



Development Review Committee

Approved Minutes

Development Application, #PL202400150

Mtg Date: 08/27/2024

McLeod Conference Room

Bloomington Civic Plaza

1800 West Old Shakopee Road

Staff Present:

Brian Hansen (Eng., Chair)	952-563-4543	Jennifer Blumers (Assessing)	952-563-8706
Laura McCarthy (Fire Prev)	952-563-4813	Mike Thissen (Env. Health)	952-563-8981
Pete Miller (Fire Prev.)	952-563-8967	Glen Markegard (Planning)	952-563-8923
Kelly Beyer (Bldg & Insp)	952-563-4519	Dakota Crowell (Planning)	952-563-8926
Julie Long (Eng)	952-563-4865	Michael Centinario (Planning)	952-563-8921
Tim Kampa (Utilities)	952-563-8776	Sarina Eschbach (Eng)	952-563-4607
Jordan Vennes (Utilities)	952-563-4533	Jordan Vennes (Utilities)	952-563-4533
Kevin Toskey (Legal)	952-563-4889	Lance Stanghor (Fire)	952-563-8969
Nicholas Redmond (Legal)	952-563-8784	Nicole Kastern (Comm. Dev.)	952-563-8503
Desmond Daniels (Police)	952-563-8848	Tim Bulger (Comm. Dev.)	952-563-8708
Jason Heitzinger (Assessing)	952-563-4512	Bruce Bunker (Eng)	952-563-4546
Kareem Sherard (Assessing)	952-563-4739		

Project Information:

Project	Luther Kia Expansion - 1701 American Blvd. W. - PDP/FDP
Site Address	
Plat Name	8033 Knox Avenue, 1601 and 1701 American Blvd W, and 1600 West 81st Street PANNEKOEKEN HUIS ADDITION; INFINITI SATURN ADDITION; INFINITI SATURN ADDITION; HYUNDAI ADDITION;
Project Description	Preliminary and final development plans to expand an existing auto sales facility (Luther Kia) at 1601 and 1701 American Blvd. W., 8033 Knox Ave., and 1600 W. 81st Street
Application Type	Preliminary Development Plan Final Development Plan
Staff Contact	Elizabeth O'Day
Applicant Contact	Kevin Shay kshay@landform.net <NO PRIMARY PHONE>
PC (tentative)	September 19, 2024
CC (tentative)	September 30, 2024

NOTE: All documents and minutes related to this case can be viewed at www.blm.mn/plcase, enter the permit number, "PL202400150" into the search box.

Guests Present:

Name	Email
Kelly French (Gries) – Architect – Gries Architectural Group	N/A
Steve Sabraski (Landform Professional Services)	ssabraski@landform.net
Linda McGinty (Luther Automotive)	N/A
William Griffith (Larkin Hoffman Attorneys)	wgriffith@larkinhoffman.com

Introduction: Mike Centinario (Planning):

Luther Kia is proposing a Preliminary and Final Development Plans to redevelop the existing Kia dealership at the corner of American Blvd. E. and Knox Avenue. The existing buildings would be demolished to accommodate a new 54,000 square foot, two-story dealership building. The building was moved to the south side of the parcel to accommodate for the existing dealership to be open during construction and to allow a sewer easement to expand sewer capacity within the Penn-American District. The applicant is not proposing to plat the property into one parcel. The proposed building would cross property lines.

Discussion/Comments:

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

- **Rena Clark (Park and Recreation):**

- Absent.

- **Jason Heitzinger (Assessing):**

- Jason Heitzinger asked, “We have no comments on the project. No new plat equals no park dedication fee. Are you guys trying to get shovels in the ground before the year ends or would this be a spring project?”
 - Steve Sabraski replied, “We are hoping to start construction this fall if we are able.”
 - Jason responded, “Sounds good, thank you.”

- **Mike Thissen (Environmental Health):**

- For the carwash - A noise source shall not exceed an L50 noise level of 60 dBA in the daytime (7:00 a.m. to 10:00 p.m.) and an L50 noise level of 50 dBA in the nighttime (10:00 p.m. to 7:00

a.m.) as measured at or within the applicable noise area classification at the point of human activity which is nearest the noise source. Noise must meet the city noise code standards.

