

GENERAL INFORMATION

Applicant:	United Properties Development LLC (User) Bloomington Housing and Redevelopment Authority (HRA) (Owner)
Location:	7851 Normandale Boulevard
Request:	<ol style="list-style-type: none">1) Comprehensive Plan Amendment to reguide from Community Commercial (CC) to Regional Commercial (RC)2) Rezoning from Commercial Service 1.0 (CS-1) to Freeway Commercial Center (Planned Development) (C-3(PD))3) Preliminary and Final Development Plans for a four-story, approximately 180,000 square-foot high density motor vehicle sales facility4) Preliminary and Final Plat (Type I) to plat a metes and bounds property into a platted lot
Existing Land Use and Zoning:	Vacant (previously hotel); zoned Commercial Service 1.0 (CS-1)
Surrounding Land Use and Zoning:	North – Medical office; zoned CS-1 South – Interstate Highway 494 right-of-way East – Art gallery and office; zoned CS-1 West – State Highway 100 right-of-way
Comprehensive Plan Designation:	Community Commercial

HISTORY

City Council Action:	11/29/2021 – Approved a privately initiated City Code Amendment to define and establish motor vehicle sales, high density as a new use designation and make it a permitted use in the C-1 and C-3 zoning districts (Case #PL2021-192).
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CHRONOLOGY

Planning Commission	01/06/2022 – Recommended approval (vote: 7-0)
City Council	02/07/2022 – Public hearing scheduled

DEADLINE FOR AGENCY ACTION

Application Date:	11/30/2021
60 Days:	01/29/2022
120 Days:	03/30/2022
Applicable Deadline:	03/30/2022 (Extended by City)
Newspaper Notification:	Confirmed (12/23/2021 and 01/27/2022 Sun Current – 10 day notices)
Direct Mail Notification:	Confirmed (500-foot buffer – 10 day notice)

STAFF CONTACT

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PROPOSAL

United Properties is working on behalf of a major electric motor vehicle manufacturer to construct and establish a high density motor vehicle sales facility at 7851 Normandale Boulevard, the former Days Inn Hotel site. To facilitate the proposed development, the applicant requests a Comprehensive Plan Amendment to reguide the property from the Community Commercial (CC) future land use designation to Regional Commercial, the only designation that allows motor vehicle sales. The request includes rezoning the property from CS-1 to C-3(PD). The submitted Preliminary and Final Development Plans include a four-story vehicle sales facility with minor vehicle repair and enclosed automobile inventory storage. The proposed building includes approximately 180,000 square feet of gross floor area. Finally, a Type I Preliminary and Final Plat has been submitted to plat a metes and bounds parcel into a platted lot with no changes in parcel boundaries or configuration.

HISTORY/BACKGROUND

The Bloomington HRA acquired the subject property for commercial redevelopment purposes. The property was previously being operated as a hotel, the Days Inn. The hotel ceased operation and was demolished, as the previous building was deemed structurally unsound and unsafe.

To allow the subject development to be feasible from a Code perspective, the applicant previously applied for a privately initiated City Code Amendment to create and define motor vehicles sales, high density as a new use category. The City Council approved the privately initiated City Code Amendment on November 29, 2021 (Ordinance #2021-38). The applicant subsequently submitted

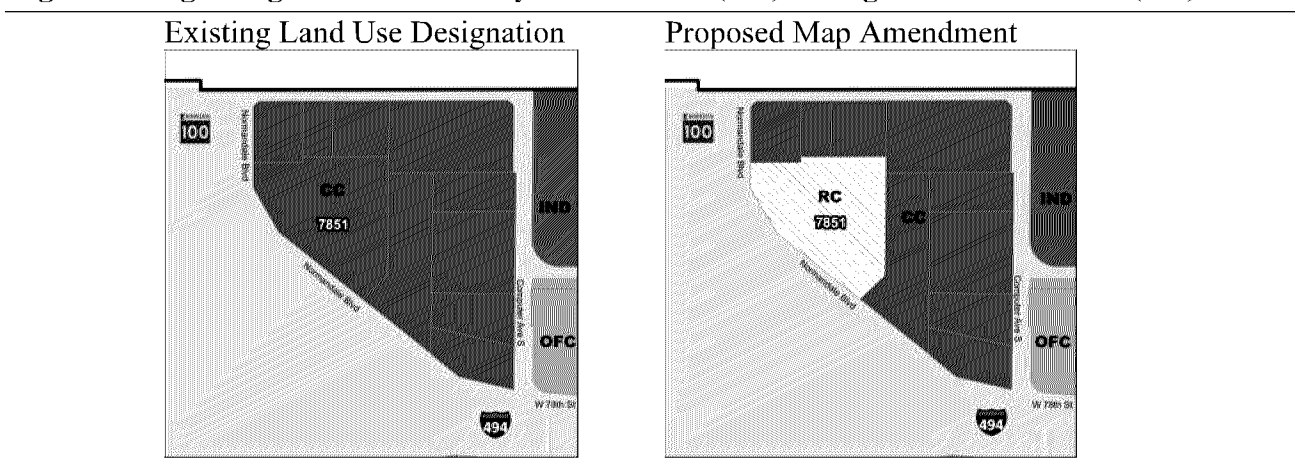
the subject application following the approval of the City Code Amendment, creating the high density motor vehicle sales use.

