



Development Review Committee

Approved Minutes

Development Application, #PL202300193

Mtg Date: 11/28/2023

McLeod Conference Room

Bloomington Civic Plaza,

1800 West Old Shakopee Road

Staff Present:

Brian Hansen (Eng., Chair)	952-563-4543	Jason Heitzinger (Assessing)	952-563-4512
Laura McCarthy (Fire Prev)	952-563-8965	Glen Markegard (Planning)	952-563-8923
Pete Miller (Fire Prev.)	952-563-8967	Liz O'Day (Planning)	952-563-8919
Kelly Beyer (Bldg & Insp)	952-563-4519	Michael Palermo (Port)	952-563-8924
Jordan Vennes (Utilities)	952-563-4533	Kaitlin Frost (Comm Dev)	952-563-8507
Kevin Toskey (Legal)	952-563-4889	Jason Schmidt (Port)	952-563-8922
Nicholas Redmond (Legal)	952-563-8784	Kenneth Niemeyer (Port)	952-563-4981
Renae Clark (Park & Rec)	952-563-8890	Veronica Martinez (Bldg & Insp)	952-563-8504
Desmond Daniels (Police)	952-563-8848	Deb Heile (Eng)	952-563-4628
Hillary Benson (Comm Dev)	952-563-8948	Sarina Eschbach (Eng)	952-563-4607
Michelle Benson (Comm Dev)	952-563-4749	Tim Kampa (Utilities)	952-563-8776

Project Information:

Project	Enclave Companies - Prelim/Final Development Plans/CUP - 6701 W 78th St
Site Address	6701 W 78TH ST, BLOOMINGTON, MN 55439
Plat Name	NINE MILE WEST 2ND ADDITION;
Project Description	Preliminary and Final Development for a five-story, 201-unit apartment building and detached 11,000 square foot daycare space and a conditional use permit for a 11,000 square foot daycare.
Application Type	Preliminary Development Plan Final Development Plan Conditional Use Permit
Staff Contact	Elizabeth O'Day
Applicant Contact	Griffin Jameson griffinj@kaaswilson.com
PC (tentative)	December 21, 2023
CC (tentative)	January 29, 2024

NOTE: All documents and minutes related to this case can be viewed at www.blm.mn/plcase, enter the permit number, "PL202300193" into the search box.

Guests Present:

Name	Email
Griffin Jameson	griffinj@kaaswilson.com
Brian Bochman (Enclave Companies)	brian@enclavecompanies.com

Introduction:

The applicant has applied for preliminary and final development plans for a five-story, 201-unit apartment building and a conditional use permit for a detached 11,000 square foot daycare at 6701 W 78th Street. A significant portion of the site is within the Nine Mile Creek wetland area.

There would be two access points off 78th Street that would serve the two buildings. They are proposing 200 stalls in an underground, one-level garage and 148 on the surface for a total of 348 stalls. They are showing a playground area for the daycare, a dog run, plaza and outdoor pool for the apartment building.

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.

- Renae Clark (Park and Recreation):
 - No comments
- Jason Heitzinger/Jennifer Blumers (Assessing):
 - We have calculated a park dedication fee of \$420,576 for this project. This number is subject to change if we receive any new information on the project.
- Erik Solie/Mike Thissen (Environmental Health):
 - Absent
- Kelly Beyer / Bernadette Gillespie / Duke Johnson (Building and Inspection):
 - When you have 80% plan completion, please give us a call prior to permit submittal.
- Laura McCarthy (Fire Prevention):
 - Provide adequate turning radius for all emergency vehicle access lanes (NE corner on 78th St)
 - Commercial daycare will require the building to be sprinklered with a full fire alarm system. Other requirements will be depended on occupancy classification.
 - On parking garage level for hose valve access, it looks like there are only 2 stairwells that terminate/end in the garage area, which doesn't meet our travel distance requirements. Our hose valves are 130 if they are dry pipe and 200 if they are wet. Based on our rough estimates, it looks like Stairwell A would be the best to come down to the garage level to have it in a stairwell and meet those hose valve requirements.
- Desmond Daniels (Police):
 - No comments.

