



February 13, 2024

Enclave Companies
Brian Bochman
300 23rd Ave. E., Suite 300
West Fargo, ND 58078

Kaas Wilson Architects
Griffin Jameson
1301 American Boulevard East
Bloomington, MN 55425

RE: Case # PL2023-193 - 6701 West 78th Street

Dear Mr. Bochman:

At its regular meeting of February 12, 2024, the Council approved a Preliminary and Final Development for a five-story, 208-unit apartment building and detached 11,000 square foot daycare space and a conditional use permit for a 11,000 square foot daycare (Case # PL202300193).

The approval is subject to conditions that must be satisfied before issuing a Grading, Footing, Foundation, or Building Permit. While the conditions list includes selected City Code requirements of particular interest, the development must comply with applicable local, state, and federal codes.

Preliminary and Final Development Plans Conditions of Approval

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| 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 | Access, circulation and parking plans must be approved by the City Engineer. |
| 3. | Prior to Permit | A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division. |
| 4. | Prior to Permit | Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer. |
| 5. | Prior to Permit | An erosion control surety must be provided (16.08(b)). |
| 6. | Prior to Permit | Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 21.301.15). |
| 7. | 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.
8. Prior to Permit Applicant is required to submit a petition & waiver agreeing to be assessed for the costs of construction of the center median modifications within W 78th St needed to accommodate the proposed site access.
 9. 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).
 10. Prior to Permit 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).
 11. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
 12. Prior to Permit Parking lot and site security lighting plans must be revised to satisfy the requirements of City Code Section 21.301.07.
 13. Prior to Permit Tier 2 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
 14. 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).
 15. Prior to Permit Shore Area Permit must be obtained prior to any grading or Development activity in the shore area of Nine Mile Creek (Sec. 19.87.04).
 16. Prior to Permit Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
 17. Prior to Permit Three foot high parking lot screening must be provided along West 78th Street as approved by the Planning Manager (Sec. 21.301.15).
 18. Prior to Permit Snow storage areas must be identified on the plans for approval by the City Engineer.
 19. Prior to Permit At least five Level 2 electric vehicle charging spaces must be shown on the plans and provided on an ongoing basis.
 20. Prior to C/O Applicant must execute and record a deed restriction, in a form acceptable to the City, that maintains the affordability of the Opportunity Housing units created by the development, in conformance with Applicant's approved Affordable Housing Plan, for a period of at least 20 years.
 21. Prior to C/O Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
 22. 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.
 23. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and Approved by the Fire Marshal.
 24. Prior to C/O Eight-foot-wide must be installed along West 78th Street at the developer's expense and private sidewalks must comply with City

- Code (Sections 21.301.04(b)(1) and (2)).
- 25. Ongoing All loading and unloading must occur on site and off public streets.
 - 26. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 21.301.17).
 - 27. Ongoing All rooftop equipment must be fully screened (Sec. 21.301.18).
 - 28. Ongoing Compliance with MN Rules Chapter 7030 Noise Pollution Control Is required.
 - 29. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.
 - 30. Ongoing Opportunity housing units must not be charged for access to Underground parking stalls or storage spaces due to utilization of incentives in those areas by the applicant.

Conditional Use Permit Conditions of Approval

- 1. Prior to Permit Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
- 2. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 21.301.15).
- 3. Prior to Permit 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).
- 4. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
- 5. Prior to Permit Parking lot and site security lighting plans must be revised to satisfy the requirements of City Code Section 21.301.07.
- 6. Prior to Permit Food service plans for the day care must be approved by the Environmental Health Division (City Code Sec. 14.360).
- 7. Prior to Permit Building permit plans must show a Code compliant interior trash room within the day care facility.
- 8. Ongoing All loading and unloading must occur on site and off public streets.
- 9. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 21.301.17).
- 10. Ongoing All rooftop equipment must be fully screened (Sec. 21.301.18).
- 11. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.

Should you have any questions regarding this decision, please contact Elizabeth O'Day, Planner, at (952) 563-8919 or eoday@BloomingtonMN.gov.

Sincerely,



Glen Markegard, AICP
Planning Manager