ANALYSIS

Comprehensive Plan Amendment

To facilitate the development of a high density motor vehicle sales facility, the application includes a Comprehensive Plan Map Amendment to reguide the subject property from Community Commercial (CC) to Regional Commercial (RC), as shown in Figure 1. The Regional Commercial (RC) land use designation allows automobile sales, whereas other commercial or business designations, including Community Commercial (CC), do not. As a result, reguiding 7815 Normandale Boulevard is necessary for a high density motor vehicle sales use to be established and the proposed development to proceed. The Regional Commercial designation requires close proximity to freeways and adjacency to arterial or collector roads. The site is served by Normandale Boulevard/West 78th Street, a major collector roadway, and is in close proximity (approximately ¼ mile) to State Highway 100 via Industrial Boulevard/West 77th Street. The subject property meets the access requirements of the Regional Commercial land use designation.

Figure 1: Reguiding from Community Commercial (CC) to Regional Commercial (RC)



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 Comprehensive Plan goals, 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.

Should the proposed development proceed according to the application documents, a new structure with higher land use intensity and density would be constructed in an appropriate and desired location for such intensity. In addition, the applicant estimates there would be an increase of employment at the subject site in the amount of approximately 60 jobs. This development and associated jobs would be a positive outcome for the City and local economy, with resulting benefits to the local hospitality, retail and service sectors. If completed as submitted, the proposed development supports Strategy 1.1 identified above. In addition, the development site is located in an established commercial corridor, Normandale Boulevard, with appropriate access and roadway capacity. The proposed land use is compatible with surrounding land uses (office, hotel, restaurant, etc.) to the north and east in the judgment of staff. No residential uses are currently present in the immediate vicinity, alleviating concern about any potential for land use conflict. In the judgment of staff, the proposed Comprehensive Plan Map Amendment is consistent with the goals and strategies of the Land Use Element.

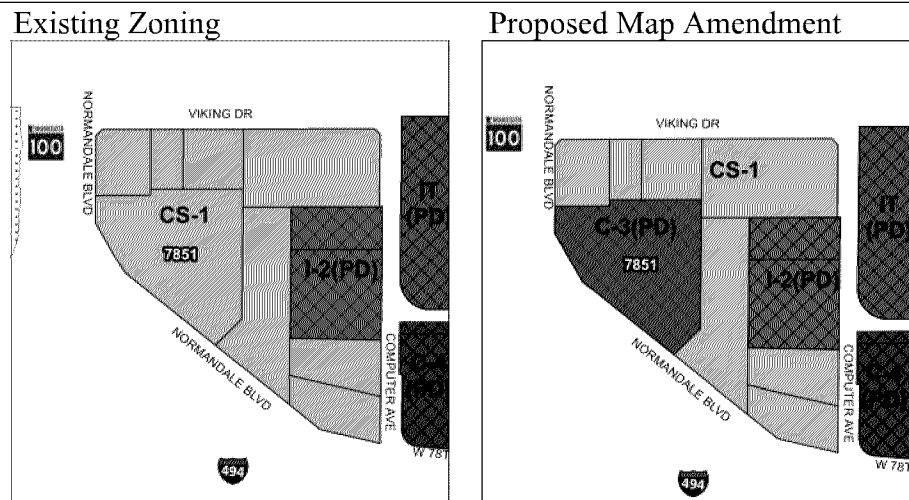
In addition to evaluating the goals and strategies, the City must evaluate the public benefit associated with the Comprehensive Plan Map Amendment and associated development. As noted above, an increase of employment of 60 jobs at the subject property is a benefit to the local economy. Commercial development on the site with a floor area ratio (FAR) of over 1.0 is representative of the development intensity the City desires on sites along major roadways with close proximity to freeway access. Completing the full extent of the Preliminary and Final Development Plans objectively provides a public benefit that merits the support of the Comprehensive Plan Map Amendment.

