



# Development Review Committee

## Approved Minutes

Development Application, #PL201900150  
 Mtg Date: September 10, 2019  
 McLeod Conference Room  
 Bloomington Civic Plaza  
 1800 West Old Shakopee Road

**Staff Present:**

- |  |   |
|--|---|
| Laura McCarthy (Fire Prev, Chair) 952-563-8965 | Kent Smith (Assessing) 952-563-8707           |
| Duke Johnson (Bldg. & Insp) 952-563-8959       | Erik Solie (Env Health) 952-563-8978          |
| Megan Rogers, (Legal) 952-563-4889             | Mike Thissen (Env Health) 952-563-8981        |
| Maureen O’Brien (Legal) 952-563-8781           | Michael Centinario (Planning) 952-563-8921    |
| Tim Kampa (Utilities) 952-563-8776             | Glen Markegard (Planning) 952-563-8923        |
| Steve Segar (Utilities) 952-563-4533           | Eileen O’Connell (Public Health) 953-563-4964 |
| Brian Hanscn (Eng) 952-563-4543                | Sue Hulst ScInow (Eng) 952-563-4628           |

**Project Information:**

- |                     |   |
|---------------------|---|
| Project             | Luther Subaru - 7901 Lyndale Ave S - Final Site and Building Plans and Conditional Use Permit for a new motor vehicle sales facility  |
| Site Address        | 7801 Lyndale, 500 American Blvd., and 511 and 515 W. 78th Street, Bloomington, MN 55420   |
| Plat Name           | BLOOMINGTON ACURA ADDITION; UNIPRESS 2ND ADDITION; UNIPRESS 2ND ADDITION; KENNEDY ADDITION;   |
| Project Description | Final site and building plans for a new two-story Class I Motor Vehicle Sales facility and site modifications to an existing motor vehicle sales facility and a conditional use permit for a motor vehicle sales facility located at 7801 Lyndale Ave S, 500 American Blvd W, and 511 and 515 W 78th St |
| Application Type    | Final Site and Building Plan<br>Conditional Use Permit<br>Lot Parcel Combination  |
| Staff Contact       | Mike Centinario   |
| Applicant Contact   | Kevin Shay – kshay@landform.net   |
| PC                  | September 26, 2019  |
| CC                  | No Council review unless an appeal is received within three business days.  |

**NOTE:** All documents and minutes related to this case can be viewed at [www.blm.mn/plcase](http://www.blm.mn/plcase), enter the permit number, “PL201900150” into the search box.

**Guests Present:**

Name	Email
Linda McGinty, Luther Automotive Group	<a href="mailto:linda.mcginty@lutherauto.com">linda.mcginty@lutherauto.com</a>
Peter Beck, Beck Law Office	<a href="mailto:peter@peterbecklaw.com">peter@peterbecklaw.com</a>
Steve Sabraski, Landform	<a href="mailto:ssabraski@landform.net">ssabraski@landform.net</a>
Jeremy Woitaszewski, Baker Associates	<a href="mailto:jeremy@bakerinvestments.com">jeremy@bakerinvestments.com</a>

Post-application DRC PL2019-150

**Introduction – Mike Centinario (Planning):**

Application is for a new auto dealership at the existing location of the Luther Acura Subaru. Last year Luther received approval to convert the former Forklifts building from a storage & service building to an Acura dealership. Since then Luther has acquired the Key Collision building, and they have moved forward with plans to demolish the Forklifts building and build a new Subaru dealership. Luther has now reapplied for final site and building plans and a conditional use permit.

**Discussion/Comments:**

**Please review the comment summary and plans for mark-up comments as all the comments are not discussed at the meeting.**

