must have an enhanced design utilizing accent materials, piers, pilasters, recessed window openings masonry trim, ornamental grillwork or decorative artwork. The northern elevation of the parking structure is proposed to have a glass curtainwall, fulfilling the enhanced design requirement by utilizing accent material, as opposed to only concrete. Should the design of the northern elevation change for any reason, compliance with the enhanced design requirement for street facing elevations must still be satisfied through one the methods identified in the Code.

Walser Toyota is requesting flexibility to allow cable railing to be utilized as a vehicle barrier on the northern elevation of the parking structure only. The applicant would like to utilize cable railings in this area since the northern elevation of the ramp is intended to be highly visible for displaying automotive inventory. City Code requires vehicle headlights within parking ramps be blocked from the exterior. Given the ramp design would block vehicle headlights to the south, east and west, staff would be supportive of a deviation to allow cable railings on the north elevation only. Staff recommends a condition the ramp be designed to block headlights on all levels of the southern, eastern and western building elevations.

The City's Official Height Map governs the maximum building height allowed at the subject site Limits Map (Sec. 21.301.10(b)(1)(A)). The northern portion of the site has no limit on structure height, whereas the southern 300 feet of the site is subject to a maximum height limit of 3 stories/50 feet. As a result, the approximately southern 25 feet of the dealership building and the southern 50 feet of the parking ramp structure are subject to the lower height limit of 50 feet/3 stories. The southern portion of the dealership building is one story and 26 feet in height. The southern portion of parking ramp is three stories and 52 feet in height. The application includes a request for flexibility to allow a modest height increase of two feet for the enclosed stair tower located at the southeast corner of the parking structure. The stair tower is 264 square feet in area (12 feet by 22 feet). The remainder of the southern portion of the ramp is 46.5 feet in height, which is compliant

with the maximum height requirements. Walser is requesting to exceed the maximum height allowance strictly to provide an enclosed stairway, as opposed to open stairwell. Given the modest size of the stair tower, as well as the modest increase in height (two feet) above the maximum limit, staff is supportive of the requested deviation to help facilitate an enclosed stairwell, as it increased both comfort and safety of the user.

Access, Circulation, Sidewalks and Parking

Site access would be provided utilizing two driveways to American Boulevard West, a minor arterial roadway according to the City's functional classification. The number of driveways to the site would not increase above the existing condition. The western driveway would be shifted approximately 40 feet to the east, whereas the eastern driveway would remain in the same location. The eastern driveway also serves the adjacent Denny's restaurant and AmericInn hotel properties and is subject to an existing access easement. The shared access easement must remain in place to ensure perpetual access for the adjoining properties. Should the easement be revised in any fashion, the City must be made a party to the shared access easement and a recorded version of the agreement provided to the Engineering Division.

The redeveloped auto dealership site would provide adequate circulation throughout the combined properties. Adequate access to both the dealership/office building and parking structure are provided. A skyway is proposed from the 2nd level of the dealership to the parking structure. Adequate clearance must be maintained to allow for emergency vehicle circulation. Surface parking area drive aisles all meet or exceed minimum width requirements. Some drive-aisles within the parking ramp are less than 24 feet in width. However, these aisles serve auto inventory parking spaces as opposed to customer or employee parking. As such, these stalls are considered automobile storage and subject to a 20-foot minimum requirement, a standard that is exceeded within the upper levels of the ramp.

As part of the site's redevelopment, a compliant public sidewalk must be provided along American Boulevard West. Code would require an eight-foot wide sidewalk along an arterial roadway. As such, the public sidewalk along 4217 American Boulevard West must be reconstructed at a location approved by the City Engineer. The existing sidewalk in this area is only six feet in width. Private sidewalks must have a minimum unobstructed width of five feet. The majority of the private sidewalks on the site comply with the width requirement, but a small stretch of sidewalk located in front of the building's northeast corner is only 4.25 feet wide, whereas a seven-foot walk would be required to account for vehicle overhang of the adjacent parking stalls. All public and private sidewalks on site must meet the required design width of City Code (Sec. 21.301.04(d)(1)). The dealership/office building does have the necessary sidewalk connection to the public sidewalk network.

