

## GENERAL INFORMATION

Applicant: Kraus-Anderson (applicant and owner)

Location: 9728 Lyndale Avenue S.

Request: 1) Preliminary development plans for a partial redevelopment at the Clover Center shopping center with future retail and mixed use development phases.  
2) Final development plans for a partial redevelopment of Clover Center to accommodate an approximately 24,000 square foot grocery store and reconstructed parking lot.

Existing Land Use and Zoning: Retail shopping and restaurants; zoned B-4 Neighborhood Commercial Center

Surrounding Land Use and Zoning: North – Motor vehicle sales; zoned B-2 General Business  
South – Retail, transit station; zoned B-2 and B-2(PD)  
East – Retail, medical office; zoned B-4(PD)  
West – Interstate 35W

Comprehensive Plan Designation: Community Commercial

## CHRONOLOGY

Planning Commission 10/14/2021 – Public Hearing Scheduled

City Council 11/15/2021 – Public Hearing Anticipated (Ordinances)

## DEADLINE FOR AGENCY ACTION

Application Date: 09/08/2021

60 Days: 11/07/2021

120 Days: 01/06/2022

**Applicable Deadline: 01/06/2022 (Extended by City)**

Newspaper Notification: Confirmed – (09/30/2021 Sun Current – 10 day notice)

Direct Mail Notification: Confirmed – (500 buffer – 10 day notice)

## STAFF CONTACT

Mike Centinario  
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## PROPOSAL

The applicant proposes preliminary and final development plans to build an approximately 24,000 square foot grocery store on the west side of the Clover Center shopping center along Interstate 35W. The grocery store would take the place of what now is currently 98 Pounds Buffet and several smaller retailers. The western half of the parking lot would be reconstructed with a new sidewalk along 98<sup>th</sup> Street, landscaped parking islands, lighting and pedestrian connections. The roughly eastern half of the shopping center would remain largely the same for the first phase. No changes are proposed for the Wells Fargo bank at the 98<sup>th</sup> Street and Lyndale corner. However, future development phases include a 119-unit, 8-story mixed use building along Lyndale Avenue and two retail buildings at the corner of 98<sup>th</sup> Street and Lyndale.

The applicant has requested a rezoning to apply the Planned Development (PD) overlay zoning district to facilitate preliminary and final development plan approval. The PD overlay allows the City Council to approve deviations from City Code as opposed to zoning variances. The standard to approve deviations is a “public benefit” test as opposed to “practical difficulties” for variances. Given the development’s age, there are numerous development components that do not meet today’s requirements. The planned development process is a common way to approach redevelopment of older sites.

## ANALYSIS

### *Preliminary Development Plan*

An element of the planned development process is to establish a Preliminary Development Plan (PDP), which details future development phases for Clover Center. The proposed PDP depicts a road splitting the existing building in two, which is ultimately intended to connect with Aldrich Avenue to the north. Other phases include future retail development and a high-density mixed use building along Lyndale Avenue S.

The future road connection and development phases would help implement the vision established in the Lyndale Retrofit Plan and 98<sup>th</sup> Street Station Area Plan, which were recently adopted by the City Council. Both plans envision greater development density near, and improved access to, the Orange Line Bus Rapid Transit (BRT) Station. In particular, the high-density mixed-use building located close to the street would enclose and bring activity to the street. The two future retail buildings accomplish some design expectations by locating the buildings along the street and incorporating outdoor seating spaces. Overall, staff believes the corner could support more