- Kent Smith (Assessing):
  - If no platting, which it appears that this is not going to happen, there is no park dedication required. Appears that the development crosses building lines.
- Mike Thissen/Eric Solie (Environmental Health):
  - Thissen asked if this Key Collision Center will also be demolished.
    - Applicants responded that it will eventually be demolished, but may not be done immediately. The development will be phased. There may be a need to use the Key Collision building for some staging during the development and demolition of existing building.
  - Thissen inquired if applicant was still planning to demolish the Forklift building by September.
    - Applicants said they planned to have it demolished by end of September.
    - Asked if applicant knew of any wells on the property.
    - Applicants responded that they were not aware of any, but will check.
  - Solie commented that there is a growing trend for auto dealerships to offer food for patrons. An environmental permit will be required if the plans show that more than coffee or water is provided.
    - Applicants have been in contact with Jessica Jutz in Env Health about the details regarding this topic.
    - Solie requested that the applicant talk directly with him, as he will be the plan reviewer.
- Duke Johnson (Building and Inspection):
  - Asked if the building will be built across property lines, if so will they be replatting.
    - Applicants responded that the lots will be combined through a tax parcel combination, and they are not planning to replat at this time.
    - Johnson asked when lot combination will take place; it makes a difference from a building code perspective.
      - Applicants said it could happen this week; simply need to bring the form into Centinario to review and complete the administrative process.
    - K. Smith asked for clarification, will this then be one tax parcel, and multiple legal parcels?
      - Applicants responded that this was not his understanding.
      - B. Hansen responded that this is Engineering's understanding of the situation as well. The combination would result in a tax parcel combination, however the legal description of the parcels would remain as they are today, unless replatting is done.
    - M. Rogers commented that for zoning purposes we are treating this a zoning lot.
    - Applicant indicated that they were aware that without replatting the lots will continue to have the same legal description. Applicant noted that state law allows for this lot combination process, and this is the approach they are deciding to take at this time.
      - Hansen reminded the applicants that the lots will continue to have the same legal description, and in the future there could be issues with selling when the building crosses lot lines.
      - McCarthy added that there are building code implications, to which Johnson agreed.



## Post-application DRC PL2019-150

- For the pedestrian sidewalk that cuts through the center median we require a 7 foot minimum width plus a car overhang of 2 feet. Applicant's plan shows an 8 foot walkway, with parking on both sides. In order to maintain a 5 foot clear zone through the median, will need to increase the width of the median by about a foot. In addition, the portion of the sidewalk where there is signage, may restrict the clear zone even further.
  - Applicants responded that they typically use a 1 ½ foot overhang, not 2 feet. Also, did not believe that code called out this 2 foot requirement. Also the current plan does meet the ADA requirements of 4 foot clear zone. Believes the 8 foot walkway is ample.
  - Applicants also responded that the signage will be attached to ballards which will restrict the vehicle overhang even further. So in this area there would effectively be a wider clear space.
  - Staff will review applicant's concerns about this requirement and follow-up.
- Water Resource review comments – provide a copy of existing stormwater maintenance records.
  - Applicants asked how far back?
  - Hansen responded just to provide information that the system is documented and functioning as intended and that applicant has been maintaining it.
- Reminder to submit a copy of the Nine Mile Creek Watershed District permit.
  - Applicants commented that in discussion with the WD district, with projects such as this where generally meeting their rules – not requiring variances and meeting the abstrctional clearance – can go through an administrative review process.
- Tim Kampa (Utilities):
  - Since the Key Collision building is not going to be demolished immediately, comment number 3 on the Comments Summary and notes on page 4.1 of the plans may not be feasible right away.
    - Applicants commented that this will be a multi-year, phased project, and it could be 2 years before the entire project is complete. They will work with staff to implement various suggestions as appropriate during the phases.
    - Applicant also asked if there is flexibility with when as-builts are complete. With the phasing of the project it will be extremely difficult to meet the stipulation that as-builts for the entire project be complete prior to issuance of Certificate of Occupancy (CO). It is the intent of the applicants that they have a CO for the Subaru building prior to have the entire project completed (i.e., demolition of Key building won't happen until the Subaru building is in operation).
      - Kampa responded that it was fine as long as the as-builts are complete for the part of the project where you need the CO. Staff will work with applicants on phasing the as-builts and CO issuance.
    - Kampa reviewed topics of water looping, re-use of sewer service and the proximity of that service to the footing of the building, as well as grade conflicts. In addition requested more details on service abandonments. Comments for all these items are included in the Comments Summary document and on Plan markup. Staff will work with applicants to address these concerns during planning and phasing of the project.
- Eileen O'Connell (Public Health):
  - No comment
- Megan Rogers (Legal):
  - No comment
- Mike Centinariano (Planning):
  - Provided there isn't an appeal, this is a Planning Commission approval authority. Planning Commission review is scheduled for 9/26/19 – packet will be available by end of the week of 9/16.
  - K. Smith asked about access through the Goodwill parking lot – permanent easement?
    - Applicants responded that it is a public easement, put in place by the city.

Post-application DRC PL2019-150

- Applicants' desire is to take out all the variances to ensure this can go through planning commission approval smoothly.
- Applicants have a few minor changes to make to the Plans prior to the Planning Commission. Asked if they also need to address the items from this DRC before Planning Commission review.
  - Centinario responded that the applicant can simply address each item in the Comments Summary document with "being addressed," and that will be sufficient for the Planning Commission.
- Applicants provided further comments about safety controls they have planned at the access point (through Goodwill parking lot) during construction.
  - Centinario asked that the applicants present a staging plan for staff to review (haul routes and staging for construction materials, etc.).
- Applicants asked about allowed construction hours.
  - Centinario asked applicants to review city code for construction hours.