(Section 10.29.02)

- **Kelly Beyer (Building and Inspection):**

- Kelly Beyer said, “I know you guys are wanting to start early. As soon as you have floor plans that are complete, I would apply for your SAC determination as soon as possible.”
 - Steve Sabraski inquired, “We were thinking of starting in late October/early November. Could we submit building plans concurrent as we’re running through the planning process so we can expedite that time-frame?”
 - Kelly asked Mike Centinario if Planning had any problem with that and stated, “We (Building & Inspection) don’t. Just know you have to wait for Planning approval.”
 - Mike Centinario replied, “You can submit your building permit plans. I just won’t start reviewing them until after the City Council takes action. But that’s not to say that you can’t work through some very initial stuff. I’m sure there are plan review fees that have to be paid on the front end. I’m not sure if there are any special inspections that need to be done on the front end. Your SAC determination can be determined. There’s definitely work that can be done but me personally, I just won’t start reviewing a permit until I know it’s approved by City Council.”
 - Steve said, “Thank you.”

- **Laura McCarthy (Fire Prevention):**

- See plans and comment summary for conditions. Emergency vehicle access, water supply and addressing continue to be important factors to our operations.”

- Linda McGinty asked, “What fire station serves this location?”
 - Laura answered, “You are tied between stations 1 and 4.”
 - Linda asked, “So in terms of you needing access to this site --”
 - Laura responded, “Provide adequate turning radius for Ladder 3.”
 - Linda queried, “For those two stations, do the trucks usually come from the east or the west or the north? Or directionally where do they come from?”
 - Laura shared, “We do closest unit dispatched so they can come from any direction. But mostly I would anticipate the responding fire units will approach from either 82nd street or American Blvd.
- **Desmond Daniels (Police):**
 - No comments.
- **Kevin Toskey (Legal):**
 - The development does not meet the Floor Area Ratio. Code 21.302.01(k) requires a minimum of 0.6 for existing auto dealerships. The floor area ratio is 0.22. The applicant has requested a deviation through the planned development process and has addressed the required findings to reduce the minimum FAR requirement.
 - The street enclosure along Knox Avenue (primary) is 29% where 50% is required. The street enclosure along W 81st Street is 30% and has been met. Knox Avenue is an important and primary street as identified in the Penn-American District Plan. In order to further the goals and intent of the Penn-American District Plan and frame the Knox Avenue streetscape, staff

strongly suggests increasing the street enclosure to match the southern façade of the apartments across Knox Avenue (1801 American Blvd) to be much closer to the minimum street enclosure requirement. This would bring the street enclosure percentage from 29% to approximately 47%.

- Kevin said, “There were a couple issues with floor area ratio and street enclosure that require some findings that the City Council has to make. Just so everybody is aware of that. That’s what they’ll be working through with FAR and street enclosure but I’ll be working with Planning on that, I am sure.”

- **Matt Brillhart (City Clerk)**

- Absent.

- **Brian Hansen (Engineering):**

- Existing easements run through proposed building and some may be needed for future sanitary line? Some easements may be vacated. Contact Bruce Bunker at 952-563-4546 or bbunker@BloomingtonMN.gov for information regarding the Public Rights-of-Way Vacation Application. It is the responsibility of the developer to determine if private utilities exist in the easement prior to submitting the application. Developer/owner to provide legal description and Engineering staff will prepare vacation document.

- Brian Hansen added, “I know previously we had discussed this east-to-west alignment through the site for some potential utility improvements that the city was exploring. We also talked about potentially dedicating some easement area through the site to do those improvements. I know that our Utilities staff will go into more detail on that.

Based on the current sighting of the building, it looks like extending this 30’ easement towards Knox Ave wouldn’t be possible because it would run into some of the elements on the north side of the building , which could potentially cause some issues or require some additional dedication on the site to make the future improvement projects work. That’s just something we’ll have to continue to work with you guys on because before

we'll be able to vacate the easements needed to construct the building, we'll need to have some assurances that we can move forward."

- Show and label all easements.
- Show and label all property lines and easements on all plan sheets.
 - Brian stated, "Please make sure all existing easements are shown on your future civil plans. Just to ensure all the easements are identified and we don't have things encroaching into those easement areas."
- Public benches are outside of swk/bky easement. Are they public? Who maintains?
- No structures/benches within public easements.
 - Brian explained, "I know some of the benches are also security devices. Just make sure those are all located outside of easement areas. So they must be on private property. There is some clarification needed about whether those will be public or private (and maintained by Luther). So they'd be a public facility for someone to utilize to sit on. But just clarify the ownership of those."
- Provide stormwater management plan meeting the requirements of Bloomington Comprehensive Surface Water Management Plan.
- Submit a copy of Nine Mile Creek Watershed District permit and comments prior to issuance of City of Bloomington permits (www.ninemilecreek.org).
- An erosion control bond is required.