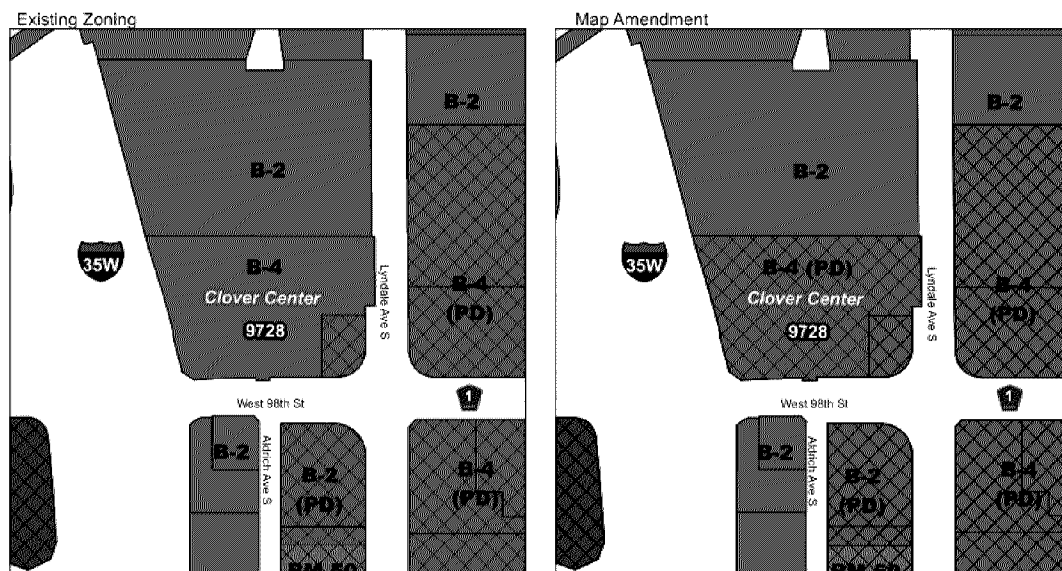
development intensity. At a minimum the future buildings must meet floor area and setback standards established in City Code.

### Rezoning

Clover Center was originally built in 1957 and the site development pattern has largely stayed the same for over 60 years. Partially redeveloping older shopping centers is difficult. Apart from a full-scale redevelopment, the City's general approach is to ensure improvements to building design, parking lots, pedestrian accessibility, landscaping, and lighting, while being reasonably flexible on some standards. The process to approve development flexibility is through a planned development, which necessitates the site to have the Planned Development Overlay Zoning District applied.

The "base" zoning district, B-4, would remain the same with the proposed rezoning; the applicant is seeking to apply the PD Overlay Zoning District to the site, which allows the City Council to approve the deviations from City Code. The permitted and conditional uses along with the development intensity and mixed-use district development standards would remain in place. Graphic 1 depicts the zoning map amendment.

### Graphic 1: Rezoning to Apply the Planned Development (PD) Overlay



### Code Compliance

Tables 1 and 2 below identifies several City Code requirements for development in the B-4 District. Table 1 lists the complying standards and Table 2 identifies where deviations or revisions are required. The B-4 District is a neighborhood-oriented retail district, which is intended to accommodate more pedestrian-oriented, neighborhood-focused development. Commentary on the preliminary development plan and future development phases follows Tables 1 and 2.

**Table 1: City Code Requirements in compliance – B-4 Zoning District**

Standard	Code Requirement	Proposed	Compliance
Site Area – minimum	40,000 sq. ft.	206,476 sq. ft.	Yes
Minimum building floor area	4,000 sq. ft.	54,000 sq. ft.	Yes
Drive aisles	24 feet wide for 90 degree parking; Institute of Transportation Engineers (ITE) standard for other parking	24 feet – all 90 degree parking	Yes
Shrubs	149 shrubs (with a perennial allowance)	173 shrubs and 220 perennial plantings	Yes
Trash collection and storage	Interior with interior access	Trash would be located within building	Yes
Public sidewalks	Minimum 8-foot concrete	Reconstruct 98 <sup>th</sup> Street sidewalk - 8-foot concrete	Yes
Private sidewalks	5-feet clear along internal sidewalks with sidewalk connection from street	5-feet clear along internal sidewalks with sidewalk connection from street	Yes
Building articulation	Wall projections or recesses of three or more foot depth for every 100 linear feet of façade along public streets	Wall recesses and height changes along street facing elevations	Yes
Entrance buffer	At least 10 feet between public entrance and drive lanes	16 feet	Yes
Floor area ratio	0.2 to 0.5 0.2 to 2.0 (with residential uses)	0.26 – Phase I 0.83 – Full buildout	Yes

