

**GENERAL INFORMATION**

Applicant: Luther Company, LLLP (owner and user)

Location: 7801 Lyndale Avenue S, 511 and 515 W. 78<sup>th</sup> Street and 500 American Boulevard W.

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.

Existing Land Use and Zoning: Motor vehicle sales and service; zoned I-3 General Industry

Surrounding Land Use and Zoning: North – I-494  
South – Retail sales and corporate headquarters; zoned I-3  
East – Retail sales; zoned CR-1(PD)  
West – Retail sales and vacant land; zoned I-3 and B-2(PD)

Comprehensive Plan Designation: Regional Commercial

**HISTORY**

Planning Commission Action: 05/24/2018 – Approved final site and building plans and a conditional use permit to convert an existing office/warehouse building to a Class I motor vehicle sales facility (Case PL2018-139).

**CHRONOLOGY**

Planning Commission      09/26/2019      Continued review of the item to the October 3, 2019 Commission meeting.

Planning Commission      10/03/2019      Public hearing scheduled.

**DEADLINE FOR AGENCY ACTION**

Application Date:	08/21/2019
60 Days:	10/20/2019
120 Days:	12/19/2019
<b>Applicable Deadline:</b>	<b>10/20/2019</b>
Newspaper Notification:	Confirmed – (09/12/2019 Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed – (500 buffer – 10 day notice)

**STAFF CONTACT**

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**PROPOSAL**

The applicant proposes replacing an existing industrial building with a new, two-story Subaru auto sales and service facility. Currently, Subaru and Acura share a building at 7801 Lyndale Avenue. The proposed plan would retain the existing building for Acura, demolish the former Forklifts of MN building located at 511 W. 78<sup>th</sup> Street, and construct the new 65,000 square foot Subaru dealership. Following new building construction, the applicant would demolish the former Key Collision building located at 500 American Blvd. W. and convert the site to surface vehicle inventory parking. The Key Collision building was purchased by the applicant and is being retained to use for auto service operations throughout construction.

Existing access would remain unchanged with a “right-in, right-out” along Lyndale Avenue and the only full access via a public access easement through the Goodwill parking lot. A new right-in, right-out would be constructed along American Blvd. once the Key Collision building is demolished and converted to surface parking.

The overall site is comprised of four parcels and the proposed building would cross an existing property line. Instead of re-platting the four parcels into one parcel, the applicant seeks a tax parcel combination, which would combine the parcels into one parcel for tax purposes and would create a “zoning lot.” Creating a zoning lot would allow the interior property boundaries to be disregarded for setback purposes. In addition to the tax parcel combination, the applicant must seek waivers from the Building Official related to constructing a building over a property boundary.

**ANALYSIS**

**Land Use**

The property is guided Regional Commercial within the City’s Comprehensive Land Use Guide Plan. Regional Commercial identifies Class I and II motor vehicle sales as an acceptable use. A conditional use permit is required for Class I and II motor vehicle sales facilities in the I-3 General Industry zoning district. The existing motor vehicle sales use commenced under a conditional use permit in 1987.

The City intended to remove motor vehicle sales from the I-3 district, given its non-industrial nature, as part of the Industrial Zoning Code Amendment completed in January 2019. Along with the City Code Amendment, the subject properties were to be rezoned from I-3 General Industry to C-1 Freeway Office and Service – Class I and II auto sales facilities are permitted uses in the C-1 District. Before the Planning Commission, the applicant requested the City refrain from rezoning the properties and retain the use as conditionally permitted in the I-3 District so as not to complicate the site’s redevelopment. The complication that would have been created by rezoning the properties primarily related to floor area ratio (FAR) requirements in the C-1 district that would not be met with the proposed redevelopment. Ultimately, the City indefinitely continued the rezoning of the properties and the applicant has moved forward with development under I-3 requirements.

**Code Compliance**

Table 1 below demonstrates the proposed plans meet most development standards in the I-3 zoning district. Minor plan modifications would be required and corresponding conditions of approval would resolve any outstanding or ongoing Code compliance issues.