Notice of the proposed Comprehensive Plan Map Amendment was provided to adjacent and affected jurisdictions and governmental units on December 13, 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.

Land Use/Rezoning

In addition to the reguiding request, the application requests a rezoning from CS-1 to C-3(PD), as shown in Figure 2. Motor vehicle sales, high density is a permitted use in the C-3 zoning district. The C-3 zoning district is intended to provide an opportunity for high intensity retail uses in high profile locations near freeway corridors and interchanges. There are only five sites in the City zoned C-3. The inclusion of the Planned Development (PD) Overlay Zoning District is necessary and associated with the Preliminary and Final Development Plans submitted as part of the development application.

Figure 2: Rezoning from CS-1 to C-3(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 application includes a request to reguide the subject property from Community Commercial (CC) to Regional Commercial (RC). Regional Commercial is the appropriate guidance for a high density motor vehicle sales facility. Most major automobile sales facility sites 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-3 zoning district would be consistent with the guidance of the Comprehensive Plan.

The CS-1 zoning district was developed and adopted in 1981 and is located in Chapter 19 of the City Code. The C-3 district was adopted recently and is in Chapter 21. Motor vehicle sales, high density is a permitted use in the C-3 zoning district, whereas it is not permitted in the CS-1 district. Both districts are intended for and allow uses that benefit from close proximity to freeways, but the CS-1 district does not require a minimum floor area ratio (FAR). Without a minimum FAR, development with lower intensity or floor area is feasible, which is not appropriate given the high profile location in close proximity to the freeway. The C-3 zoning district has a minimum FAR of 0.5. High density motor vehicle sales facilities must have a minimum FAR of 0.6 per the use definition (Sec. 19.03).

Evaluating a public benefit associated with the proposed rezoning, the subject development's benefit is strictly focused on increasing employment and building floor area at a high profile location near a freeway interchange in Bloomington. These development aspects provide a public

benefit to Bloomington's economy and property value base. Staff recommends approval of the rezoning action based on these factors.

Preliminary and Final Plat

In conjunction with the Preliminary and Final Development Plans for the new high density motor vehicle sales facility, Type I Preliminary and Final Plat applications have also been submitted to plat the existing metes and bounds parcel into a platted lot with no change in parcel boundaries. The proposed plat, BLOOMINGTON CROSSROADS ADDITION, 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 issuing 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. Per the review and approval processes established in City Code (Sec. 22.08) for a Type I plat, the Planning Commission had no review responsibility for the subject plat applications. The Planning Commission did not take formal action on the plat applications as a result.

Code Compliance

The Preliminary and Final Development Plans for the proposed high density motor vehicle sales facility and associated site improvements have been reviewed according to the C-3 zoning district standards and other applicable performance standards in City Code. Table 1 reviews project characteristics against the definition of a high density motor vehicle sales facility to ensure conformance. Table 2 identifies the project characteristics that comply with City Code requirements as presented. Table 3 identifies formal requests by the applicant for flexibility through the PD Overlay Zoning District. Finally, Table 4 identifies project characteristics that do not comply with City Code requirements. The following staff report sections provide additional detail and discussion regarding Code compliance, as well as an analysis of requests for flexibility.

Table 1: City Code Analysis – High Density Motor Vehicles Sales Definition (Sec. 19.03)

Standard	Proposed
Multi-Level, Fully Enclosed Structure	4 stories and fully enclosed
Minimum Floor Area Ratio (FAR) – 0.6	1.03
Maximum Automobile Inventory Outdoor Display 30 vehicles	Unknown
Maximum Vehicle Repair Area – 25 percent of total floor area – 45,164 square feet	16.5 percent (29,763 square feet)

Standard	Proposed
Overhead Service Doors – No more than three facing public street, with no more than two within 50 feet of each other	Three service doors facing Normandale Boulevard, with only two within 50 feet of one another