**Table 2: City Code Requirements – deviation or revision – B-4 Zoning District**

Standard	Code Requirement	Proposed	Compliance
Parking lot setback	20 feet	11 to 15 feet along 98 <sup>th</sup> St.; 4 to 60+ feet along I-35W	Deviation required
Parking lot – interior setback	5 feet	3 feet to 5+ feet	Deviation required
Parking – minimum	253 stalls	226 stalls	Deviation required
Trees	45 trees	29 trees	Revisions required

Standard	Code Requirement	Proposed	Compliance
Exterior building materials	85 percent of each building elevation clad with permitted primary material (brick, stone, stucco, glass, metal panels)	Glass, brick, metal panels, with unknown quantities of architectural panels and concrete masonry units (CMUs) and painted brick	Revisions required
Parking islands	8 feet minimum width with one tree or more	Parking islands are a minimum 8 feet wide, additional trees required	Revisions required
Minimum building size	4,000 sq. ft.	2,400 and 3,000 – future retail buildings	Revisions required (to PDP)

### **Building Design**

The exterior materials proposed for the grocery are a mix of glass, brick, metal panels, and architectural panels. The south building elevation depicts glass prominently, which would serve as an inviting front entrance and appears to meet the City Code's minimum 50 percent transparency requirement between 2 and 10 feet. Brick and metal panels would complement the glass along with a panel system. Details on what the architectural panels entail was not provided, but if they are fiber cement panels, for example, they would exceed the 15 percent secondary building material allowance for the south elevation. Staff will continue to work with the applicant on meeting exterior material Code requirements.

Additional work is needed along the west and north building elevations. The north building elevation was not included in the submittal. The west building elevation depicts a significant proportion of concrete masonry units and architectural panels. This material palette does not meet the City's requirements and revisions are necessary. In addition to building material requirements, the west elevation must be at least 25 percent transparent between 2 and 10 feet above grade. The City Code includes design alternatives to transparency for back of house areas. Display boxes, green walls, and artwork may be incorporated into the design instead of glass.

Exterior renovations are also proposed for what would remain of the existing building. The material palette to retrofit the existing façade is similar to the new facades, albeit depicting painting existing brick. Painting brick exteriors is not permitted and staff does not support development flexibility from this standard due to concerns over maintenance and the impact it may have within the building. The applicant has acknowledged this compliance issue and may change the development's color scheme and maintain the existing brick as it is today.

### **Landscaping and Lighting**

The proposed development would significantly improve landscaping and lighting at Clover Center. The newly established landscaping yards and parking islands would transform the appearance of parking areas between the building and street. The proposed plans depict 29 new trees, 173 shrubs,

and several hundred perennial plantings. The redevelopment of about half of the building area triggers compliance with landscaping standards. However, because the preliminary development plan outlines phased redevelopment, staff is supportive of a landscaping requirement based on *disturbance* area. Using this standard, 45 trees would be required, which is a more sensible landscape quantity given the scope of Phase I. As future phases move forward, each phase would include Code-compliant landscaping plans for particular development. Most parking islands include the required deciduous tree, but 16 trees would need to be added with staff's recommendation. No landscaping is proposed along the south building elevation. Plans depict significant areas of concrete that would benefit from trees, either in planters or perhaps tree grates.

Exterior lighting design is underway, but photometric plans must be approved prior to the issuance of a building permit. Generally, the majority of the parking lot surface must maintain at least 2.0 footcandles. Pedestrian crossings require additional footcandles so the crossing is easier to differentiate from drive lanes. Parking lot perimeter areas may be reduced to 1.0 footcandles. The main entrances require at least 10 footcandles maintained. Initial and maintained lighting plans must be approved by a certified lighting professional (LC) or a professional electrical engineer (PE).