- Kevin Toskey/Nicholas Redmond (Legal):
 - No comments.
- Christina Scipioni/Matt Brillhart (City Clerk)
 - Absent
- Brian Hanson (Engineering):
 - Submit a copy of Nine Mile Creek Watershed District permit and comments prior to issuance of City of Bloomington permits (www.ninemilecreek.org).
 - Provide stormwater management plan meeting the requirements of Bloomington Comprehensive Surface Water Management Plan. Settling BMP's, such as isolator rows, are not eligible for nutrient removal credit.
 - A National Pollutant Discharge Elimination System (NPDES) construction site permit and Storm Water Pollution Prevention Plan (SWPPP) must be provided.
 - Nine Mile Creek is impaired for chloride. Indicate on plan where snow storage will be provided and make considerations, such as using the sun and limiting melt water runoff across large impervious areas, in site design to decrease the amount of de-icing chemicals used for winter maintenance activities.
 - Propose 20' Sidewalk/Bikeway/Utility Easement
 - Provide a construction site circulation plan that includes the following: site access locations, vehicle circulation, pedestrian circulation, construction parking area, laydown/staging/delivery area, construction fencing limits.
 - Any requested sidewalk closure will only be considered for a limited duration and alternative access/TPAR will be required, as approved by the City Engineer.
 - Median modifications within W 78th St must be coordinated with the City and will be constructed by the City and the cost assessed to the property owner via a petition & waiver. The median modifications will allow for full access at the west driveway, right-in/right-out at the east driveway and all other median openings along the site frontage will be closed.
 - Show the wall dimensions. Walls taller than 4' in height need a separate permit and need to be designed by an engineer licensed in the state of MN.
- Jordan Vennes (Utilities):
 - Make watermain connection on opposite side of ex. gate valve (not shown, approx location marked) to create true looped system.
 - Abandon unused 2" copper service at main.
 - Check with Edina on diameter and status of service, consider reuse rather than proposed tap. If not reused, abandon at main.
- Kate Ebert (Public Health):
 - Absent
- Liz O'Day (Planning):
 - The Code requires a non-residential floor area ratio of .20 which would require 61,640 square feet of nonresidential use. The applicant is providing 11,000 square feet of a daycare and 6,226 square of amenity/common spaces within the apartment building. The applicant is requesting development flexibility to non-residential floor area ratio. Staff requests additional explanation on the reasoning for planned development flexibility.
 - The trees are located within the 20 foot drainage and utility easement. Relocate the material outside the easement. To achieve the required three-foot screen, consider shrubs or berm within the easement area.

- A three foot screen must be provided to shield vehicle headlights from W 78th Street. Parking lot screening must be a minimum of three feet and a maximum of four feet in height as Pre-application DRC PL202300193 measured from the adjacent finished surface of the parking area. When shrubs are used to provide the screen, such shrubs must be at least two feet tall at planting and anticipated to grow to at least three feet tall at maturity. (see City Code Section 21.301.15).
- 20 foot parking setback and building setback are measured from the property line, not the easement line. It appears that the curb is within the 20 foot setback. Shift this a couple inches to ensure a 20 foot setback.
- A minimum 20 foot landscape yard is required along all street frontages (see City Code Section 21.301.15).
- The conditional use permit and final development plans require a floor plan and daycare information in order to process the application. Submit the plans before Dec. 1st so staff can do a thorough review.
- Each parking lot island must be 8 feet wide (inside to inside measurements) and must have a minimum of one tree. Many of the parking islands are missing a tree.

Brian Hanson opened up the meeting to questions:

- Glen Markegard had a question for applicant.
 - Is there a plat coming forward in the future or will that be a separate application?
 - Brian Bochman said he will have to plat it because there will be a separate ownership entity for the commercial space vs. the housing space.

Meeting Adjourned



Comment Summary

Application #: PL202300193

Address: 6701 W 78TH ST, BLOOMINGTON, MN 55439

Request: **Preliminary and Final Development for a five-story, 201-unit apartment building and detached 11,000 square foot daycare space and a conditional use permit for a 11,000 square foot daycare**

Meeting: Post Application DRC - November 28, 2023
Planning Commission - December 21, 2023
City Council - TBD

NOTE: All comments are not listed below.
Please review all plans for additional or repeated comments.