The total, off-street parking supply required for the proposed development is 385 parking spaces based on the mix of retail, office, warehouse and automotive repair uses. Table 4 provides an overview of the quantity of parking required by City Code (Sec. 21.301.06(d)). The proposed development would include a total parking off-street supply of 1,440 spaces when including parking

spaces that do not meet all minimum access or aisles width requirements. Staff estimates a minimum of 708 non-inventory parking spaces would be provided. Prior to issuance of a full building permit, a plan identifying the customer/employee parking locations, vehicles awaiting repair, and automobile inventory must be provided. So long as the minimum requirement of off-street parking spaces is provided for the auto dealership/office/repair facility is provided, the remaining parking spaces can be designated and available as auto inventory storage.

Table 4: Parking Quantity Analysis

Use	Standard	# of Units/Area	Parking Spaces Required
Retail	One space per 185 sq. ft.	20,320 sq. ft.	109.8 spaces
Office	One space per 285 sq. ft.	40,450 sq. ft.	141.9 spaces
Warehouse/Storage	One space per 1,000 sq. ft.	10,100 sq. ft.	10.1 spaces
Vehicle Repair	Two spaces per minor service bay, three spaces per major service bay and one space per 300 sq. ft. outside of service bays	15 minor bays 30 major bays 1,010 sq. ft. outside of bays	123.4 spaces
Total Parking Requirement			385 spaces
Parking Proposed			1,440 total spaces (708 non-inventory) (732 inventory)

The motor vehicle sales facility site plan provides complaint setbacks for surface parking areas. Regarding parking islands, the northeastern perimeter parking row and interior parking row immediately to the south are missing mid-row parking islands. Revised civil plans must include all required parking islands, including mid-row islands. The parking island west of the southwest corner of the dealership building does not meet the minimum eight feet in width. In addition, this island is not three feet shorter than the adjacent parking stall as required by Code. All parking islands provided on-site must meet minimum design standards.

The existing planned development that includes the former Senser's restaurant site has provisions for shared parking between the two restaurant sites and the hotel (AmericInn). Staff researched the Senser's PD historic documents and approvals and determined that 19 parking stalls must be provided on 4217 American Boulevard West to the hotel and Denny's restaurant for those uses to maintain compliance with the City's off-street parking requirements. As part of this analysis, Walser is providing 19 parking spaces to the adjoining properties on the east side of their site. These parking stalls are intended to ensure compliance with City parking requirements. In addition to these stalls, ten additional surface parking stalls are proposed in the southeast corner of the site to honor an existing shared parking agreement between the Senser's site and the hotel site. Staff recommends a condition Walser provide via agreement a minimum of 19 parking stalls to the

adjoining sites (4201 and 4209 American Boulevard West). The parking agreement must be recorded prior to the issuance of a certificate of occupancy for any structures on the Walser site.

Landscaping, Screening and Lighting

Based upon the developable landscaping area (473,361 square feet) of the site, the required minimum quantities of landscaping are 189 trees and 473 shrubs (Sec. 19.52(c)(2)). The submitted landscape plan shows 189 trees and 482.75 shrub units proposed, a compliant quantity of material. Two parking islands in front of the dealership building do not have deciduous trees as required by Code. In addition, the City's supplemental landscaping policy requires 50 percent of building foundations facing public streets have foundation plantings. The proposed dealership currently has very limited foundation plantings or landscaping along the northern, street-facing elevation. A revised landscape plan correcting these deficiencies must be provided for Planning Manager approval prior to permit issuance.