### **Access, Circulation, and Parking**

Pedestrian infrastructure along 98<sup>th</sup> Street from the central access point into the center to I-35W is lacking. Similarly, there is currently no direct pedestrian connection from 98<sup>th</sup> Street to the building. Staff focused on the need to improve pedestrian infrastructure and connectivity. The grading plan depicts re-grading the parking lot so the parking area along 98<sup>th</sup> Street is only two to three feet below the street elevation. This re-grading allows the retaining wall and fence along 98<sup>th</sup> Street to be removed. The narrow sidewalk between the retaining wall and the street would be replaced with an 8-foot sidewalk and 5-foot grass boulevard. A north/south sidewalk would connect the retail spaces to the street providing the much needed pedestrian connection. The sidewalk is wide enough to account for vehicle overhang so a 5-foot clear walking width is maintained. These features are Code complying and represent noteworthy improvements over existing conditions.

An independent engineering firm conducted a traffic and parking study to analyze how the redevelopment would impact traffic at the site and made recommendations on circulation improvements. More detailed information on the traffic study follows. Parking lot improvements, parking islands, and landscaping yards along streets reduce the overall parking supply, but staff believes the proposed parking supply is more than adequate. The proposed parking supply and corresponding deviation from City Code identified in Table 3 is 10.5 percent, which does not include any reductions for internal capture or proximity to Orange Line BRT stations. The parking study further supports the proposed parking reduction by concluding there would be ample parking supply for the proposed use mix.

**Table 3: Parking Analysis**

<b>Clover Center Parking Analysis</b>			
<b>Use</b>	<b>GFA or Seats</b>	<b>Standard</b>	<b>Parking Requirement</b>
Grocery	24,020	1 stall per 225 gross floor area	106.8
Retail	29,980	55 spaces plus additional 1 space per 220 square feet of gross floor area over 10,000 square feet	145.8
Bank	4,551	1 stall per 240 gross floor area	19.0
<b>Total Parking Requirement</b>			<b>252.6 stalls</b>
<b>Proposed Parking</b>			<b>226 stalls</b>
<b>Deviation from City Code</b>			<b>10.5 Percent</b>

**Stormwater Management**

Stormwater will be managed to meet the City's and Watershed District's requirements for stormwater rate control (quantity), stormwater quality and volume.

The Preliminary Stormwater Management plan calculations and narrative submitted propose a large underground stormwater infiltration structure. The subject parcel is an identified contaminated Superfund site per the MPCA (MPCA #SR0001389, site ID #20166) due a prior dry cleaning operation at this location. The feasibility of using infiltration on this site in light of its Superfund status needs to be investigated and approved by the MnDOT Office of Environmental Stewardship Contaminated Materials Management Team before MnDOT is able to process the drainage permit needed based on the proposed design. The final design must also meet the requirements of 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. This site is located within the Nine Mile Creek Watershed District, so an additional watershed district permit will be required.

Staff has communicated to the applicant that both the City and Nine Mile Creek Watershed District are interested in exploring the possibility to provide additional stormwater management onsite beyond the project requirements. The Nine Mile Creek Watershed District has potential funds available to assist with additional onsite treatment should the applicant be interested.

**Utilities**

The development is proposed to be served by both City sanitary sewer and water facilities. An 8-inch watermain loop water system (supply from two points) should be provided to increase reliability of service and reduction of head loss.

Adequate fire hydrant coverage must be provided to serve the proposed building. The City Engineer must approve the utility plans before the issuance of a building permit.

An exterior grease interceptor and grease interceptor maintenance agreement will be required based on the proposed use of the new building.

### **Traffic Analysis**

Access to the Clover Center is provided via two driveways onto Lyndale Ave; a full access driveway on the north end, and a right-out only driveway on the south end. A third access is located on the southerly side of the site provides  $\frac{3}{4}$  access via right-in, right-out and eastbound left turns into the site from W 98th St/W Old Shakopee Rd (CSAH1).

Given the increased trips generated by the proposed development, the property abutting two arterial roadways (Lyndale Avenue & W 98th St/W Old Shakopee Rd), and the existing traffic issues, Alliant Engineering was hired to perform a traffic impact analysis for the proposed development. The traffic study analyzed the existing traffic operations for the site as well as changes resulting from the proposed development.

