

## GENERAL INFORMATION

Applicant:	Stuart Companies (Developer) Bloomington Housing and Redevelopment Authority (Owner)
Location:	1801 and 1851 American Boulevard West
Request:	<ol style="list-style-type: none"><li>1. Comprehensive Land Use Guide Plan Amendment to change the land use designation from Community Commercial to High-Density Residential;</li><li>2. Rezone from C-5 and C-5(PD) to RM-100(PD) High-Density Residential (Planned Development);</li><li>3. Preliminary and final development plans for a four-story, 99-unit apartment building.</li></ol>
Existing Land Use and Zoning:	Vacant commercial land; zoned C-5 Freeway Mixed Use and C-5(PD)
Surrounding Land Use and Zoning:	North – Retail; zoned C-5(PD) South – Multiple family residential; zoned C-5(PD) East – Auto sales facility; zoned C-5(PD) West – Restaurant; zoned C-5(PD)
Comprehensive Plan Designation:	Community Commercial

## CHRONOLOGY

Planning Commission	06/22/2023 – Public hearing held - Recommended the City Council adopt a resolution amending the Comprehensive Land Use Guide Plan, adopt an ordinance rezoning the property, and approve preliminary and final development plans for a 4-story, 99-unit apartment building.
City Council	07/24/2023 – Public hearing scheduled

## DEADLINE FOR AGENCY ACTION

Application Date:	05/16/2023
60 Days:	07/15/2023
120 Days:	09/13/2023
<b>Applicable Deadline:</b>	<b>09/13/2023</b>

Newspaper Notifications: Confirmed – (06/08/2023 and 07/13/2023 Sun Current – 10-day notice)  
Direct Mail Notification: Confirmed – (500 buffer – 10-day notice)

## STAFF CONTACT

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## PROPOSAL

In collaboration with the City of Bloomington Housing and Redevelopment Authority (HRA), Stuart Companies proposes a four-story, 99-unit apartment building with one level of underground parking at the southwest corner of American Blvd. W. and Knox Avenue. The proposed building would be located at a minimal setback along Knox Avenue and 80 ½ Street. Surface parking would be located between the building and American Boulevard West. Nine affordable units at 50 percent area median income (AMI) level are proposed, meeting the Opportunity Housing Ordinance (OHO) requirement.

The Comprehensive Land Use Guide Plan designation must be amended from Community Commercial to High-Density Residential to allow the proposed redevelopment. The site must be rezoned to RM-100(PD) High-Density (Planned Development), given the proposed 55 units/acre. Preliminary and final development plans must also be approved. While City and Council maps depict two parcels, 1801 and 1851 American Blvd. W., the site has been replatted into one-lot. Notices, as well as this report, refer to the two addresses to avoid confusion as to where the redevelopment is proposed.

Transit access is excellent at the site. The Knox Ave. and American Blvd. West Orange Line station is located immediately next to the building along Knox Avenue. The 4P, 534, 538, and 542 bus routes are available along American Blvd. W.

## ANALYSIS

### Land Use

The site previously served as a bank with drive-through lanes that was converted to an auto dealership. The HRA purchased the site and prepared it for redevelopment. Although proposed as a planned development independent from adjacent sites, this redevelopment would serve as a continuation of The District, the apartment development immediately to the south.

Figure 1 depicts the current and proposed land use designation. When a Comprehensive Plan Amendment is proposed, staff reviews the plan policy guidance. Staff also sought guidance from the Penn-American District Plan, which is incorporated within the Comprehensive Plan. The Penn-American District Plan and Comprehensive Plan establish a vision and policies that support the proposed apartment building:

**1. Residential Land Uses:**

The District is intended to provide multi-family development that is pedestrian-oriented and mixed-use with excellent access to transit, jobs, and convenient goods and services. Ninety-nine residential units would be added immediately adjacent to an Orange Line BRT station. Goods and services, including a grocery store, are a short distance from the site.