The screening requirements of City Code require surface parking areas within 40 feet of public roadways be screened at a height between three and four feet utilizing shrubs, a berm or fence. The landscape plan includes shrubs to screen headlights continuously along the northern portion of the surface parking lot, complying with the screening requirement. Rooftop mechanical equipment that is visible from adjacent public or private streets and sidewalks. In addition, motor vehicles awaiting auto body repair must be fully screened from public streets and adjoining sites. When reviewing a signage/stripping plan identifying parking areas for customers, employees, inventory and vehicles awaiting repair, staff will ensure parking locations for vehicles awaiting auto body repair meet the screening requirements.

A photometric lighting plan for the site has been submitted for review. The lighting plans show light levels far exceeding the Code requirement (2.0 foot-candles for surface parking) in many areas of the site. While higher lighting levels is typical at motor vehicle sales facilities for security and display purposes, staff would urge the applicant consider lowering lighting levels in certain areas, particularly the southern portion of the site. The light fixtures must comply with the MN State Energy Code. In addition, staff must verify the minimum light levels within the interior levels of the parking ramp meet Code. With exception of necessary security lighting, exterior lighting must be extinguished after close of business. Staff recommends a condition that the Planning Manager approve a lighting plan prior to issuance of a full building permit.

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. Subsurface stormwater management facilities are planned on the site's west side of the underneath surface parking areas, and the existing infiltration basin located along the southern boundary would be expanded to the east. The Stormwater Management Plan calculations and narrative are currently under review and must meet the requirements in the City of Bloomington Comprehensive Surface Water Management Plan. A Maintenance Plan has not yet been provided and will be required to be signed and filed at

Hennepin County. The maintenance plan must also address all other existing facilities on-site. This site is located within the Nine Mile Creek Watershed District, so an additional permit will be required.

Utilities

The site is served by municipal sanitary sewer and water service. Utility Plans must be approved by the City Engineer prior to the issuance of grading or other building permits. Both proposed buildings on site must have adequate fire hydrant coverage. A private utility easement agreement must be provided if shared private utilities remain in place with the adjacent property to the east of the site.

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 to serve the increased retail and office floor area associated with the expanded use. The proposed parking ramp would allow additional motor vehicle inventory to be stored on-site, as well as backup parking supply for customers and employees.

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 approved access road shall be maintained according to the approved plan, including a surface to provide all weather driving capabilities. Apparatus access roads shall be asphalt or concrete, support a minimum of 80,000 pounds and accommodate the turning radius for BFD ladder truck #3. The applicant must ensure the proposed landscaping does not interfere with access to the building and parking ramp.

A looped water supply is required for the development. Hydrant coverage shall be provided within 150 feet of all exterior walls and within 50 feet of the fire department connection (FDC). Hydrant locations must be approved by the Utilities and Fire Prevention Divisions as part of the review of the utility plans. Standpipe hose valves shall be at the landing in all stairwells and within 130 feet of all areas of the parking structure. The parking ramp, if enclosed, will be required to be sprinklered.

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.

Operational Requirements

Motor vehicle sales facilities are subject to specific operational performance standards in the City Code (Sec. 21.302.01). The operational requirements include the following:

- **Noise** – The facility is not allowed to utilize outdoor loud speakers or public address systems. The use of car horns or panic alarms to locate vehicles is also prohibited.
- **Automobile Repair and Service** – All vehicle repair and service activities must take place within a completely enclosed building. Vehicles awaiting service must be parked in approved locations, and those awaiting auto body work must be screened from adjoining sites and public streets.
- **Vehicle Storage and Display** – The storage and display of vehicles must occur in approved locations. Storage or display of vehicles is prohibited in drive aisles, loading/unloading areas, customer parking areas or landscaped areas.
- **Vehicle Test-Driving** – The test-driving of automobiles must not occur on local residential streets or alleys.
- **Vehicle Loading/Unloading** – The loading and unloading of vehicles must occur at approved locations on-site and must not occur between the hours of 8:00 p.m. and 7:00 a.m. due to proximity of the site to residential uses.