Alliant Engineering provided a detailed analysis of the existing and proposed traffic generated by the site and the impacts to the adjacent public roadway network, as well as the internal site circulation of Clover Center. Recommendations were provided to address current operational issues, as well as mitigate future issues that may arise from the proposed development. Of particular note are the following locations:

#### **Lyndale Ave Driveways:**

Currently, the full access northerly driveway has no pavement markings delineating dedicated lanes for inbound and outbound vehicle movements. With the anticipated additional trips generated by the proposed grocery store pavement markings must be added on the driveway defining and identifying a dedicated left and right turn lane for vehicles exiting the site, as well as an incoming lane for entering vehicles. The current driveway width may need to be expanded to accommodate the three identified lanes. Adequate lane width must be provided to allow vehicles travelling southbound on Lyndale Ave to make right turn into the site when exiting vehicles are queued at the driveway waiting to make a left or right turn onto Lyndale Ave.

With the north driveway being identified as the main point of entry for delivery vehicles supplying the proposed grocer, the developer will need to model and design the driveway to allow for the movement of large trucks. The developer will also be required to demonstrate the clear view triangles at this location are clear and free of any obstructions. The current Clover Center sign located on the northeast corner of the site is located within the clear view triangle and will need to be removed or relocated.



The southerly Lyndale driveway is proposed to remain as right-out only because the existing trees and parking stalls on the north side of the driveway obstruct the view of southbound traffic on Lyndale Ave vehicles for exiting vehicles. The developer will need to demonstrate the clear view triangles at this location are free of obstructions. In order to achieve this the developer may have to remove or relocate trees and eliminate a parking stall(s) on the north side of the driveway.

#### W 98th St/W Old Shakopee Rd Driveway:

The driveway is proposed to remain a  $\frac{3}{4}$  access with the redevelopment, with the current left turn restriction for exiting traffic onto W 98th St/W Old Shakopee Rd remaining. The traffic study recommends improvements at this driveway in conjunction with the proposed development. The recommendations include constructing a larger median island in the driveway opening to reinforce the right-out only condition and make it physically difficult for vehicles to try to make the prohibited left turn out movement. The developer will need to model and design the median island to accommodate larger delivery vehicles exiting the site without having them run onto or over the median island, which could potentially damage or knock down signage located within it. If said turning movements cannot be accommodated, then the developer will be required to prohibit use of the driveway by trucks and provide an alternative exit for delivery vehicles. In addition to the hardscape improvements additional signage reinforcing the prohibited movements is recommended at this location.

With the anticipated increased trips to the site as result of the proposed development improvements to the protected left turn lane on Old Shakopee Road are recommended by the traffic study. The improvements include lengthening the left turn lane to provide additional storage capacity for vehicles waiting to turn into the site from W 98th St/W Old Shakopee Rd. This additional capacity can be provided by shortening the current taper of the curb line at the point where the turn lane develops. Additional curb modifications should be considered to narrow or realign the opening in the median along W 98th St/W Old Shakopee Rd to better align left turning vehicles with the driveway opening and further restrict the prohibited left turns exiting the site.

#### Internal Site Circulation:

With the increase in trips to the site, the internal site circulation will need to be managed to provide for the safe and efficient movement of vehicles. The developer is proposing one-way westbound traffic for the drive lane running along the north side of the site behind the existing and proposed buildings. This drive lane is proposed to be utilized for delivery traffic only and not for customers visiting the site. Clear wayfinding signage must be provided to not only denote this drive lane as being for delivery vehicles only, but also to direct vehicles entering the site how to access the businesses. Since the north drive lane is aligned with the only full access driveway to the site, clear guidance to drivers will be paramount.

Additional wayfinding signage and pavement markings will be required as vehicles entering the site from Lyndale Ave will need to traverse along drive aisles with parking stalls located on both sides along with the existing building storefronts. Particular attention will need to be paid to the area

adjacent to the southerly driveway onto Lyndale Avenue where the driving task is very complex because of vehicles exiting the Wells Fargo drive-thru mixing with traffic entering and exiting the Clover Center site adjacent to the high turnover coffee shop. Open sight lines and clear positive guidance for drivers will be critical to allow the site to function safely.