Table 2: City Code Analysis – Site and Building Characteristics in Compliance

Standard and Code Section	Proposed
Minimum Site Area – 40,000 square feet (Sec. 21.301.01(d))	175,142 square feet
Minimum Site Width – 100 feet (Sec. 21.301.01(d))	606 feet
Structure Setbacks - (Sec. 21.301.02(e)) Front – 35 feet Rear – 20 feet Side – 20 feet	Front (southwest) – 125 feet Rear (north) – 52 feet Side (east) – 30 feet
Maximum Impervious Surface Coverage 95 percent (Sec. 21.301.01(d))	63.4 percent
Minimum Building Floor Area – 20,000 square feet (Sec. 21.301.01(d))	180,000 square feet
Maximum Building Height – No limit (Sec. 21.301.10(b)(1)(A))	66.8 feet
Exterior Building Materials and Finish – Glass, stucco, stone, brick, architectural concrete (excluding tilt-up) and metal (Sec. 19.63.08(c))	Glass, architectural concrete and metal
Minimum Parking Requirement – 89 parking spaces (see Table 5) (Section 21.301.06(d))	118 parking spaces
Minimum Parking Stall Size – 9 by 18 feet (Section 21.301.06(c)(2)(C))	9 feet by 18 feet
Minimum Drive Aisle Width – 24 feet (Section 21.301.06(c)(2)(C))	24 feet
Sidewalk Width (Private) – Five feet or seven feet when abutting parking stalls (Sec. 21.301.04(d)(1)(B))	Five and seven feet

Standard and Code Section	Proposed
Minimum Landscaping Requirement 70 trees and 175 shrubs (Sec. 21.301.15(c)(2))	70 trees and 225 shrubs ¹
Minimum Landscape Yard Along Street – 20 feet Rear/Side – 5 feet (Sec. 21.301.15(c)(4)(A))	Along Street (southwest) – 20 feet ² Rear/Side (north) – 0 feet ³

Table Notes: 1. Exact shrub count not verified without full planting schedule.
2. Based upon revised grading sheet dated 01/14/2022 submitted by applicant.
3. Reduced side landscape yard permitted via shared access/parking easement.

Table 3: City Code Analysis – Requests for PD Flexibility

Standard and Code Section	Proposed	Meets Standard?
Maximum Floor Area Ratio – 1.0 (Sec. 21.301.01(d))	1.03	Deviation requested – see further discussion

Table 4: City Code Analysis – Site and Building Characteristics Not in Compliance

Standard and Code Section	Proposed	Meets Standard?
Sidewalk Width (Public) – Eight feet along arterial and collector roadways (Sec. 21.301.04(Six feet (limited stretch along Normandale Boulevard)	No – see further discussion
Parking Island Trees – All islands must have one deciduous tree (Sec. 21.301.15(c)(7))	Two islands missing trees	No – see further discussion
Minimum Trash and Recycling Area 200 square feet (Sec. 21.301.17)	No trash area shown	No – see further discussion

Building Design

The proposed exterior materials for the high density motor vehicle sales facility are glass, metal panels, and precast architectural concrete panels, which are integral in color. Staff must verify precast panel #2, as shown in the architectural plans, complies with the definition of architectural concrete as noted in Section 19.03 of the City Code. The proposed exterior materials are otherwise compliant with City Code, so long as the metal panels proposed meet minimum durability, finish and warranty requirements. Staff is recommending a condition that the Planning Manager approve all exterior materials prior to the issuance of a building permit.

The City's Official Height Map governs the maximum building height allowed at the subject site (Sec. 21.301.10(b)(1)(A)). There is no structure height limit at the subject property. The proposed structure is four stories and 66.8 feet in height at its tallest point and is compliant. There are no limitations on crane height during construction in this location.

The application includes a request for PD flexibility to increase the maximum floor area ratio allowed in the C-3 zoning district from 1.0 to 1.03. The Planned Development (PD) Overlay Zoning District allows development applications to seek flexibility to expand or increase FAR up to a maximum of 20 percent above the base zoning district (Sec. 19.38.01(c)(2)). The subject request to increase FAR to 1.03 represents an increase of three percent, well below the maximum request allowed by Code. Based on the modest or minimal nature of the flexibility requested, and that the proposed development furthers economic and employment goals of the Comprehensive Plan, staff is supportive of the minor increase of floor area requested.

Access, Circulation, Sidewalks and Parking

The subject property is currently accessed via a driveway from Normandale Boulevard at the site's northwest corner. The existing driveway is proposed to remain and continue serving the new development. Access is also available from Viking Drive via an access easement across the abutting property to the north. Although it is unclear whether or not the shared access condition will continue, as the plans note an easement vacation. The site plan proposed allows full circulation around the building with Code-compliant drive aisles. The surface parking areas also include drive aisles that meet minimum width standards. Overall, the proposed access and circulation are adequate to serve the development.