The operational requirements noted above must be observed at the motor vehicle sales facility on an ongoing basis. Staff recommends a broad condition of approval that the facility comply with the operational requirements for motor vehicle sales facilities identified in City Code.

Miscellaneous

To comply with the City's trash and recycling storage requirements, the motor vehicle dealership and office building must provide an enclosed trash and recycling storage room or area that is a minimum of 610 square feet and accessible from within the building. Currently, no trash or recycling areas are identified on the architectural plans. Staff recommends a condition the building has a compliant trash and recycling storage area according to City Code (Sec. 21.301.17).

Class I motor vehicle sales facilities are subject to special signage provisions in the City Code (Sec. 19.122). Site and architectural plans both show freestanding and wall signage on the facility. The proposed freestanding sign appears to meet the required front setback along American Boulevard West. The wall signage shown is likely compliant from a size standpoint. Signage is not permitted on the three-story parking structure. Staff recommends a condition all signage comply with Chapter 19 – Article X of the City Code.

Status of Enforcement Orders

The properties are not subject to open enforcement orders.

Public Correspondence

The City has received two emails of public correspondence pertaining to the subject application. Concerns about the volume of traffic on American Boulevard West are noted in one email. The Traffic Division evaluated the existing traffic volumes on the roadway in light of the proposed expansion and determined that American Boulevard West has sufficient capacity to handle the traffic generated from the site. The second email notes traffic and safety concerns on West 80th Street Circle related to Walser employees and operations at the Buick dealership (4601 American Boulevard West), but also potentially stemming from the Toyota site as well. Traffic and police staff are investigating the concerns raised in the email and would seek assistance from Walser to complete corrective operational actions to address the safety concerns raised.

Planning Commission Review

The Planning Commission held a public hearing for the subject application on May 13, 2021. No one spoke at the hearing except for the applicant. During the hearing, the project architect clarified that the cable railings proposed for the northern building elevation of the parking ramp wrap around the eastern and western building elevations for approximately the first 20 feet. Following discussion by the Commission, consensus was reached to support the clarified request for cable railings. The Planning Commission amended Condition #21 attached to the staff report to reflect their support of the cable railings proposed on the architectural plans. The full detail of the Planning Commission discussion can be found in the attached minutes. Following discussion, the Planning Commission unanimously recommended approval (Vote: 6-0) of all requests associated with the subject application.

FINDINGS

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

Required Finding	Finding Outcome/Discussion
(1) The proposed development is not in conflict with the Comprehensive Plan	Finding Made – The subject application includes a request to regrade 4217 American Boulevard West from Community Commercial to Regional Commercial. Should the regrading action be approved, the subject development site would be guided Regional Commercial in the City's Comprehensive Plan. A new motor vehicle sales facility and office building with three-story parking ramp is not in conflict with the Regional Commercial land use designation or the Comprehensive Plan.