The proposed site plan shows parking aisles teeing off east and west of the main north-south drive lane off of W 98th St/W Old Shakopee Rd. The location of the proposed drive aisles are too close to the driveway at W 98th St/W Old Shakopee Rd. The short distance could cause issues with vehicles blocking the driveway entrance and backing traffic onto 98th Street. Staff recommends the southerly drive aisle access to the north-south drive lane be eliminated to improve the traffic flow at this location.

The traffic study was reviewed by both Hennepin County and MnDOT and their comments have been included in the agenda item materials.

### **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, minimum 20 foot wide clear access and turning radius to accommodate BFD Ladder 3. Apparatus access roads shall be asphalt or concrete and support a minimum of 80,000 pounds.

The buildings/businesses 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.

The applicant must ensure insure the proposed landscaping plans don't interfere with access to the buildings. The applicant proposes adequate water supply with a hydrant within 50 feet of the fire department connection and within 150 feet of any exterior wall. The hydrants must be clearly visible from the emergency vehicle access road. Hydrants will be approved by the Utilities and Fire Prevention Divisions.

Knox boxes and annunciator panels will be required at the main entrances and other areas as designated by the Fire Prevention Division. All exterior doors that allow access to the interior of the building(s) should be numbered in a sequential order starting with the main entrance (public entrance) as number 1 and continuing in a clockwise manner. Each separate building will have its own sequence of numbers.

Provide for emergency responder radio coverage throughout the complex and in all structures per the requirements of Appendix P in the 2020 Minnesota State Fire Code.

Any changes made to the current plans, including building location, access roads, water supply and addressing, must be reviewed by the Fire Marshal to insure continued compliance with the fire code.

**Status of Enforcement Orders**

There are no open enforcement orders for the site.

**FINDINGS**

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

<b>Required Finding</b>	<b>Finding Outcome/Discussion</b>
(1) The proposed use is not in conflict with the Comprehensive Plan	Finding made – There is no conflict between the proposed development and the Comprehensive Plan. The proposed grocery store redevelopment and future commercial and residential development is consistent with the Comprehensive Plan’s Community Commercial designation.
(2) The proposed use is not in conflict with any adopted District Plan for the area	Finding made – Although there is no adopted District Plan for the area, the City recently adopted the 98 <sup>th</sup> Street Station Area Plan and Lyndale Retrofit Plan. The proposed preliminary development plan is generally consistent with these two plans, which calls for greater development intensity, improved pedestrian connectivity, and a future north/south road connection from Aldrich Avenue to the north to 98 <sup>th</sup> Street.
(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 proposed deviations would facilitate a development that reinvests in the Clover Center while in large part bring the shopping center closer to City Code compliance. The deviations would not have an adverse impact on 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 planned development’s Phase I, the proposed grocery store, is not dependent on subsequent phases.
(5) The proposed development will not	Finding made – Given the size and characteristics of the

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	proposed development, an excessive burden is not anticipated on parks, schools, streets, the sanitary sewer system or the water system once planned sanitary sewer improvements are completed in the area. The proposed development would improve vehicle and pedestrian access and circulation, along with significant improvements to drainage.
(6) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare	Finding made – The proposed development is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare. Building design, site circulation, and parking supply Community Commercial uses within the City of Bloomington.

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

<b>Required Finding</b>	<b>Finding Outcome/Discussion</b>
(1) The proposed use is not in conflict with the Comprehensive Plan	Finding made – There is no conflict between the proposed development and the Comprehensive Plan. The proposed grocery store redevelopment and future commercial and residential development is consistent with the Comprehensive Plan's Community Commercial designation.
(2) The proposed use is not in conflict with any adopted District Plan for the area	Finding made – Although there is no adopted District Plan for the area, the City recently adopted the 98 <sup>th</sup> Street Station Area Plan and Lyndale Retrofit Plan. The proposed preliminary development plan is generally consistent with these two plans, which calls for greater development intensity, improved pedestrian connectivity, and a future north/south road connection from Aldrich Avenue to the north to 98 <sup>th</sup> Street.
(3) The proposed development is not in conflict with the approved preliminary development plan for the site	Finding made – The final development plan is consistent with Phase I of the preliminary development plan.
(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 proposed deviations would facilitate a development that reinvests in the Clover Center while in large part bring the shopping center closer to City Code compliance. The deviations would not have an adverse impact on the surrounding neighborhood and are in the public interest.
(5) The proposed development is of sufficient size, composition, and arrangement that its construction,	Finding made – The planned development's Phase I, the proposed grocery store, is not dependent on subsequent phases.