- There would be a safety benefit to close the access point at American Blvd - site would still be served with 2 access points. This plan does not demonstrate a need for a 3rd driveway.
 - Brian stated, “If that stays, it’s not the end of the world. That’s just a comment from our Traffic Engineering staff about if that is necessary for circulation and/or fire prevention. So if it’s a need from Fire to make sure they have access to the site, it can stay but just a comment because the intersection on American Blvd is a busier intersection. This site does seem to have good internal circulation off of Knox and 81st so it is a question to be considered but again, it depends on what we need from Fire.”
 - Laura McCarthy added, “We can certainly review that. And if the plan stays as it is currently, we can talk about what that looks like. But if the building moves, then the conversation changes again. But I think once you have the circulation and run ladder 3 though there, we can certainly look at that.”
 - Steve Sabraski said, “Access is really important for these auto dealerships. There’s a lot of activity from large trucks too and we want to provide additional access points for them to get to the site. We anticipate most of the truck transport delivery is probably going to be coming from I-35, up Knox and they’ll take a right in front of the building. It’s far enough away where it’s not interfering with a lot of pedestrian interaction. And then they would loop around back to 81st. But they may go north and take a right on American. The truck drivers may have multiple deliveries and there are other dealerships along American Blvd as well. So having those access points for getting to American makes a lot of sense.

Additionally, traffic that is either eastbound or westbound on American – for them to access the dealership, they would have to go south on

Knox and they're entering in from the back of the site, which is not ideal. So if we have that, and can maintain that access point on American Blvd, especially if ultimately, it ended up being a right-in, right-out, that would be ok with Luther. But we would like to preserve that access point if we could.

I don't know what the plan is for the other side of American Blvd. Like if there are going to be some modifications or if you anticipate that median will eventually go all the way through and left turn accesses will be eliminated. We'd be generally ok with that but a right-in, right out would still be preferred."

- Linda McGinty added, "That was the thought for the right-in, right out: It was recognizing that people stop short of that light to make that left-hand turn and sometimes that might be confusing to customers. So just by eliminating that, it just might make it a safer way to access the site."
 - Brian concluded, "Understood. It's just something we wanted to mention in conversation as we move forward if there's an opportunity or if it makes sense. But at this point, if there's a need for it or even if it's right-in, right out, we will have to dig more into that."

- **Jordan Vennes (Utilities):**

- Minnesota Department of Health (MDH) water permit/review may be required. Provide a copy of MDH approval letter or written confirmation from MDH that no permit/approval is required.

- Minnesota Pollution Control Agency (MPCA) sanitary sewer permit/review may be required.

Provide a copy of MPCA approval letter or written confirmation from MPCA that no permit/approval is required.

- Existing easements run through proposed building and some may be needed for future sanitary line? Some easements may be vacated. Contact Bruce Bunker at 952-563-4546 or bbunker@BloomingtonMN.gov for information regarding the Public Rights-of-Way Vacation Application. It is the responsibility of the developer to determine if private utilities exist in the easement prior to submitting the application. Developer/owner to provide legal description and Engineering staff will prepare vacation document.

- Jordan said, “Brian alluded to existing easements and the need for us to have a means to convey future wastewater flow from the Southtown area. There are a number of alternatives that are being looked at at this point. Nothing is selected but we are working on evaluating the feasibility of some of these. Just as Brian said, we need to make sure that if an existing easement is vacated, that what we need will be turned over to us in-kind.”

- Steve Sabraski stated, “Regarding the sanitary sewer option, the way the building is situated, it largely does preserve a similar alignment of running east/west through the site for a potential sanitary sewer expansion. We are willing and able to accommodate that. We left some corridors that would allow for that to happen. So we can present something but we’d like to know from you – what would you need? Just a 30’ swath through the site.

And then in addition to that, we would really like to minimize disruption once the store is open. So if there’s a way to collaborate and get some of this work

done concurrent with our project, that's what we'd really like to do if we can and I think we'd all benefit from that. Obviously, that would expedite your capacity through the system relatively quickly but we're willing to do what we need to do to make that happen."