Required Finding	Finding Outcome/Discussion
(2) The proposed development is not in conflict with any adopted District Plan for the area	Finding Made – The proposed development is not located in an area subject to 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 development application includes deviation requests to allow a structure height increase of two feet for the proposed parking structure and to allow cable railings on the north elevation of the parking structure. Both of these deviation requests are within the parameters allowed in the PD Overlay Zoning District. The requested increase in height is to provide an enclosed stairwell to enhance safety and comfort within the stair tower of the ramp. The request for cable railings is to allow for vehicle display on the elevation of the building facing Interstate Highway 494. Neither of these deviations are injurious to the surrounding neighborhood and 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	Finding Made – The development is proposed to be constructed in three phases to ensure continued business operation during construction. To ensure full completion of the project as proposed, the property owner must enter into a phasing and performance agreement with the City to ensure construction of the development as shown in the submitted Final Development Plans. Subject to compliance with the required phasing and performance agreement, the overall development will not be dependent 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	Finding Made – The subject development site is served by American Boulevard West, a minor arterial roadway with adequate capacity to serve the proposed development. The City sanitary sewer and water utilities that serve the property also have adequate capacity for the dealership/office expansion proposed. The development is not anticipated to create an excessive burden on parks, school, streets, and other public facilities and utilities.
(6) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare	Finding Made – The new motor vehicle sales facility and office would be subject to operational restrictions and performance standards pertaining to noise, repair activities, vehicle storage, and automobile loading/unloading activities. The proposed development plans maintain an existing, vegetated berm located along the southern portion of the property in between the structures and residential uses to the south. The development plans include landscaping and stormwater management plans that meet or exceed City requirements. 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 development is not in conflict with the Comprehensive Plan	Finding Made – The subject application includes a request to reguide 4217 American Boulevard West from Community Commercial to Regional Commercial. Should the reguiding action be approved, the subject development site would be guided Regional Commercial in the City’s Comprehensive Plan. A new motor vehicle sales facility and office building with three-story parking ramp is not in conflict with the Regional Commercial land use designation or the Comprehensive Plan.
(2) The proposed development is not in conflict with any adopted District Plan for the area	Finding Made – The proposed development is not located in an area subject to an adopted District Plan.
(3) The proposed development is not in conflict with the approved preliminary development plan for the site	Finding Made – The subject development application includes a request for a new Preliminary Development Plan for the Walser Toyota class I and II motor vehicle sales facility and office. The proposed development is consistent with the submitted Preliminary Development Plans included in the application.
(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 development application includes deviation requests to allow a structure height increase of two feet for the proposed parking structure and to allow cable railings on the north elevation of the parking structure. Both of these deviation requests are within the parameters allowed in the PD Overlay Zoning District. The requested increase in height is to provide an enclosed stairwell to enhance safety and comfort within the stair tower of the ramp. The request for cable railings is to allow for vehicle display on the elevation of the building facing Interstate Highway 494. Neither of these deviations are injurious to the surrounding neighborhood and are 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	Finding Made – The development is proposed to be constructed in three phases to ensure continued business operation during construction. To ensure full completion of the project as proposed, the property owner must enter into a phasing and performance agreement with the City to ensure construction of the development as shown in the submitted Final Development Plans. Subject to compliance with the required phasing and performance agreement, the overall development will not be dependent on any subsequent unit.

Required Finding	Finding Outcome/Discussion
(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 development site is served by American Boulevard West, a minor arterial roadway with adequate capacity to serve the proposed development. The City sanitary sewer and water utilities that serve the property also have adequate capacity for the dealership/office expansion proposed. The development is not anticipated to create an excessive burden on parks, school, streets, and other public facilities and utilities.
(7) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare	Finding Made – The new motor vehicle sales facility and office would be subject to operational restrictions and performance standards pertaining to noise, repair activities, vehicle storage, and automobile loading/unloading activities. The proposed development plans maintain an existing, vegetated berm located along the southern portion of the property in between the structures and residential uses to the south. The development plans include landscaping and stormwater management plans that meet or exceed City requirements. The proposed development is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

Required Preliminary Plat Findings - Section 22.05(d)(1-8):

Required Finding	Finding Outcome/Discussion
(1) The plat is not in conflict with the Comprehensive Plan	Finding Made – Following the approval of a Comprehensive Plan Map Amendment to reguide 4217 American Boulevard West to Regional Commercial, the plat is not in conflict with the Comprehensive Plan.
(2) The plat is not in conflict with any adopted District Plan for the area	Finding Made – The proposed plat is not located in an area subject to an adopted District Plan.
(3) The plat is not in conflict with City Code provisions	Finding Made – Subject to the required conditions of approval, the plat is not in conflict with City Code provisions.
(4) The plat does not conflict with existing easements	Finding Made – The plat would vacate existing easements of record, and new drainage/utility, sidewalk/bikeway, and other necessary easements would be recorded. The plat does not conflict with existing easements.
(5) There is adequate public infrastructure to support the additional development potential created by the plat	Finding Made – The site is served by American Boulevard West and City sanitary sewer and water utilities, all of which have adequate capacity to serve the development. There is adequate infrastructure to support the development potential created by the plat.