New developments are required to provide public sidewalks along all public streets. However, when a nonresidential site meets certain criteria defined in City Code (Sec. 21.301.04(b)(1)(C)), the City Council has the authority to defer the construction of public sidewalks for nonresidential development. In this case, there is no existing public sidewalk system along Normandale Boulevard or West 78th Street to connect to in the immediate vicinity of the development site. In addition, an existing wetland located within the southern portion of the site and the Normandale Boulevard right-of-way would make construction of a public sidewalk in the typical location challenging. As long as the property owner provides a sidewalk/bikeway easement and enters into a petition and waiver agreement for future sidewalk construction, staff supports deferring the public sidewalk construction. The site plan does show a minor amount of public sidewalk (six feet in width) near the access drive in the northwest portion of the site. A private sidewalk connection is provided to the building, providing a benefit should public sidewalks be connected to the broader area to the north in the future. The site plan must show an eight-foot wide walk for the modest amount of public sidewalk shown.

The total off-street parking supply required for the proposed development is 89 parking spaces based on the mix of retail, office, warehouse and automotive repair uses. Table 5 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 118 surface spaces. The maximum

number of allowed automobile inventory or display spaces outside of the building is 30 spaces, as limited in the definition of a high density motor vehicle sales facility. Prior to issuing a building permit, a plan identifying the customer/employee parking locations, vehicles awaiting repair, and automobile inventory must be provided to confirm compliance with the use definition. On levels two through four of the building, 344 automobile inventory storage spaces would be provided. For the purposes of calculating the required level of off-street parking, there is no parking requirement associated with the automobile inventory spaces.

Table 5: Parking Quantity Analysis

Use	Standard	# of Units/Area	Parking Spaces Required
Retail	One space per 185 sq. ft.	3,680 sq. ft.	19.9
Office	One space per 185 sq. ft.	1,740 sq. ft.	6.1
High Intensity Office	One spaces per 165 sq. ft.	555 sq. ft.	3.4
Vehicle Repair (Minor)	Two spaces per bay plus one space per 300 sq. ft. in area outside of repair bays	21 bays and 4,634 sq. ft. of repair area	57.4
Warehouse	One space per 1,000 sq. ft.	2,160 sq. ft.	2.2
Parking Requirement			89 spaces
Parking Proposed			118 spaces

The development site is currently subject to joint access and parking easements on the north side of the property that benefit the abutting property to the north. The plans indicate all or a portion of these easements may be vacated. The Engineering Division must review any revised parking or access easement prior to recording. In addition, once an area previously subject to a joint access easement is removed from that easement, it must comply with minimum parking setbacks. It is likely some access easements must be retained for the northwestern most parking stalls (12 spaces) located on the abutting property to the north, but accessed on the subject property. Finally, the existing access easement along the site's eastern boundary is proposed to be expanded in cooperation with the abutting property to the east. The revised access easement must also be provided to staff and recorded prior to the issuance of a footing or building permit.

Landscaping, Screening and Lighting

Based upon the developable landscaping area (175,142 square feet) of the site, the required minimum landscaping quantities are 70 trees and 175 shrubs (Sec. 21.301.15(c)(2)). The submitted landscape plan shows 70 trees and area for approximately 225 shrubs, a compliant quantity of material. The final landscape plan version must include a full plant material schedule with all shrub locations to confirm compliance with respect to quantities. Two parking islands on the site 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 has minimal foundation plantings or landscaping along the western, street-facing elevation. A revised landscape plan correcting these deficiencies must be provided for Planning Manager approval prior to permit issuance.

The applicant previously was seeking PD flexibility to reduce the required front landscaped yard along Normandale Boulevard from 20 feet to 10 feet to allow for a stormwater management pond. The applicant has since revised the grading plan for the project to reconfigure the stormwater pond to a location that complies with the front landscaping requirement. As a result, the applicant has now withdrawn this request for flexibility. Condition of approval #17 has been revised to reflect that flexibility to the landscape yard requirements is no longer being requested.

Finally, a limited amount of proposed trees encroach into the powerline easement that runs along the southern and western portion of the site. Typically there are restrictions on the type of plant materials that can be planted within the easement. The design team should consult with the utility owner to verify the proposed trees are acceptable in the locations shown.

