



Development Review Committee

Approved Minutes

Pre-Application, PL202100235
Meeting Date: November 23, 2021
McLeod Conference Room
Bloomington Civic Plaza
1800 West Old Shakopee Road

Staff Present:

Brian Hansen (Eng., Chair) 952-563-4543	Jason Heitzinger (Assessing) 952-563-4512
Julie Long (Eng.) 952-563-4865	Kent Smith (Assessing) 952-563-8707
Bruce Bunker (Eng.) 952-563-4546	Jennifer Blumers (Assessing) 952-563-8706
Rozlyn Tousignant (Eng) 952-563-4627	Kelly Beyer (Bldg & Insp) 952-563-4519
Laura McCarthy (Fire Prev) 952-563-8965	Erik Solie (Env. Health) 952-563-8978
Tim Kampa (Utilities) 952-563-8776	Mike Thissen (Env. Health) 952-563-8981
Steve Segar (Utilities) 952-563-4533	Michael Centinario (Planning) 952-563-8921
Melissa Manderschied (Legal) 952-563-4895	Kate Ebert (Public Health) 952-563-4962
Maureen O'Brien (Legal) 952-563-8781	Renae Clark (Park & Rec) (952) 563-8890

Project Information:

Project	Gyropolis Addition - 2325 W 90th St and 9000 Penn Ave S - Pre-application FSBP
Site Address	9000 PENN AVE S, BLOOMINGTON, MN 55431 2325 W 90TH ST, BLOOMINGTON, MN 55431
Plat Name	WINCHELLS ADDITION; WINCHELLS ADDITION;
Project Description	Final Site and Building Plans for an addition with pickup window and outdoor patio at an existing restaurant.
Application Type	Final Site and Building Plan
Staff Contact	Mike Centinario - mcentinario@BloomingtonMN.gov (952) 563-8921
Applicant Contact	Tom Kendall - tkendall@kendallcommercial.com
Post Application DRC	YES

NOTE: To view all documents and minutes related to this review, please go to www.blm.mn/plcase and enter "PL202100235" into the search box.

Guests Present:

Name	Email
Tom Kendall	
Tom Moorse	
Constantine Contolatis	

INTRODUCTION –:

Gyropolis is seeking to expand the existing restaurant with additional outdoor patio to the East.

Discussion/Comments:

PLEASE NOTE: Below is not a complete list of comments. Please read the comment summary and review plan mark-ups for a full list of comments.

- Renae Clark (Park and Recreation):
 - No Comment.
- Jason Heitzinger (Assessing):
 - Heitzinger will require platting with a Park Dedication fee of \$2,340.
- Erik Solie (Environmental Health):
 - Solie explained that the changes will likely trigger additional requirements.
- Kelly Beyer (Building and Inspection):
 - Beyer highlighted the Comments Summary form.
- Laura McCarthy (Fire Prevention):
 - McCarthy explained the restaurant will be required to be sprinklered.
 - McCarthy addressed the emergency vehicle access.
 - McCarthy highlighted the building on the corner, to the best of staff knowledge, mitigation has been done. McCarthy suggested that the applicant to check with the State.
- Brian Hansen (Engineering):
 - Hansen asked that the applicant highlight the sidewalk impact on the plans.
 - Hansen noted that the building falls in the Nine Mile Creek Watershed District, owner will need to check with them for permitting.
 - Hansen addressed the Bloomington surface water management plan, noting that the City prefers infiltration, however the applicant should be mindful of areas of potentially contaminated soils.
 - Hansen explained that platting will be required.
 - Hansen highlighted traffic comments, particularly in regards to curb-cuts.
- Steve Segar (Utilities):
 - Segar noted that the increased water demands for fire suppression, Segar explained that the City likes to see these mains providing looped service.
 - Segar highlighted grease interceptor requirements.
 - Segar said the watermain on Penn Ave S is a 30" PCCP pipe, which can be difficult and costly to tap into.
- Kate Ebert (Public Health):
 - No Comment.
- Melissa Manderschied (Legal):
 - No Comment.
- Mike Centinario (Planning):
 - Centinario explained that the site is zoned in B4 which has more specific exterior design and building placement requirements.
 - Centinario stated staff believes the most appropriate review process would be for the applicant to seeking rezoning the site to apply the planned development zoning overlay. The planned development overlay allows for the City Council to consider development flexibility if there is public benefit.
 - Centinario referred to the Comment Summary, which list several City Code deficiencies with the submitted plan.
 - Centinario addressed the patio seating and the subsequent requirements that 100 seats would require. Centinario suggested potentially reducing the number of outdoor seats to allow for a larger landscape yard along Penn Avenue.
 - Centinario address the potential requirements for a future drive-thru and parking requirements.
 - Centinario highlighted the screening requirements due to residential properties to the West.