- Brian Hansen responded, "We do recognize there is an east/west corridor across there but looking at some of the structure placement, I believe with a full 30-foot, there were some plans to do underground directional boring to minimize disruption to your site. Based on what is available currently, it wasn't clear if we would be able to accommodate that. We wouldn't want to have disruptive construction techniques like open trenches but I think less disruption was the benefit to having that 30' swath. I'm pretty sure we're not ready for that quite yet based on funding (unless something has changed) but I think in the future, when we do that work, we will consider the best way to minimize impact to you."

- Jordan Vennes added, "We don't anticipate a large change to capacity based on the changes proposed but getting that determination to us sooner than later would be helpful. Just because we are constrained at capacity currently so that would be great."

- Install hydrants to provide fire protection for entire building. Each hydrant covers 150-foot radius. Ensure 1 hydrant within 50' of building FDC.

- Jordan stated, "It looks like with what's proposed, the city-owned fire hydrant towards Irving Avenue is going away. In commercial areas, we consider a 150-foot coverage

radius for hydrants and coverage based on what's proposed here doesn't look phenomenal. We'd probably like to see something along the southeast portion of the building, likely near where the existing Irving Avenue hydrant is.

Along with that, there is an existing stub at that dead-end watermain that runs down Irving currently. We would like to see that stub retained in the event that watermain goes in along 81st in the future so if that's at all a possibility, we would love to see that."

- Laura McCarthy added, "That hydrant at Irving is also serving the property to the east. And if it's the one I think you're talking about, that one is critical to that property because it's really the only one they have. We did go and mark it for consideration that we're going to need to do something. So you've got Irving that's closer to that little cul-de-sac, there's a hydrant that's further north. It looks like it's a private one. On the right hand side."
 - Jordan said, "And I believe that one is retained."
 - Laura stated, "Ok. I think with that one, we just weren't sure what modifications we need to make sure that was. And I believe the one on Irving, we just marked that to be relocated depending on what the final project was for that. It was more the one that was to the north there, that circle. We need to maintain that so we just put that note on there for any changes that happen."

- **Mike Centinario (Planning):**

- The development does not meet the Floor Area Ratio. Code 21.302.01(k) requires a minimum of 0.6 for existing auto dealerships. The floor area ratio is 0.22. The applicant has requested a deviation through the planned development process and has addressed the required findings to reduce the minimum FAR requirement."

- The mixed use design features in the C-5 zoning district call for building transparency along primary frontages as 50% and secondary frontages as 25%. The applicant provided building transparency requirements on the exterior elevations. The table is not clear if the glazing is transparent. The spandrel glass would not meet building transparency requirements. The table must be modified to clarify the transparency.
- The street enclosure along Knox Avenue (primary) is 29% where 50% is required. The street enclosure along W 81st Street is 30% and has been met. Knox Avenue is an important and primary street as identified in the Penn-American District Plan. In order to further the goals and intent of the Penn-American District Plan and frame the Knox Avenue streetscape, staff strongly suggests increasing the street enclosure to match the southern façade of the apartments across Knox Avenue (1801 American Blvd) to be much closer to the minimum street enclosure requirement. This would bring the street enclosure percentage from 29% to approximately 47%.
 - Mike said, “These (street enclosure requirement and C-5 requirement) and are by-far our most prescriptive design standards. One of those is a building street enclosure and our Penn-American district plan says that Knox Avenue is a “primary street”. There’s a hierarchy of streets from an urban design perspective and the code requires that at least 50% of that street frontage be enclosed with the building. I believe the proposal is about 0.29, so it’s significantly less than what the code requirement is, which is something that we’re not comfortable with. We think it should be a greater number at least in-line with the building that’s under construction to the northwest. So that’s really the main issue.

There are findings that City Council would have to make for building enclosure exemptions, and this is a challenging site because you have public right-of-way on 3

sides. So naturally, we understand that unless you're proposing a massive, multi-story building, you're not going to have street enclosure on American, Knox and W 81st. But really, the only building enclosure that meets the standard is along W 81st. There is zero building enclosure on American and a substandard amount of enclosure on Knox. We understand that a floor area ratio (FAR) of 0.6 is a lot but there are findings that we'll be working through to reduce that FAR.

A couple of other clarifications we wanted to add: For the mixed use standard, we have building transparency requirements. We appreciate the amount of glazing that's being proposed along the western half of the building (the north elevation), where it's pretty much 100% glass. Then there's a substantial amount on the west side. But there are two types of glass – transparent and spandril – and the standard relates to transparent glass. So we want to make sure that is called-out in your building elevations to make sure you're meeting city code. If you aren't, you're pretty close but I just wanted to call that out to ensure that the transparency requirement is being met.”