Regarding screening, the landscape plan shows that screening in the form of shrubs and perennials will be provided along the surface parking lot along Normandale Boulevard. All rooftop equipment visible from adjacent public or private streets and sidewalks must be screened (Sec. 21.301.18).

A preliminary photometric lighting plan has been submitted for review. The lighting plans show light levels meeting Code requirements in most locations (2.0 foot-candles for surface parking for customer parking). The light fixtures energy use must comply with the MN State Energy Code. Except for necessary security lighting, exterior lighting must be extinguished one hour after the close of business. Staff recommends a condition that the Planning Manager approve a lighting plan prior to issuance of a 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. The Stormwater Management Plan calculations and narrative are currently under review and appear to meet the City of Bloomington Comprehensive Surface Water Management Plan requirements. A Stormwater Maintenance Agreement will need to be provided, signed by the property owner and recorded at Hennepin County. This site is located within the Nine Mile Creek Watershed District, so an additional permit will be required prior to issuing a grading, footing/foundation or building permit.

Utilities

The subject property is served by City sanitary sewer and water service. The City Engineer must approve utility Plans prior to issuing grading or other building permits. The sanitary sewer connection being utilized runs across the private property to the north before connecting to the City service located within Viking Drive. To ensure proper rights of access and maintenance, a private

utility agreement, whether existing or revised, must be provided to the Engineering Division. Finally, the proposed building must have adequate fire hydrant coverage.

Traffic Analysis

A major collector roadway serves the subject property with adequate capacity for the proposed development. It is also within close proximity to a freeway interchange (State Highway 100 and West 77th Street). Landscaping material installed as part of the project must be done in a way that does not obstruct and maintains adequate sight lines for vehicles exiting the site and entering onto Normandale Boulevard. No significant impacts to the adjacent traffic patterns due to this building addition have been identified.

Transit and Transportation Demand Management (TDM)

This redevelopment will require a Tier 2 TDM plan per Section 21.301.09(b)(2) of the City Code, 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 of the Fire Code with a minimum 20 foot wide access around the building and be maintained in accordance with the approved plan, including a surface to provide all weather driving capabilities. Apparatus access roads shall be asphalt or concrete and support a minimum of 80,000 pounds with a turning radius to accommodate BFD ladder 3.

A looped water supply feeding a single, combined water service into the building(s) is required for the domestic and sprinkler system water demand. The applicant is proposing an enclosed vehicle storage area which will require sprinkler protection. Hydrant coverage must be provided within 150 feet of all exterior walls and within 50 feet of the fire department connection. Hydrant locations will be approved by the Utilities and Fire Prevention Divisions.

The building must be addressed plainly and visible from the street or road using numbers that contrast with the background. The numbers must be a minimum of four inches, be Arabic numbers or alphabetic letters with a minimum stroke width of 0.5 inches.

The applicant shall ensure the proposed landscaping plans don't interfere with access to the building. Knox boxes and annunciator panels will be required at the main entrance and other areas designated by the Fire Prevention Division. All stairwells shall have an access door to the interior on all floors, including the first floor. The Fire Code requires wet standpipe hose valves within 200 feet of all areas within the structure. Provide 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 insure 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 must not utilize loud outdoor 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 occur 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 the 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 general condition of approval that the facility comply with the operational requirements for motor vehicle sales facilities identified in the City Code.

Miscellaneous

Trash and recycling storage area accessible from within the building must be provided. No trash or recycling storage area is currently shown on the architectural plans. Staff is recommending a condition of approval requiring conformance to the City Code (Sec. 21.301.17) with respect to trash and recycling storage.

The development is subject to the signage provisions of the Class V Sign District (Sec. 19.114). Site and architectural plans both show freestanding and wall signage on the facility. The proposed freestanding sign does not meet the required 20-foot setback along Normandale Boulevard. If channel construction signs are selected, the wall signage is likely compliant. Staff recommends a condition all signage complies with Chapter 19 – Article X of the City Code.

Status of Enforcement Orders

The property is not currently subject to enforcement orders.

Public Correspondence

The City has received notices from 16 adjacent jurisdictions regarding the proposed Comprehensive Plan Amendment, all of which note they have no comment. A comment letter regarding the development was submitted by MnDOT noting various future projects in the area, which are not anticipated to impact the proposed development. The applicant is responsible to obtain necessary permits for any work in MnDOT right-of-way. Finally, the owner of the adjacent property located at 5241 Viking Drive submitted a letter objecting to the proposed development due to concerns of overuse of an existing shared access easement granting ingress-egress rights to the subject property. The applicant has worked with the owner of the adjacent property to reach an agreement where the easement would be revised to terminate ingress-egress rights, but maintain the easement for utility purposes. This agreement would be acceptable and supported by City staff and would bring resolution to the objection initially submitted by the adjacent property owner. Should the easement be revised, a copy of the easement must be provided to the Engineering Division.