# Comment Summary

**Application #:** PL2019-150

**Address:** 7801 Lyndale Ave. S., 500 American Blvd. W., 515 and 511 W. 78<sup>th</sup> Street, Bloomington, MN 55420

**Request:** Final site and building plans for a new two-story Class I Motor Vehicle Sales facility and site modifications to an existing motor vehicle sales facility and a conditional use permit for a motor vehicle sales facility located at 7801 Lyndale Avenue South, 500 American Blvd. W., and 511 and 515 W. 78th Street.

**Meeting:** Post Application DRC – September 10, 2019  
Planning Commission – September 26, 2019

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

**Planning Review Contact:** Mike Centinario at [mcentinario@BloomingtonMN.gov](mailto:mcentinario@BloomingtonMN.gov), (952) 563-8921

- 1) A deciduous tree is required in parking islands. A few parking islands are missing a deciduous tree.
- 2) Expand sidewalk connection from American Blvd. to 7-feet (including curb).
- 3) The Cree OSQ series is an acceptable light fixture.
- 4) The submitted plan is a "maintained" plan. Please also provide an "initial" plan with no light loss factor. The initial plan will be used for a nighttime lighting inspection.
- 5) The maximum illumination level along property boundaries is 2.0 footcandles. The illumination levels at the property line are not identified, but are likely above the City Code maximum in certain locations. Adjust the lighting plan accordingly.
- 6) In order for the 53" star cluster sign to be located separate from the "Subaru" sign on the south elevation, it must be a channel letter sign (as depicted on the building elevation). If it is cabinet construction, it must be combined with a channel letter sign and the cabinet sign may not exceed 25 percent of the overall sign.
- 7) ACM panels must be reviewed by Planning staff. A 30-year minimum finish warranty is required.
- 8) Murals are considered "secondary" exterior materials. Secondary materials may not exceed 15 percent of the overall building elevation. The murals must not be signage given its depicted sizes.
- 9) Incorporate bike racks into the overall site plan. The quantity and location of racks must be approved by the City Engineer.
- 10) Please provide a plan identifying the various use areas for the purpose of calculating the parking requirement. If possible, please also do this for the Acura dealership so staff can confirm the 2009 calculation.

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

- 1) Must meet MN Accessibility Code
- 2) SAC review by MET council will be required.
- 3) Separate permit required for Parking Lot/driveway
- 4) Must meet current MN State Building Code

- 5) Must meet MN Accessibility Code
- 6) Must meet MN Accessibility Code
- 7) Separate permit and review by Mn State Elevator inspector for elevators, escalators and moving walkways.
- 8) Plans must include a current building code analysis.
- 9) When 80% of plans are completed, a preliminary plan review meeting can be set up with Building & Inspections manager.

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

- 1) Any additions or changes to food service must be approved by the Health Department prior to construction if required.
- 2) Provide an Environmental Health Plan Review Application
- 3) Provide specification sheets for all new and used equipment being proposed for use in this facility

**Fire Department Review Contact:** Kris Kaiser at [kkaiser@BloomingtonMN.gov](mailto:kkaiser@BloomingtonMN.gov), (952) 563-8968

- 1) Provide for the new structure and maintain for existing structures emergency vehicle access throughout the property.
- 2) Emergency responder radio coverage meeting the requirements of appendix L in the 2015 MSFC shall be provided throughout the property and within the structures.
- 3) Hydrant coverage shall be provided within 50' of the FDC and within 150' of all portions of the structure.
- 4) Provide adequate turning radius to accommodate BFD Ladder 1

**Public Works Review Contact:** Brian Hansen at [bhansen@BloomingtonMN.gov](mailto:bhansen@BloomingtonMN.gov), (952) 563-4543

- 1) 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.

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

- 1) 10' TRANSITION
- 2) Include a note to install Bloomington Standard Non-Residential Driveway
- 3) Additional width needed to accommodate overhang from two sides.
- 4) ADA sign in access aisle presents obstacle
- 5) Provide depths for agg base and granular sub-base. Include details for cross sections.
- 6) Update
- 7) Sign obstruction in access aisle
- 8) Bike rack not called out on plans

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

- 1) Add note: Any utility work that affects American Boulevard will need to be phased in a way that works under a single lane closure and not full WB closures.
- 2) 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 Sean Jenkins (952-563-4545, [sjenkins@BloomingtonMN.gov](mailto:sjenkins@BloomingtonMN.gov)) for permit information.