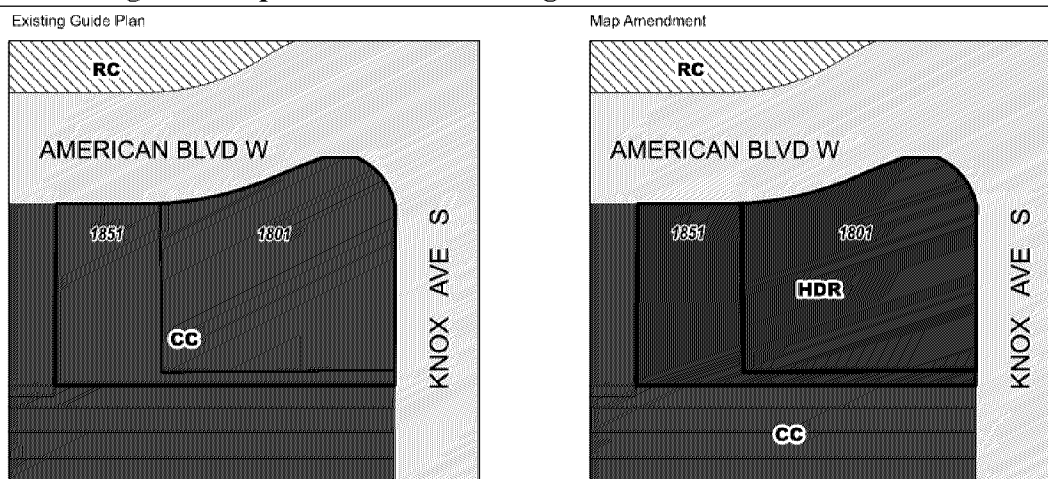
**2. Future Development Concept:**

The apartment development uses existing infrastructure while significantly increasing the District's density and land use intensity. The proposed development would replace what was a small bank with a large surface parking lot with 99 units of transit-supporting housing.

**3. Support for affordable housing (Comprehensive Plan Sections 3.1, 3.5, and 3.7):**

It is a City of Bloomington policy to support the retention and construction of affordable housing. The proposed project would be consistent with the City's objective to add more affordable housing. It would bring the City closer to meeting goals established by the Metropolitan Council by adding 9 units affordable housing at or below a 50 percent AMI level.

**Figure 1: Existing and Proposed Land Use Designation**

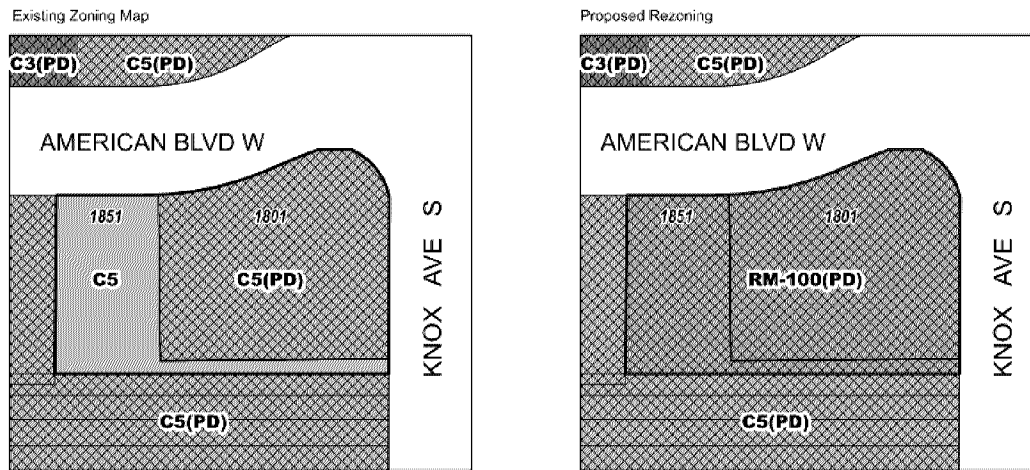


**Rezoning**

Figure 2 depicts the existing and proposed zoning designation. The properties must be rezoned to

accommodate the proposed development. Provided the City Council approves the Comprehensive Plan Amendment to High-Density Residential; the proposed RM-100 zone would be the most consistent zoning district for the proposed development – the City’s first site zoned RM-100. The development would entail 55 units/acre, which is consistent with RM-100 density ranges.

**Figure 2: Existing and Proposed Zoning Designation**



### Code Compliance

The proposed development complies with most City Code development requirements in the RM-100 zoning district when applying OHO development incentives. Table 1 provides a Code analysis of items that meet or exceed the City Code or necessitate minor revisions. Table 2 identifies non-compliant items where deviations from City Code are requested.