- Steve Sabraski said, “Regarding the FAR, it's stated in here that we'll be seeking deviation through the plan development process. Correct me if I'm wrong but I don't think that's accurate. Doesn't Council have discretion to approve a reduction in the FAR without a PD?”
 - Mike answered, “That's right. There are specific findings and in the report and in the Council's discussion, they'll have to determine that those have been met to reduce the FAR. There's text in the code (it's located in the motor vehicle sales section where that 0.6 standard is) and below that, there are several

items that the Council can consider when evaluating if the reduction is appropriate.”

- Steve added, “We did include the descriptions of that criteria for each of those items in our project narrative. I encourage you to look at those and give any feedback you may have.”
 - Mike replied, “I will say we were impressed with the very detailed chart that you put together on what is code compliant and what is not. So we definitely appreciate the effort that was put into that.”
- Parking lot and exterior security lighting must meet Section 21.301.07. A minimum of 2.0 foot-candles is required on the parking surface (which may be reduced to 1.0 foot-candles for the outer perimeter of the parking lot. An initial (at 1.0 LLF) and maintained (0.81 LLF) lighting plan signed by an electrical engineering or certified lighting professional must be submitted prior to permit.
 - Mike said, “Lighting typically isn’t an issue because you more-or-less exceed the lighting standard by several times to ensure well-lit, safe lots.”
- Exterior materials must meet Section 19.63.08. Precast concrete is a secondary material and limited to 15% of each elevation. It appears that pre-cast concrete is more than 15%. A deviation may need to be requested. Also, metal panels need to meet additional review.

- Mike shared, “For the exterior materials of predominately the service area, I see you are proposing a pre-cast concrete. That’s considered a secondary material by city code and would require a deviation. We would need more details on what you’re proposing. And it’s a little bit different of an environment than, say, your Subaru dealership which was zoned industrial. So that was a permitted material. But if you recall when you did your Hyundai expansion, there was a deviation that was approved by City Council to allow a greater allowance for pre-cast concrete. So we would like a little more information on what you’re envisioning for that pre-cast to determine if city staff can recommend that deviation.”
 - Linda McGinty suggested, “In response to pre-cast, you are right, this has come up in the past. I don’t know if Building & Inspections has looked at the code in terms of meeting the energy code requirements. There aren’t a lot of other options that we see would work for our buildings. Like block wouldn’t work, as it’s not close to meeting the code the way it’s just structured. Pre-cast provides the insulation but I’m not aware of the downsides of pre-cast. I do know there are industrial-looking precasts but we aren’t going for that look. We’re looking for it to be more decorative, intricately colored, etc. Just hoping to maybe plant a seed for the city to look at adding that into the code with the decorative element to it as something that wouldn’t require the deviation in the future.”
 - Mike replied, “We have considered code language to permit precast as a “primary material”. There are so many grades. There is really high-quality precast and then there’s stuff that I don’t think you would ever be comfortable with doing. But it’s

all precast. So that's something we have to consider. We've supported deviations on precast in the past but we just don't want to assume we understand what you're proposing."

- Linda said, "Thank you. And we appreciate all the other times you've allowed it. Thank you very much."
- Mike shared, "We've had several meetings on these items but I will say, we were a little bit surprised when to-date all of the discussion was trying to expand the existing building on the northwest corner of the site but when the Applicant submitted their materials, we saw the building was shifted to the southwest corner of the site."
 - Linda McGinty stated, "I apologize, we didn't mean for the relocation to be a big surprise. We got the pricing and had to find a way to make it work. We've previously had phased projects and that's what we would've needed to do if the building was on the north side but relocating the building would decrease the cost and would have much less of a cost on our employees. It's so hard for them to work out of trailers and to work out of two sections of town.

Service is also a unique situation in itself. I know we talked about possibly needing parking across the street, which the city wasn't recognizing as an option.

And the duration of phased projects are also very difficult on a business, in terms of employees and customers. So those were some of the reasons for moving it to the south."

- Mike responded, "I definitely don't envy your position. I'm sure you had a lot of disgruntled customers and employees on the Hyundai project when you had

to use trailers to manage the expansion. But we will continue to discuss the primary concerns that we have from a Planning perspective.”

Brian Hansen opened the meeting up to questions/comments.

- Linda McGinty shared, “I know one of the things that are usually needed are car washes. We usually have the general managers pick the carwash which usually takes a while. But I think we’ll forgo that and make the selection to keep the ball rolling.”

Meeting adjourned.