Planning Review Contact: Elizabeth O'Day at eoday@BloomingtonMN.gov, (952) 563-8919

- 1) The five-story, 201-unit market rate apartment building entails a Preliminary and Final development Plans and conditional use permit for the detached 11,000 square foot daycare facility. This is a single-phase development.
- 2) An Affordable Housing Plan was submitted with the development application. The applicant would provide a mix of studio, one, two and three bedroom units. The development would provide 9% or 19 units at 60% AMI. The applicant would be taking advantage of OHO incentives.
- 3) Show location of a bike rack and bike rack detail on the plan.
- 4) Exterior materials must meet Section 19.63.08. The proposed materials of brick, metal panels, and concrete are approved and considered primary materials. The applicant is showing 85% primary and 15% secondary (fiber cement panels). The applicant is taking advantage of the OHO incentive for alternative materials on non-street facing sides to be 50% of less. Secondary materials (fiber cement) make up 41% of non-street facing elevations.
- 5) The Code requires a non-residential floor area ratio of .20 which would require 61,640 square feet of non-residential use. The applicant is providing 11,000 square feet of a daycare and 6,226 square of amenity/common spaces within the apartment building. The applicant is requesting development flexibility to non-residential floor area ratio. Staff requests additional explanation on the reasoning for planned development flexibility.
- 6) Landscaping provided is 86 trees and 213 shrubs (when removing the wetland area). A landscape surety is required.
- 8) All construction and post-construction parking and storage of equipment and materials must be on-site. Use of public streets for private construction parking, loading/unloading, and storage will not be allowed.
- 9) A minimum 20 foot landscape yard is required along all street frontages (see City Code Section 21.301.15).
- 10) Code requires 361 stalls for the apartment building. The OHO provides a 10% incentive for a total of 325 stalls. The applicant is providing 200 stalls in an underground, one-level garage and 148 on the surface for a total of 348 stalls. To date, the applicant has not provided information on the daycare. The daycare parking calculation is 1.2 spaces for each 10 program participants based on the facility's licensed capacity, plus 1 space per caregiver on the maximum shift. The parking requirement for the daycare will need to be included in the overall parking supply.
- 11) A Minnesota licensed civil engineer must design and sign all retaining walls 4-feet high and higher and setbacks for the principle structure must be provided.

- 12) Parking lot and exterior security lighting must meet Section 21.301.07. A minimum of 1.0 foot-candles is required on the parking surface (which may be reduced to 0.5 foot-candles for the outer perimeter of the parking lot.) A minimum of 3.0 foot-candles is required for the garage. A minimum of 2.0 foot-candles is required on the parking surface for the daycare (which may be reduced to 1.0 foot-candles for the outer perimeter of the parking lot). A maintained and initial lighting plan signed by a certified lighting professional or electrical engineer is required for review.
- 13) Each parking lot island must be 8 feet wide (inside to inside measurements) and must have a minimum of one tree. Many of the parking islands are missing a tree.
- 14) A three foot screen must be provided to shield vehicle headlights from W 78th Street. Parking lot screening must be a minimum of three feet and a maximum of four feet in height as measured from the adjacent finished surface of the parking area. When shrubs are used to provide the screen, such shrubs must be at least two feet tall at planting and anticipated to grow to at least three feet tall at maturity. (see City Code Section 21.301.15).
- 15) Shore area may be impacted.
- 16) Interior trash and recycling must be provided for both the daycare and apartment building (see City Code Section 21.301.17).
- 17) Refer to City Code for signage requirements. Please note that the Sign Code is undergoing a review. Please review the standards again prior to sign permit.
- 18) A landscape surety is required.
- 19) The trees are located within the 20 foot drainage and utility easement. Relocate the material outside the easement. To achieve the required three-foot screen, consider shrubs or berm within the easement area.
- 20) A fully enclosed, lockable storage space, located outside the unit must be provided for each dwelling unit. The storage space must have a minimum of a three foot horizontal dimension and a minimum of a four foot vertical dimension and be at least 96 cubic feet. The applicant is taking advantage of storage space reduction of 50%, or 101 units.
- 21) Residential uses may be integrated with nonresidential uses in either a vertical or horizontal configuration. On development sites where residential buildings are separated from nonresidential buildings, the primary public entrances of residential and nonresidential buildings must be linked with one another through direct pedestrian connections.
- 22) Sites must be designed to minimize the impact of nonresidential uses on residential uses through screening, separation, design or alternative techniques. Features that may create impacts and need to be addressed include, but are not limited to, headlights, lighted signs, loading areas, delivery areas, trash pick-up areas, drive throughs, menu boards and high traffic access drives. Depending on the layout of the daycare, screening may be required to shield the features from the residential units.
- 23) All rooftop equipment must be screened equal to the height of the equipment. (Section 21.301.18)
- 24) The Shore Area for Nine Mile Creek is defined as 50 feet from the top of bank of channel. Based on the plans submitted, it is possible that a shore area permit is required for construction of surface parking and grading/filling activities in the shore area. See Section 19.87.04 of the City Code.
- 25) Provide a plan for snow storage or indicate if it will be hauled off-site. Also, consider snow storage location with building shadow and slope to prevent over-utilization of salt.
- 26) The conditional use permit and final development plans require a floor plan and daycare information in order to process the application. Submit the plans before Dec. 1st so staff can do a thorough review.
- 27) 20 foot parking setback and building setback are measured from the property line, not the easement line. It appears that the curb is within the 20 foot setback. Shift this a couple inches to ensure a 20 foot setback