Required Finding	Finding Outcome/Discussion
(6) The plat design mitigates potential negative impacts on the environment, including but not limited to topography; steep slopes; trees; vegetation; naturally occurring lakes, ponds, rivers, and streams; susceptibility of the site to erosion, sedimentation or flooding; drainage; and stormwater storage needs	Finding Made – The proposed development is required to satisfy landscaping and stormwater management requirements. Buffering and berms in between the development area and Wanda Miller Pond are maintained. The plat design mitigates potential negative impacts on the environment.
(7) The plat will not be detrimental to the public health, safety and welfare	Finding Made – The plat is not anticipated to be detrimental to the public health, safety and welfare.
(8) The plat is not in conflict with an approved development plan or plat.	Finding Made – The plat is consistent with the submitted Preliminary and Final Development Plans and is not in conflict.

Required Final Plat Findings – Section 22.06(d)(1):

Required Finding	Finding Outcome/Discussion
(1) The plat is not in conflict with the approved preliminary plat or preliminary plat findings	Finding Made – The submitted final plat is consistent with the submitted Preliminary Plat and the Preliminary Plat findings.

RECOMMENDATION

Planning Commission and staff recommend approval of the subject application through the following motions:

Motion made by _____, seconded by _____, in Case #PL2021-42, I move to adopt a resolution approving a Comprehensive Plan Map Amendment to reguide 4217 American Boulevard West from Community Commercial to Regional Commercial.

Motion made by _____, seconded by _____, in Case #PL2021-42, I move to adopt an ordinance rezoning 4217 American Boulevard West, except the southern 150 feet thereof, from CS-0.5(PD) to C-1(PD).

Motion made by _____, seconded by _____, in Case #PL2021-42, I move to adopt a resolution authorizing summary publication of an ordinance rezoning 4217 American Boulevard West, except the southern 150 feet thereof, from CS-0.5(PD) to C-1(PD).

Motion made by _____, seconded by _____, in Case #PL2021-42, having been able to make the required findings, I move to approve Preliminary and Final Development Plans for a three-story, approximately 122,000 square foot motor vehicle sales and office facility with a three-story parking structure with roof parking, subject to the conditions and Code requirements attached to the staff report.

Motion made by _____, seconded by _____, in Case #PL2021-42, having been able to make the required findings, I move to approve the Preliminary Plat and adopt a resolution approving the Final Plat of PA WALSER 2nd ADDITION, subject to the conditions and Code requirements listed in the resolution.

RECOMMENDED CONDITIONS OF APPROVAL

Case #PL2021-42

Project Description: Comprehensive Plan Map Amendment to reguide 4217 American Boulevard West from Community Commercial to Regional Commercial; Rezone a portion of 4217 American Boulevard West from CS-0.5(PD) to C-1(PD); Preliminary and Final Development Plan for an approximately 122,000 square foot, three-story auto dealership facility and a three-story parking ramp with roof parking; and a Preliminary and Final Plat to combine two lots into one lot.

Address: 4217 and 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 and memorializing the project phasing and performance proposal, 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.
5. Prior to Permit Sidewalk with a minimum width of eight feet must be installed along American Boulevard West in a location approved by the City Engineer at the developer's expense (Section 21.301.04(b)(1)).
6. Prior to Permit Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
7. Prior to Permit Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
8. 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.
9. Prior to Permit A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division.
10. 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).
11. Prior to Permit An erosion control surety must be provided (16.08(b)).
12. 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).