Comment Summary

Application #: PL202100235

Address: 9000 PENN AVE S. & 2325 W. 90TH ST, BLOOMINGTON, MN 55431

Request: **Final Site and Building Plans for an addition with pickup window and outdoor patio at an existing restaurant.**

Meeting: Pre-Application DRC - November 23, 2021

NOTE: All comments are not listed below.
Please review all plans for additional or repeated comments.

Building Department Review - Pre-App Contact: Duke Johnson at djohnson@BloomingtonMN.gov, (952) 563-8959

- 1) Building plans must be signed by a MN licensed architect.
- 2) Must meet 2020 MN State Building Code
- 3) SAC review by MET council will be required.
- 4) Must meet 2020 MN Accessibility Code.
- 5) Provide a detailed code analysis with the plans.

Fire Department Review - Pre-App Contact: Laura McCarthy at lmccarthy@BloomingtonMN.gov, (952) 563-8965

- 1) Per 1306, with the addition to the restaurant, the building will be required to be sprinklered and a code complying monitored fire alarm system.
- 2) The kitchen hood(s) shall be protected by a UL listed and code complying system connected to the building sprinkler system.
- 3) Provide emergency vehicle access and circulation for ladder 3.
- 4)
- 5) Ensure hydrant coverage within 150' of exterior walls of the building.

Construction/Infrastructure Review - Pre-App Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Show the sidewalk impacts along 90th St and Penn Ave. It's hard to tell what will be impacted with this redevelopment.

PW Admin Review - Pre-App Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Non-access easement must be provided.
- 2) See checklist of items that must be included on the preliminary plat per the Bloomington City Code, Chapter 22.

- 3) Consent to plat form is needed from any mortgage companies with property interest.
- 4) Property must be platted per Chapter 22 of the City Code and the approved plat recorded at Hennepin County prior to the issuance of a foundation or building permit.
- 5) Private common driveway/access easement/agreement must be provided.
- 6) Right-of-way dedication is required on the final plat.
- 7) A title opinion or title commitment that accurately reflects the state of the title of the property being platted, dated within 6 months of requesting City signatures, must be provided.
- 8) Show and label all property lines and easements on all plan sheets.
- 9) Public drainage/utility and easements must be provided on the plat.
- 10) A 10-foot sidewalk/bikeway easement shall be provided along all street frontages. Developer/owner shall provide legal description and Engineering staff will prepare easement document.
- 11) \$15 fee for certified copy of plat. Engineering staff will obtain a certified copy of the plat from Hennepin County.
- 12) Existing drainage, utility, sidewalk, and bikeway easements may be vacated. Contact Bruce Bunker at 952-563-4546 or bbunker@BloomingtonMN.gov for information regarding the Public Rights-of-Way Vacation Application. It is the responsibility of the developer to determine if private utilities exist in the easement prior to submitting the application. Developer/owner to provide legal description and Engineering staff will prepare vacation document.