Planning Commission Review

The Planning Commission held a public hearing on January 6, 2022. One member of the public spoke during the hearing in addition to the applicant team. The public speaker was not supportive of the project, but rather would reserve the site for an office or alternative use. Following discussion, the Planning Commission unanimously recommended approval of the project (Vote: 6-0). The full discussion of the Planning Commission can be found in the attached minutes.

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 reguide the site from the Community Commercial to Regional Commercial land use designation. Should the reguiding action be approved, a new high density motor vehicle sales facility 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 development site is not located within an area subject to an adopted district plan.

Required Finding	Finding Outcome/Discussion
(3) The proposed development is not in conflict with state law and 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 applicant requests a deviation regarding the floor area ratio (FAR) of the development. The modest increase in allowed floor area associated with the deviation to FAR requirements allows for the construction of a four-story, enclosed facility, offering economic and employment benefits consistent with the goals of the City’s Comprehensive Plan. The modest deviation to FAR requirements does not impose adverse development impacts to abutting or adjacent properties and is consistent with the intent of the district with respect to improved structure design. The minor deviation to increase the allowed FAR of the development is in the public interest and within the parameters allowed under the Planned Development Overlay Zoning District.
(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 subject development is proposed as a single phase of construction. The development is not dependent on any subsequent unit or phase.
(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.	Finding Made – The subject development site is served by Normandale Boulevard, a major collector 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 high density motor vehicle sales facility 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 high density motor vehicle sales facility would be subject to operational restrictions and performance standards pertaining to noise, repair activities, vehicle storage, and automobile loading/unloading activities. The subject development site is located within an existing commercial area with close proximity to a freeway interchange, facilitating ease of travel to and from the site. The development plans include landscaping and stormwater management plans that must 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 the site from the Community Commercial to Regional Commercial land use designation. Should the reguiding action be approved, a new high density motor vehicle sales facility 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 development site is not located within 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 application would rezone the site and create an approved Preliminary Development Plan to construct a high density motor vehicle sales facility. The Final Development Plan is consistent with the Preliminary Development Plan submitted.
(4) The proposed development is not in conflict with state law and 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 applicant requests a deviation regarding the floor area ratio (FAR) of the development. The modest increase in allowed floor area associated with the deviation to FAR requirements allows for the construction of a four-story, enclosed facility, offering economic and employment benefits consistent with the goals of the City’s Comprehensive Plan. The modest deviation to FAR requirements does not impose adverse development impacts to abutting or adjacent properties and is consistent with the intent of the district with respect to improved structure design. The minor deviation to increase the allowed FAR of the development is in the public interest and within the parameters allowed under the Planned Development Overlay Zoning District.
(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 subject development is proposed as a single phase of construction. The development is feasible as a complete unit without dependence on any subsequent unit or phase.
(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.	Finding Made – The subject development site is served by Normandale Boulevard, a major collector 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 high density motor vehicle sales facility proposed. The development is not anticipated to create an excessive burden on parks, school, streets, and other public facilities and utilities.

Required Finding	Finding Outcome/Discussion
(7) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	Finding Made – The new high density motor vehicle sales facility would be subject to operational restrictions and performance standards pertaining to noise, repair activities, vehicle storage, and automobile loading/unloading activities. The subject development site is located within an existing commercial area with close proximity to a freeway interchange, facilitating ease of travel to and from the site. The development plans include landscaping and stormwater management plans that must 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 – A Comprehensive Plan Amendment is requested to reguide the subject property to the Regional Commercial land use designation for a high density motor vehicle sales use. Following the approval of the Comprehensive Plan Amendment, 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 property 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 is not in conflict with existing easements.	Finding Made – New drainage/utility and sidewalk/bikeway easements are required by Code. The plat does not conflict with private access, parking and utility easements of record. The plat is not in conflict with existing easements.
(5) There is adequate public infrastructure to support the additional development potential created by the plat.	Finding Made – The subject property is served by a major collector road and City sanitary sewer and water, all of which have adequate capacity for the development proposed. There is adequate public infrastructure to support the additional development potential created by the plat.
(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 storm water storage needs.	Finding Made – The proposed development is required to meet minimum landscaping and stormwater management requirements. The plat design mitigates potential negative impacts on the environment.
(7) The plat will not be detrimental to the public health, safety or welfare.	Finding Made – The plat is not anticipated to be detrimental to the public health, safety or welfare.