13. 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).
14. 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).
15. Prior to Permit Tier 2 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
16. Prior to Permit A parking signage and striping plan must be provided designating off-street parking spaces available for customer or employee parking, spaces for automobiles awaiting repair, and automobile inventory storage spaces.
17. Prior to Permit Surface parking lot must have parking islands consistent with design standards and requirements of Section 21.301.06(c)(2)(H) of the City Code.
18. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52).
19. Prior to Permit Parking lot and site security lighting plans must be revised to satisfy the requirements of City Code Section 21.301.07.
20. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
21. 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 and the northerly 20 feet of the eastern and western elevations as approved by the Planning Manager.
22. Prior to Permit All trash and recyclable materials must be stored inside the principal building (Sec. 21.301.17).
23. Prior to Permit The properties must be platted per Chapter 22 of the City Code and the approved final plat must be filed with Hennepin County prior to the issuance of any permits (22.03(a)(2)).
24. Prior to Permit A common parking agreement must be provided dedicating a minimum of 19 parking stalls to 4201 and 4209 American Boulevard West as approved by the City Engineer, and proof of filing must be provided to the Manager of Building and Inspection.
25. Prior to Permit A revised private common access agreement or easement for the eastern driveway shared with to 4201 and 4209 American Boulevard West be filed with Hennepin County and proof of filing provided to the Engineering Division.
26. Prior to Permit The applicant shall provide letters of commitment from Walser, Toyota Motor North America, Inc., and Bank of America, N.A. (or another major financial institution) to demonstrate its intent and financing commitments necessary to construct the Parking Structure and Office Structure.
27. 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).
28. 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.

29. Prior to C/O Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
30. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
31. 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.
32. Prior to C/O All rooftop equipment must be fully screened (Sec. 21.301.18).
33. Ongoing The interim use for up to two years of Lot 1, Block 1, France 494 4th Addition, as it may be replatted, for motor vehicle sales, including accessory parking and storage whether on the surface or in a structured facility along with the City's issuance of a certificate of occupancy ("CO") for Phase I ("Parking Structure") shall be contingent on 1) issuance of a full building permit for a dealership/office building consistent with plans approved in Case File #2021-42 and 2) receipt of proof of a deposit on major structural elements for the dealership/office building. Permanent use of Lot 1, Block 1, France 494 4th Addition, as it may be replatted, for motor vehicle sales, including accessory parking and storage, is allowed only after issuance of a certificate of occupancy ("CO") for a dealership/office building consistent with plans approved in Case File #2021-42. The Community Development Director may, at her reasonable discretion, extend the interim use period beyond two years in the event of unforeseen circumstances provided substantial progress is being made on the construction of the dealership/office building.
34. Ongoing The motor vehicle sales and repair facility and associated car wash must comply with the noise source requirements of Section 10.29.02 of the City Code.
35. Ongoing Development must comply with the Minnesota State Accessibility Code.
36. Ongoing Alterations to utilities must be at the developer's expense.
37. Ongoing Three foot high parking lot screening must be provided along American Boulevard West as approved by the Planning Manager (Sec. 19.52).
38. Ongoing All construction related pick-up, drop-off, loading, unloading, parking, staging and stockpiling must occur on site and off public streets.
39. Ongoing A Uniform Sign Design (USD) must be approved prior to the issuance of sign permits. All signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and the approved USD.

Approval of the plat of PA WALSER 2nd ADDITION is subject to the following conditions:

40. Prior to Recording A title opinion or title commitment that accurately reflects the state of title of the property being platted, dated within 6 months of requesting City signatures, must be provided.
41. Prior to Recording A consent to plat form from any mortgage company with property interest must be provided.
42. Prior to Recording Public drainage and utility easements must be provided as approved by the City Engineer.
43. Prior to Recording Public sidewalk and bikeway easements must be provided along all street frontages as approved by the City Engineer.
44. Prior to Recording Park dedication must be satisfied.