Building Department Review Contact: Duke Johnson at djohnson@BloomingtonMN.gov, (952) 563-8959

- 1) Sprinkler protection may be required for porte cochere - see Fire Marshal for more details.
- 2) 502.6 Vertical clearance.
A vertical clearance of 98 inches (2490 mm) minimum shall be provided at the following locations:

1. Parking spaces for vans.

2.The access aisles serving parking spaces for vans.

3.The vehicular routes serving parking spaces for vans.

- 3) Separate permit required for Parking Lot/Driveway.
- 4) Pool permit required from State of MN.
- 5) Separate permit and review by MN State Elevator inspector for elevators.
- 6) Must meet 2020 MN State Building Code
- 7) Must meet 2020 MN Accessibility Code.
- 8) Building plans must be signed by a MN licensed architect.
- 9) SAC review by MET council will be required.
- 10) Provide a detailed code analysis with the plans.

Environmental Health Review Contact: Erik Solie at esolie@BloomingtonMN.gov, (952) 563-8978

- 1) Provide specification sheets during plan submittal on all new and used equipment being proposed for use in this facility.
Rental license required for the apartments
Daycare licensed required from Mn Dept of Human Services
Pool plan review required from Mn Dept of Health and annual license from City of Bloomington
- 2) Provide an Environmental Health Plan Review application with plan submittal for each proposed food facility.
- 3) Garbage Enclosure Minimum Design Standards.

Refuse storage and handling facilities, other than those identified in Section 21.301(d), shall have an exterior design using building materials consistent with the primary structure. The interior shall comply with the following minimum requirements:

- (1)For all uses other than grocery stores, restaurants or other food service facilities:
 - (A)Doors shall be designed to function properly during periods of ice and snow.
 - (B)Bump rails or bollards are required to prevent penetration of the walls by the dumpster.
- (2)For grocery stores and food service facilities:
 - (A)Floors shall be covered with quarry tile or equivalent with integral sanitary cove base tile.
 - (B)Interior walls shall have a smooth non-absorbent material sealed or finished to withstand frequent cleaning.
 - (C)Bump rails or bollards are required to prevent penetration of the walls by the dumpster.
 - (D)Doors shall be designed to function properly during periods of ice and snow.
 - (E)Hose bib with back flow prevention shall be provided for cleaning the facility.
 - (F)Floor drains shall be connected to the sanitary sewer system.
 - (G)Ventilation (UMC) and heat source to maintain a temperature above a minimum of 55 degrees Fahrenheit.

Fire Department Review Contact: Laura McCarthy at lmccarthy@BloomingtonMN.gov, (952) 563-8965

- 1) All emergency vehicle access lanes including all areas of the parking structure (top and lower levels) shall support a minimum 40 tons.
- 2) Ensure landscaping doesn't interfere with access to the building, hydrants and/or FDC.
- 3) A looped water supply feeding a single, combined water service is required for the domestic and sprinkler system water demand.
- 4) Provide adequate turning radius for all emergency vehicle access lanes.
- 5) Hydrant coverage shall be provided within 50' of the FDC and within 150' of all portions of the structure.