**Table 1: City Code Requirement Compliance Analysis for RM-100 Development**

Standard	Code Requirement	Proposed	Compliance
Minimum site area	60,000 square feet – with OHO incentive applied	78,692 square feet	Yes
Site width	200 feet	232 feet	Yes
Density	50 minimum/100 maximum dwelling units/acre	55 units/acre	Yes
Building setback	10 feet or width of a public easement	20.2 feet – Knox Ave. 10.4 feet – 80 ½ St.	Yes
Impervious surface coverage	95 percent maximum	80.2 percent	Yes
Open space	22,275 square feet – with OHO incentive applied	26,979 square feet	Yes

Standard	Code Requirement	Proposed	Compliance
Landscaping	31 trees 79 shrubs	32 trees 129 shrubs	Yes – see comments below regarding the landscape yard
Parking	135 stalls – with OHO incentive applied	156 stalls	Yes
Enclosed parking	50 – with OHO incentive applied	50 stalls	Yes
Trash and recycling	Interior	Collected and stored on the first floor	Yes
Retaining wall setback	< 4 feet – 5 feet > 4 feet – 10 feet	20.4 feet	Yes
Sidewalks	8 along American Blvd. and Knox; 7 feet along parking stalls; 5-foot sidewalk connection	8 feet minimum along American, 7 feet along parking stalls; 5-foot sidewalk connection	Yes
Storage space – other than what is provided in units	50 units – with OHO incentive applied	50 storage units	Yes

**Table 2: City Code Requirement Compliance Analysis**

Standard	Code Requirement	Proposed	Compliance
Parking lot setback – American Blvd.	20 feet	6 feet	Development flexibility requested
Parking lot islands	Parking islands must be 8-feet inside of curb to inside of curb with a deciduous tree	One island proposed to be used for trash pick-up, pedestrian connection islands only 7.7 feet wide	Development flexibility requested for trash pad; minor revision needed for narrow island

**Opportunity Housing Ordinance and Incentives**

With 99 units, nine affordable housing units at 60 percent AMI or below are required to comply with the Opportunity Housing Ordinance. The application proposes nine affordable units, but at a 50 percent AMI level, which allows the applicant to request certain development incentives. The site qualifies as a Tier I Designated Transit Area under the OHO given its location along the Orange Line.

The Affordable Housing Plan, included within the packet, provides detailed information on how the project relates to the OHO. Requested OHO Incentives include:

- Parking stall reduction
- Site area reduction
- Open space reduction
- Alternative exterior materials allowance (west elevation only)
- Storage space reduction
- Land write down.

The Affordable Housing Plan originally identified all affordable units as studios. However, this conflicted with the OHO's integration objective, which requires affordable units to be distributed across all unit types. The applicant subsequently revised the Affordable Housing Plan to propose three studio, three alcove, and three one-bedroom units, therefore, meeting the integration objective.

### **Building and Site Design**

The building design would continue the modern urban character seen with newer residential developments within the Penn-American District. The site is surrounded on three sides by streets – American Blvd., Knox Avenue, and W. 80 ½ Street. The challenge for such a site is creating a building that provides substantial street enclosure while providing enough parking. The priority was to provide the most building enclosure along W. 80 ½ Street and Knox Avenue. The RM-100 Zoning District requires a 10-foot setback or the width of a required easement, whichever is greater. The plan proposes a 10-foot setback along W. 80 ½ Street. An approximately 20-foot setback is proposed along Knox Avenue.

Staff preferred and suggested an “L” shaped building that provided additional building enclosure along Knox Avenue. The applicant considered this building orientation but noted the building configuration was not as efficient from a site planning perspective and was cost prohibitive. As an alternative, a retaining wall is proposed along the entrance to the underground parking as opposed to a guardrail or fence. Landscaping would be provided between the wall and the sidewalk in the landscape yard. At least six feet of elevation change will provide a sense of enclosure. The building location along Knox Avenue, retaining wall, and landscaping creates an enhanced pedestrian environment.

Proposed building materials include a mix of metal panels, stucco, glass, and fiber cement panels – a very similar palate as The District. The OHO only affords relief from exterior material requirements along the west building elevation – the only elevation not along a street. Provided the “primary” metal panels meet City finish warranty and thickness requirements, the development meets City Code requirements with the OHO incentive applied.

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

Landscaping, including trees, shrubs, grasses, and perennials, are provided, although staff does not support development flexibility to reduce the landscape yard in the northwest corner of the site from twenty to six feet. Fifteen compact surface parking stalls are located along this area. It is understandable why the parking lot proposed the reduced landscape yard – it aligns with the surface parking lot immediately to the west at Red Lobster. However, the proposal is a full redevelopment, and City staff generally do not support such small parking lot setbacks.