Water Resources Review - Pre-App Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) An erosion control bond is required.
- 2) Submit a copy of Nine Mile Creek Watershed District permit and comments prior to issuance of City of Bloomington permits (www.ninemilecreek.org)
- 3) Provide stormwater management plan meeting the requirements of Bloomington Comprehensive Surface Water Management Plan.
- 4) Utility as-builts must be provided prior to issuance of Certificate of Occupancy.
- 5) A maintenance agreement must be signed by the property owner and recorded at Hennepin County.
- 6) List erosion control maintenance notes on the plan.
- 7) Show erosion control BMP locations on the plan.
- 8) Provide civil plans for the project. Plan sheets may include grading, drainage, utility, erosion control, traffic control, civil site, etc.
- 9) Utility permits are required for connections to the public storm, sanitary, and water system. Contact Utilities (952-563-8777) for permit information.
- 10) Use updated city standard details for driveways, utilities, erosion control, etc. found on the website at www.bloomingtonmn.gov/information-sheets-and-handouts-engineering-division
- 11) Minnesota Pollution Control Agency shows the site at 9000 Penn Ave previously had a leaking underground petroleum storage tank that was remediated. MPCA also shows the premises currently has at least one underground storage tank. The City's preference for stormwater management is infiltration, however infiltration is only allowed where contaminants will not be mobilized by the infiltration of stormwater. Additional soil and groundwater work may be required if infiltration is to be used for stormwater management.

Utility Review - Pre-App Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Provide civil plans for the project. Plan sheets may include grading, drainage, utility, erosion control, traffic control, civil site, etc.
- 2) Any new or substantial remodel of a food service facility must provide an exterior grease interceptor and grease interceptor maintenance agreement. See handout and Engineering Detail 412 for reference.
- 3) Contractor shall obtain a Public Works permit for underground work within the right-of-way. Permit is required prior to removals or installation. Contact Utilities (952-563-4568) for permit information.

- 4) A Minnesota licensed civil engineer must design and sign all civil plans.
- 5) Utility permits are required for connections to the public storm, sanitary, and water system. Contact Utilities (952-563-8777) for permit information.
- 6) Contact Met Council (651-602-1378) for Sewer Availability Charge (SAC) determination.
- 7) Combination fire and domestic services must terminate with a thread on flange or an MJ to flange adapter. Existing water service is 3/4" from main to curb stop, and 1" from curb stop to building. Change in fire protection may require new (larger) water service. Other water service comments reflect an increase water demand.
- 8) Taps of live water mains are done by City forces and paid for and coordinated with the Contractor.
- 9) Utility and mechanical contractors must coordinate the installation of all water and sewer service pipes into the building to accommodate city inspection and testing.
- 10) Utility as-builts must be provided prior to issuance of Certificate of Occupancy.
- 11) Use Class 52 DIP water main for pipe 12-inches in diameter and smaller. A minimum 8 mil polywrap is required on all DIP.
- 12) All unused water services must be properly abandoned at the main. All unused sanitary sewer services must be properly abandoned at the property line.
- 13) Private common utility easement/agreement must be provided, if connecting to existing private 8" watermain to Burger King.
- 14) Utility permits are required for connections to the public storm, sanitary, and water system. Contact Utilities (952-563-8777) for permit information.
- 15) Loop water system (supply from two points) to provide increased reliability of service and reduction of head loss.
- 16) Provide a minimum of 8-feet and a maximum of 10-feet of cover over all water lines, valves, services, etc.
- 17) All components of the water system, up to the water meter or fire service equipment must utilize protective internal coatings meeting current ANSI/AWWA standards for cement mortar lining or special coatings. The use of unlined or uncoated pipe is not allowed.
- 18) Contractor shall obtain a Public Works permit for underground work within the right-of-way. Permit is required prior to removals or installation. Contact Utilities (952-563-4568) for permit information.
- 19) A minimum 10-foot horizontal separation and 18-inch vertical separation is required between watermain and sewers.

Traffic Review - Pre-App Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Provide appropriate MMUTCD references for signs proposed for circulating traffic. All private signage must be installed outside of the city right-of-way.
- 2) Show location of a bike rack and bike rack detail on the plan.
- 3) A Hennepin County right-of-way permit is required for any work affecting Penn Avenue (CSAH 32).
- 4) Apply minimum drive aisle width or parking space dimensions City Code requirements (21.301.06).
- 5) All parking stall striping must be painted white. Parking islands must be 3-feet shorter than the parking stall and 8-feet wide.
- 6) Contractor shall obtain a Public Works permit for obstructions and concrete work within the right-of-way. Permit is required prior to removals or installation. Contact Abdi Abdulle (952-563-4555, aabdulle@BloomingtonMN.gov) for permit information.
- 7) Existing curb cuts must be removed and replaced with surface ROW permits. Follow with curb and gutter per City standard details on 90th Street and Hennepin County or City standard details on Penn Avenue, as required by the permits.
- 8) Illustrate on plan that the clear view triangle (15' from property corner to driveway approaches) is not obstructed by landscaping or signage.
- 9) All construction and post-construction parking and storage of equipment and materials must be on-site. Use of public streets for private construction parking, loading/unloading, and storage will not be allowed.