- 6) Commercial daycare will require the building to be sprinklered with a full fire alarm system. Other requirements will be depended on occupancy classification.
- 7) Balconies/decks may need sprinkler coverage if building materials and siding is combustible.
- 8) Building/property shall be adequately signed for emergency response.

Water Resources Review Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) List erosion control maintenance notes on the plan.
- 2) An erosion control bond is required.
- 3) Utility as-builts must be provided prior to issuance of Certificate of Occupancy.
- 4) HDPE pipe connections into all concrete structures must be made with water tight materials utilizing an A-Lok or WaterStop gasket or boot, cast-in-place rubber boot, or approved equal. Where the alignment precludes the use of the above approved watertight methods, Con Seal 231 WaterStop sealant, or approved equal will only be allowed as approved by the Engineer.
- 5) Provide stormwater management plan meeting the requirements of Bloomington Comprehensive Surface Water Management Plan. Settling BMP's, such as isolator rows, are not eligible for nutrient removal credit.
- 6) Submit a copy of Nine Mile Creek Watershed District permit and comments prior to issuance of City of Bloomington permits (www.ninemilecreek.org)
- 7) Show erosion control BMP locations on the plan.
- 8) A maintenance agreement must be signed by the property owner and recorded at Hennepin County.
- 9) A National Pollutant Discharge Elimination System (NPDES) construction site permit and Storm Water Pollution Prevention Plan (SWPPP) must be provided.
- 10) Add date of approved wetland delineation
- 11) Pre-treatment required prior to discharge to stormwater BMP
- 12) Nine Mile Creek is impaired for chloride. Indicate on plan where snow storage will be provided and make considerations, such as using the sun and limiting melt water runoff across large impervious areas, in site design to decrease the amount of de-icing chemicals used for winter maintenance activities.

PW Admin Review Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Propose 20' Sidewalk/Bikeway/Utility Easement

Utility Review Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Make watermain connection on opposite side of ex. gate valve (not shown, approx location marked) to create true looped system.
- 2) Abandon unused 2" copper service at main.
- 3) Check with Edina on diameter and status of service, consider reuse rather than proposed tap. If not reused, abandon at main.

Traffic Review Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Show location of a bike rack and bike rack detail on the plan.
- 2) Illustrate on plan that the clear view triangle (15' from property corner to driveway approaches) is not obstructed by landscaping or signage.
- 3) Provide a construction site circulation plan that includes the following: site access locations, vehicle circulation, pedestrian circulation, construction parking area, laydown/staging/delivery area, construction fencing limits.
- 4) Contractor shall obtain a Public Works permit for obstructions and concrete work within the right-of-way. Permit is required prior to removals or installation. Contact Paul Jarvis (952-563-4548, pjarvis@BloomingtonMN.gov) for permit information.

- 5) All construction and post-construction parking and storage of equipment and materials must be on-site. Use of public streets for private construction parking, loading/unloading, and storage will not be allowed. Add note to site plan and other plan sheets.
- 6) Any requested sidewalk closure will only be considered for a limited duration and alternative access/TPAR will be required, as approved by the City Engineer.
- 7) Median modifications within W 78th St must be coordinated with the City and will be constructed by the City and the cost assessed to the property owner via a petition & waiver. The median modifications will allow for full access at the west driveway, right-in/right-out at the east driveway and all other median openings along the site frontage will be closed.

Construction/Infrastructure Review Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Show the width of the sidewalk (7' minimum when adjacent to parking stalls)
- 2) Show the wall dimensions. Walls taller than 4' in height need to be designed by an engineer licensed in the state of MN
- 3) Use standard B618 C&G on W 78th St
- 4) Keep sawcut limits out of vehicle wheel paths
- 5) If a full pedestrian curb ramp is installed on the north side of the driveway, why isn't one also installed here? At a minimum both sides need to meet ADA grade requirements.

Assessing Review Contact: Jason Heitzinger at jheitzinger@BloomingtonMN.gov, (952) 563-4512

- 1) We have calculated a park dedication fee of \$420,576 for this project. This number is subject to change if we receive any new information on the project.