In addition to the setback, staff commented on the lack of landscaping within the six-foot area. In response, the applicant's revised plan depicts a three-foot screening fence with a row of Juniper shrubs. It is not clear if the fence is fully opaque or more decorative. A screen fence with a row of shrubs may be an acceptable option, if fully opaque. For the Planning Commission meeting, staff recommended a condition of approval that requires at least a 10-foot parking setback along American Blvd. to serve as a landscape yard. A 10-foot setback would still allow for some parallel parking stalls. However, the Planning Commission agreed with the developer that the parking lot setback and reduced landscape yard was adequate given the plan to include a screen fence and enhanced landscaping. Consistent with the Planning Commission's recommendation, staff has removed the recommended condition that would have required a greater landscape yard setback in the northwest corner of the site.

An exterior lighting plan was provided for review, but only exterior lighting. Photometrics plans are required for the underground parking as well. The site lighting plan provides an "initial" and a "maintained" plan with a 0.81 light loss factor. Code complying lighting plans for the site and parking structure were included. The plan must be signed by a professional engineer (PE) lighting professional (LC) before the electrical permit is approved. Apart from the landscape yard setback, the applicant is not seeking deviations from landscaping, screening, or lighting requirements.

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

Site access site would remain unchanged. The site is served by "right-in, right-outs" along American Blvd. W. and Knox Avenue. A full, signal-controlled intersection is nearby at Morgan Circle and American Blvd. W. The building takes advantage of some natural grade and would locate the parking ramp on the site's east side.

Table 3 identifies the unit mix, parking requirement, and the proposed City Code deviation. Given the level of affordability, the OHO provides a 15 percent reduction in parking. With 99 studio, alcove, and one-bedroom units, the baseline City Code requirement is 158 stalls. The applicant proposes 156. The 156 stalls are comprised of 50 stalls enclosed in a one-level parking structure, an 83-stall surface parking area between the building and American Blvd., and 23 angled stalls along W. 80 ½ Street that were previously allocated for this site. When the 15 percent OHO incentive is applied the Code requirement is 135. The plan provides 21 more stalls than required by the City Code after application of the OHO incentive.

**Table 3:** City Code Analysis for Required Parking Stalls

Parking Categories	Code Standard	Proposed	Code Required Parking Stalls
Studio/Alcove/One Bedroom Units	1.6 stalls/unit	99 units	158 stalls
Proposed Parking			156 stalls
Total Parking Required – with OHO Incentive (15% reduction)			135 stalls

**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 must 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.

There is a City owned pre-treatment structure located within W 80 ½ Street adjacent to the proposed development site. Care must be taken to keep construction related sediment out of the structure. City Staff will inspect the structure for sediment prior to construction as well as at the conclusion of construction activities. Any sediment found in the structure associated with construction activities will be the responsibility of the contractor to remove.

**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. Sanitary sewer service to the site would be provided via American Blvd. W. Based on the applicant’s estimated peak hour wastewater flows, the City sanitary sewer network capacity is sufficient to handle the increased flows from the proposed development. A looped water system for the proposed building will be required.

**Traffic Analysis**

The site is proposed to be served by two driveways onto a private driveway that runs along the west side of the parcel and connects to the American Blvd. W. on the north and W 80 ½ Street to the south.



A Penn-American District Traffic Study was previously completed that analyzed the traffic impacts associated with the development of the district and identified any operational changes needed to serve the district. When this study was completed, the proposed site was assumed to contain a potential mix of office, retail, and residential uses. Given the site is now being considered for strictly residential development the applicant provided a trip generation memo that analyzed this change in use and any potential impacts to traffic operations within the Penn-American District.

The trip generation memo concluded that there is adequate capacity on the adjacent roadway network to accommodate the trips generated from the proposed development. No significant impacts on the adjacent traffic patterns have been identified due to the proposed development.

### **Fire Prevention and Public Safety**

The access and circulation design must meet or exceed the minimum fire prevention standards and be maintained per the approved plan, including a surface to provide all-weather driving capabilities. Apparatus access roads must be asphalt or concrete and support a minimum of 80,000 pounds.

The applicant must provide an adequate water supply with a hydrant within 50 feet of the fire department connection and within 150 feet of any exterior wall. The Utilities and Fire Prevention Divisions will approve hydrants. A looped water supply feeding a single, combined water service into the building is required for the domestic and sprinkler system water demand.

The building must be addressed plainly and visible from the street or road using numbers contrasting with the background. The numbers must be a minimum of four inches and be Arabic numbers or alphabetic letters with a minimum stroke width of 0.5 inches. A Knox box will be required at the main entrances and other areas designated by the Fire Prevention Division.

Stairwell access doors must be provided into all stairwells on all levels including the first floor. The Fire Code requires standpipe hose valves within 200 feet of all areas within the structure.