**Water Resources Review Contact:** Brian Gruidl at bgruidl@BloomingtonMN.gov, (952) 563-4557

- 1) Soil stabilization timing inconsistent with note 7 on Sheet C3.1sheet
- 2) Provide copy of existing stormwater maintenance records for existing Triton stormwater system and documentation system is functioning as intended. Provide MPCA No Association Determination in connection with Key Collision, 500 W. American Blvd. Provide Infiltration system details and show provided pre-treatment
- 3) Utility as-builts must be provided prior to issuance of Certificate of Occupancy.
- 4) Show existing storm line and connection to City system
- 5) Provide stormwater management plan meeting the requirements of Bloomington Comprehensive Surface Water Management Plan.
- 6) Modify CB as needed for new driveway
- 7) A maintenance agreement must be signed by the property owner and recorded at Hennepin County.
- 8) A National Pollutant Discharge Elimination System (NPDES) construction site permit and Storm Water Pollution Prevention Plan (SWPPP) must be provided.
- 9) An erosion control bond is required.
- 10) 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, Conseal 231 WaterStop sealant, or approved equal will only be allowed as approved by the Engineer.
- 11) Utility permits are required for connections to the public storm, sanitary, and water system. Contact Utilities (952-563-8777) for permit information.
- 12) Submit a copy of Nine Mile Creek Watershed District permit and comments prior to issuance of City of Bloomington permits ([www.ninemilecreek.org](http://www.ninemilecreek.org))

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

- 1) Abandon existing 8" water service at the Main.
- 2) Temp abandon existing 6" sewer far enough away from building footings to prevent damage from demo excavation. After reuse abandon permanently.
- 3) Abandon existing 6" water service and hydrant to Key Collision. Add a valve and install a new hydrant north, to eliminate the need to abandon this 6" service main out at the 24" water main in the City ROW.
- 4) Abandon existing 3/4" water service at the Main.
- 5) Abandon existing Sewer Services near the lot line.
- 6) Abandon existing Sewer Service MH. Remove top section 4' below surface and fill with flowable foamcrete or sand.
- 7) W/ 8 mil polywrap
- 8) 8' deep
- 9) Install a new hydrant in this area so 6" service doesn't need to be abandoned. Locate it so that the old service running to the west for Key Collision is eliminated.
- 10) Show Tapping Valve
- 11) Use SDR 26 or Sch 40 for service
- 12) Show all existing Utilities in this area, there may be conflicts with a large water main.
- 13) This water line is only about 7' deep at the valve on the City main.
- 14) The plan as shown would connect with an existing 6" water service, more water volume is available so eliminate this segment and use the 8" service per note below.
- 15) Show the existing 8" water service to this lot.
- 16) Use the existing 8" water service to complete the water system loop.
- 17) Are these notes to be removed?
- 18) A Minnesota licensed civil engineer must design and sign all civil plans.
- 19) Utility as-builts must be provided prior to issuance of Certificate of Occupancy.

- 20) All unused water services must be properly abandoned at the main. All unused sanitary sewer services must be properly abandoned at the property line.
- 21) Provide valves for system isolation (longest interval cannot exceed 400 feet) and for building isolation without shutting down supply to hydrants. Show valves at ends of new pipe for testing.
- 22) Provide a minimum of 8-feet and a maximum of 10-feet of cover over all water lines, valves, services, etc.
- 23) Use Class 52 DIP water main for pipe 12-inches in diameter and smaller. A minimum 8 mil polywrap is required on all DIP.
- 24) Install interior chimney seals on all sanitary sewer manholes.
- 25) Taps of live water mains are done by City forces and paid for and coordinated with the Contractor. - Please add this note to the plans.
- 26) Use schedule 40, SDR 26, or better for PVC sewer services.
- 27) All components of the water system, up to the water meter or fire service equipment must utilize protective internal coatings meeting current ANSI/AWWA standards for cement mortar lining or special coatings. The use of unlined or uncoated pipe is not allowed. - Please add this note to the plans.
- 28) Add a valve in this area because there is over 400' of pipe with no valves.
- 29) It looks like there may be pipe grade conflicts at three locations. Please provide a table showing the outside of pipe elevations/separation dimensions for all water sewer and storm intersections.

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

- 1) Street Easement Doc 9924767
- 2) Sidewalk Bikeway easement Doc 5492820
- 3) Vacated Doc 5298213
- 4) Vacate Drainage and utility Easements within new building footprint.

**Assessing Review Contact:** Kent Smith at ksmith@BloomingtonMN.gov, (952) 563-8707

- 1) From application letter it appears this site will not be re-platted, so no Park Dedication Intake form was submitted and no park dedication was calculated. If that changes, we would need to do a calculation.