Assessing Review - Pre-App Contact: Kent Smith at ksmith@BloomingtonMN.gov, (952) 563-8707

- 1) We anticipate that platting will be required on this project. If so, based on the information we have so far we estimate a park dedication fee of \$2,340.

Health Department Review - Pre-App Contact: Eileen O'Connell at eoconnell@BloomingtonMN.gov, (952) 563-4964

- 1) Please review MN Statute on accommodating nursing employees. You are not required to provide a permanent lactation room, although many businesses do. If you don't have space for a permanent room, consider where you might be able to set up a temporary location. A staff bathroom or toilet stall cannot be used as a lactation room.

Environmental Health Review - Pre-App Contact: Erik Solie at esolie@BloomingtonMN.gov, (952) 563-8978

Planning Review - Pre-App Contact: Mike Centinario at mcentinario@BloomingtonMN.gov, (952) 563-8921

- 1) The site is zoned B-4 Neighborhood Commercial Center. The B-4 district includes a number of structure placement and site design performance standards to create a more urban character. The proposed addition is more suburban in character and would require a lot of development flexibility. Staff believes the most appropriate route would be to review the project through the planned development process. As part of the development application, the applicant will need to communicate public benefit as a justification for the development flexibility.
- 2) The written summary identifies a pick-up window, but not a drive-through window. Staff suggests incorporating a drive-through window, including 6 stacking spaces, and apply for a conditional use permit. This would allow the restaurant's operations to include a drive-through in the future without the need to re-apply for a conditional use permit.
- 3) The proposed plan is inconsistent with a number of B-4 Code requirements. These include, but are not necessarily limited to:
 - Minimum 4,000 square foot building floor area.
 - Building setback - the B-4 district has a maximum 40 foot building setback.
 - Parking is not permitted between the building and the street.
 - Minimum 0.2 floor area ratio (FAR)
 - There is no "street enclosure."
 - Parking is located at the street corner - the building nor the gathering space anchor the corner.

As plans become more detailed, staff will evaluate consistency with building transparency and exterior building materials.

- 4) A minimum 20 foot landscape yard is required along all street frontages (see City Code Section 21.301.15), although there is some flexibility in the B-4 district. The landscape yard, and landscaping within the landscape yard, is an area where the site could improve greatly from its current condition.
- 5) One tree is required for each 2,500 square feet of site area and one shrub for each 1,000 square feet. The B-4 district then allows a 25% overall reduction in landscaping material. As the landscaping plan is developed, incorporate landscaping along the building in addition to the perimeter.
- 6) Show location of a bike rack and bike rack detail on the plan.
- 7) Parking lot and exterior security lighting must meet Section 21.301.07. A minimum of 2.0 foot-candles is required on the parking surface (which may be reduced to 1.0 foot-candles for the outer perimeter of the parking lot).
- 8) List the number of parking spaces required by city code and the number of spaces provided on the site plan.

- 9) Property must be platted per Chapter 22 of the City Code and the approved plat recorded at Hennepin County prior to the issuance of a foundation or building permit.
- 10) All rooftop equipment must be screened equal to the height of the equipment. (Section 21.301.18)
- 11) Interior trash and recycling must be provided (see City Code Section 21.301.17).
- 12) With the menu board, the site plan seems to indicate a drive-through window. Locate window as far east as possible in order to meet the 6-stall stacking space requirement
- 13) Include the Code required 8-foot concrete sidewalk along 90th and along Penn.
- 14) Could the eastern most stalls along Penn be shifted west to accommodate a wider landscaping yard?
- 15) Parking islands must be at least 8-feet inside of curb to inside of curb.
- 16) Include a sidewalk connection to accessible stall striping.
- 17) What is the condition of the fence along the west property line? If in disrepair, it may need to be replaced.