Emergency responder radio coverage throughout the complex and in all structures per the requirements of Appendix L in the 2015 Minnesota State Fire Code must be provided.

The applicant must also ensure proposed landscaping plans do not interfere with access to the building. Any changes made to the current plans, including building location, access roads, water supply, and addressing, must be reviewed by the Fire Marshal to ensure continued compliance with the Fire Code.

### **Status of Enforcement Orders**

There are no open enforcement orders for the property.

## FINDINGS

### Required Preliminary Development Plan Findings – Section 21.501.02(e)(1-7)

Required Finding	Finding Outcome/Discussion
(1) The proposed development is not in conflict with the Comprehensive Plan	Finding made – Provided the Comprehensive Land Use Guide Plan is amended, there would be no conflict between the proposed development and the Comprehensive Plan. The proposed apartment building would be consistent with the proposed High-Density Residential designation.
(2) The proposed development is not in conflict with any adopted District Plan for the area	Finding made – Constructing a high-density apartment building on a vacant commercial lot is consistent with the Penn-American District Plan.
(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 proposed deviations would facilitate a development compatible with surrounding land uses and contribute to implementing the vision in the Penn-American District Plan. The building's height, density, placement, and design would contribute to the urban character of the area.
(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 is proposed to be completed in one phase and is not dependent upon a subsequent unit.
(5) The proposed development will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development	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.
(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. The development must meet stormwater requirements and the building design, building heights, and site circulation are consistent with multiple-family development 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 development is not in conflict with the Comprehensive Plan	Finding made – Provided the Comprehensive Land Use Guide Plan is amended, there would be no conflict between the proposed development and the Comprehensive Plan. The proposed apartment building would be consistent with the proposed High-Density Residential designation.
(2) The proposed development is not in conflict with any adopted District Plan for the area	Finding made – Constructing a high-density apartment building on a vacant commercial lot is consistent with the Penn-American District Plan.
(3) The proposed development is not in conflict with the approved preliminary development plan for the site	Finding made – The proposed development is proposed to be completed in one phase. The preliminary and final development plans are the same.
(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 proposed deviations would facilitate a development compatible with surrounding land uses and contribute to implementing the vision in the Penn-American District Plan. The building's height, density, placement, and design would contribute to the urban character of the area.
(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 planned development is proposed to be completed in one phase and is not dependent upon a 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.
(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. The development must meet stormwater requirements and the building design, building heights, and site circulation are consistent with multiple-family development within the City of Bloomington.

## **RECOMMENDATION**

The Planning Commission and staff recommend approval using the following motions:

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to adopt Resolution No. 2023-\_\_\_\_, approving a Comprehensive Land Use Guide Plan Amendment to reguide 1801 and 1851 American Blvd. W. from Community Commercial to High Density Residential.

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to adopt Ordinance No. 2023-\_\_\_\_, an ordinance rezoning 1801 American Blvd. W. from C-5(PD) Freeway Mixed Use (Planned Development) and 1851 American Blvd. W. from C-5 Freeway Mixed Use to RM-100(PD) High Density Residential (Planned Development).

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to approve preliminary and final development plans for a four-story, 99-unit apartment building located at 1801 and 1851 American Blvd. W., subject to conditions and Code requirements attached to the staff report.

## RECOMMENDED CONDITIONS OF APPROVAL

Case PL2023-68

**Project Description:** Comprehensive Land Use Guide Plan Amendment to reguide 1801 American Blvd. W. from the Community Commercial to the High-Density land use designation; Rezoning 1801 American Blvd. W. from C-5(PD) Freeway Mixed Use (Planned Development) to RM-100(PD) High-Density Residential (Planned Development); Preliminary and Final Development Plans for a four-story, 99-unit apartment building at 1801 American Blvd. W.

**Address:** 1801 and 1851 American Blvd. W.

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 Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 21.301.15).
4. Prior to Permit Parking lot and site security lighting plans must be revised to satisfy the requirements of City Code Section 21.301.07.
5. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
6. 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.
7. Prior to Permit A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division.
8. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
9. Prior to Permit Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
10. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
11. Prior to Permit An erosion control surety must be provided (16.08(b)).
12. Prior to Permit Deferred park dedication fee must be paid.
13. Ongoing All rooftop equipment must be fully screened (Sec. 21.301.18).
14. Ongoing All construction stockpiling, staging and parking must take place on site and off adjacent public streets and public right-of-way.
15. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.
16. Ongoing Alterations to utilities must be at the developer's expense.