Required Finding	Finding Outcome/Discussion
(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 preliminary plat findings.

RECOMMENDATION

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

Motion made by _____, seconded by _____, in Case #PL2021-251, I move to adopt a resolution approving a Comprehensive Plan Map Amendment to reguide 7851 Normandale Boulevard from Community Commercial to Regional Commercial.

Motion made by _____, seconded by _____, in Case #PL2021-251, I move to adopt an ordinance rezoning 7851 Normandale Boulevard from CS-1 to C-3(PD).

Motion made by _____, seconded by _____, in Case #PL2021-251, I move to adopt a resolution authorizing summary publication of an ordinance rezoning 7851 Normandale Boulevard from CS-1 to C-3(PD).

Motion made by _____, seconded by _____, in Case #PL2021-251, having been able to make the required findings, I move to approve Preliminary and Final Development Plans for a four-story high density motor vehicle sales facility located at 7851 Normandale Boulevard, subject to the conditions and Code requirements attached to the staff report.

Motion made by _____, seconded by _____, in Case #PL2021-251, having been able to make the required findings, I move to approve the Preliminary Plat and adopt a resolution approving the Final Plat of BLOOMINGTON CROSSROADS ADDITION, subject to the conditions and Code requirements listed in the resolution.

RECOMMENDED CONDITIONS OF APPROVAL

Case #PL2021-251

Project Description: Comprehensive Plan Map Amendment to reguide 7851 Normandale Boulevard from Community Commercial to Regional Commercial; Rezone from CS-1 (Community Service) to C-3(PD) (Freeway Commercial Center) (Planned Development); Preliminary and Final Development Plans for a four-story high density motor vehicle sales facility; and Type I Preliminary and Final Plat to plat a metes and bounds parcel into a platted lot.

Address: 7851 Normandale Boulevard

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

1. Prior to Permit A Site Development Agreement, including all conditions of approval, must be executed by the applicant and the City and must be properly recorded by the applicant with proof of recording provided to the Director of Community Development.
2. Prior to Permit A building permit for 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 Public sidewalk installed along Normandale Boulevard must be eight feet in width (Section 21.301.04(d)(1)(A)).
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 prior to issuance of the C/O.
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 surface 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 no more than 30 automobile inventory storage spaces.
17. Prior to Permit Landscape plan, including trees in all parking islands, must be approved by the Planning Manager and landscape surety must be filed (Sec 21.301.15).
18. Prior to Permit Parking lot and site security lighting plans must be revised to satisfy the requirements of City Code Section 21.301.07.
19. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
20. Prior to Permit All trash and recyclable materials must be stored inside the principal building (Sec. 21.301.17).
21. 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 a footing, foundation or building permit (22.03(a)(2)).
22. Prior to Permit Any revised private common driveway/access/parking agreements be filed with Hennepin County and proof of filing provided to the Engineering Division prior to the issuance of a footing, foundation or building permit.
23. 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).
24. 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.
25. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
26. 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.
27. Prior to C/O All rooftop equipment must be fully screened (Sec. 21.301.18).
28. Prior to C/O A private common utility easement/agreement must be provided for any utility connections crossing private property.
29. Ongoing Facility must comply with operational standards for motor vehicle sales use specified in Section 21.302.01 of the City Code.
30. 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.
31. Ongoing All construction related pickup, drop-off, loading, unloading, staging, stockpiling and parking must occur on site and off public streets.
32. Ongoing Alterations to utilities must be at the developer's expense.
33. Ongoing Signs must be in compliance with the Class V Sign District (Sec. 19.114).
34. Ongoing Development must comply with the Minnesota State Accessibility Code.

The following conditions of approval are recommended for the Preliminary and Final Plat of BLOOMINGTON CROSSROADS ADDITION:

1. 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.
2. Prior to Recording A consent to plat form from any mortgage company with property interest must be provided.
3. Prior to Recording Public drainage and utility easements must be provided as approved by the City Engineer.
4. Prior to Recording Public sidewalk and bikeway easements must be provided along all street frontages as approved by the City Engineer.
5. Prior to Recording Park dedication must be satisfied.