marketing, and operation is feasible as a complete unit without dependence upon any subsequent unit	
(6) The proposed development will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development; and	Finding made – Given the size and characteristics of the proposed development, an excessive burden is not anticipated on parks, schools, streets, the sanitary sewer system or the water system once planned sanitary sewer improvements are completed in the area. The proposed development would improve vehicle and pedestrian access and circulation, along with significant improvements to drainage.
(7) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare	Finding made – The proposed development is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare. Building design, site circulation, and parking supply Community Commercial uses within the City of Bloomington.

## RECOMMENDATION

Staff recommends approval using the following motions:

In Case PL2021-191, I move to recommend City Council adopt an ordinance to apply the Planned Development Zoning Overlay to 9728 Lyndale Avenue S.

In Case PL2021-191, having been able to make the required findings, I move to recommend City Council approve preliminary and final development plans to partially redevelop the Clover Center Shopping Center to accommodate an approximately 24,000 square foot grocery store as well as establish future retail and mixed-use development phases, subject to the conditions and Code requirements attached to the staff report.

## RECOMMENDED CONDITIONS OF APPROVAL

Case PL2021-191

**Project Description:** Rezone 9728 Lyndale Avenue South from B-4 to B-4(PD) to apply the planned development (PD) overlay zoning district; preliminary development plan for a multi-phased redevelopment of the Clover Shopping Center; and final development plan for a partial redevelopment of the Clover Shopping Center and to construct an approximately 24,000 square foot grocery store with site modifications.

**Address:** 9728 LYNDAL AVE S

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Permit A Site Development Agreement, including all conditions of approval, must be executed by the applicant and the City and must be properly recorded by the applicant with proof of recording provided to the Director of Community Development.
2. Prior to Permit Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
3. Prior to Permit Final development plans must be consistent with the preliminary development plan. Future development phases in the preliminary development plan must meet building floor area and setback requirements in the B-4 Neighborhood Commercial Zoning District.
4. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
5. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
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 An erosion control surety must be provided (16.08(b)).
8. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 21.301.15).
9. Prior to Permit Food service plans must be approved by the Environmental Health Division (City Code Sec. 14.360).
10. Prior to Permit A Hennepin County permit for work within the right-of-way must be obtained and a copy submitted to the Engineering Division prior to work beginning in the right-of-way.
11. Prior to Permit Parking lot and site security lighting plans must satisfy the requirements of City Code Section 21.301.07.
12. Prior to Permit Exterior building materials must be approved by the Planning Manager and meet requirements in Section 19.63.08 of the City Code.
13. 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.

14. 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)).
15. Prior to Permit A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division.
16. Prior to C/O An external grease interceptor must be provided if the proposed tenant will have food preparation and service that will produce fats, oils, grease or wax in excess of 100 mg/L. The external grease interceptor design must be approved by the Utilities Engineer. A grease interceptor maintenance agreement must be filed with the Utilities Division, if an external grease interceptor is installed.
17. Ongoing Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands (Sec 21.301.06).
18. Ongoing All loading and unloading must occur on site and off public streets.
19. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.
20. Ongoing All construction stockpiling, staging and parking must take place on site and off adjacent public streets and public right-of-way.
21. Ongoing All rooftop equipment must be fully screened (Sec. 21.301.18).
22. Ongoing Alterations to utilities must be at the developer's expense.
23. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 21.301.17).
24. Ongoing A minimum 8-foot sidewalk must be installed along W. 98th Street west of the vehicle access point at the developer's expense (Section 21.301.04(b)(1)).
25. Ongoing Three foot high parking lot screening must be provided along W. 98th Street as approved by the Planning Manager (Sec. 21.301.15).