**Table 1: City Code Requirement Analysis for I-3 Development**

<b>Standard</b>	<b>Code Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Site area	No minimum	334,057 square feet	Yes
Minimum lot width	100 feet	>300 feet	Yes
Building setback along all streets	30 feet	42.6 along I-494	Yes
Building side yard setback	10 feet	25.5 feet	Yes
Parking setback (along street)	20 feet	20 feet	Yes
Parking setback (rear and side yard)	5 feet	5 feet	Yes
Impervious surface coverage	No maximum	85 percent	Yes

Building size	3,000 square feet	65,000 square feet	Yes
Building height	No limit	48 feet	Yes
Parking required	403 stalls	497 stalls	Yes
Parking stall size	9 by 18 feet or 8 by 16 feet for compact stalls	9 by 18 feet for Code required parking and within compact stall allowance	Yes
Parking islands	8 feet width with deciduous tree	Most islands meet dimension requirements, some islands without tree	Minor revisions required
Private sidewalk	5 feet unobstructed, walkable width	Sidewalk connection from American Blvd. does not account for vehicle overhang	Minor revisions required
Drive aisle	24 feet	24 feet	Yes
Trash collection	square feet	664 square feet	Yes
Free-standing sign setback	20 feet	10 feet along I-494, 20 feet along American Blvd.	Yes – variance was approved to reduce setback along I-494
Trees	133 trees	136 trees	Yes
Shrubs	334 shrubs	616 shrubs and perennials	Yes

**Building and Site Design**

The building would consist of Code complying materials for an industrially-zoned property. Pre-cast, integrally-colored concrete, stone, glass, and metal panels. Glass with vehicles displayed internally would be a prominent feature along the south elevation, visible from American Blvd. Metal panels are required to have a 30-year manufacturer finish warranty with substantial thickness to meet durability expectations. A unique feature of the building’s exterior design are exterior murals. Murals are permitted on exteriors and are considered secondary materials – they are limited to 15 percent of any particular elevation. The mural on the north elevation, for example, is close to the maximum allowance.

To qualify as a mural, it must contain no advertising or logo (City Code Section 19.104). If advertising or a logo is included on the display, it would be considered a sign and be subject to the standards and size limitations for a wall sign. Graphically displaying Subaru vehicles, for example, would be considered advertising and classify the display as a sign rather than a mural.

City Code requires a pedestrian connection from American Blvd. to the primary entrance. The applicant has provided that connection with a sidewalk to the east of the Acura building. City Code requires private sidewalks to provide an unobstructed, walkable width equal to or greater than five feet (Section 21.301.04 (d)(1)(B)). Further, sidewalks next to parking must account for vehicle overhang. The applicant proposes an eight-foot wide sidewalk with parking on both sides.

The City Code (Section 21.301.04(d)(7)) requires “nearby vehicle parking areas must be designed to avoid vehicle overhang ... into the required unobstructed, walkable sidewalk width for private sidewalks.” Based on vehicle measurements, staff has consistently used two feet as the expected vehicle overhang citywide. Staff recently measured multiple Subaru vehicles and confirmed that a two foot overhang is also applicable to that brand. Given the eight foot width and parking on both sides, the effective width of the proposed sidewalk would be four feet rather than the five feet required. To ensure Code compliance, Staff has included a recommended condition specifically requiring sidewalks to account for a two-foot overhang. Minor modifications to the site plan are required to widen the private sidewalk connections.

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

The Subaru building triggers landscaping conformance requirements for the entire site. The landscaping plan meets landscaping quantity requirements for the site, as well as establish a landscaped yard along American Blvd., but minor modifications are necessary for compliance. Some parking islands do not include the mandatory deciduous tree as required by City Code.

For exterior lighting, motor vehicle sales facilities typically exceed minimum City Code requirements by a wide margin. The photometric plan submitted depicts compliant lighting fixtures with maintained lighting levels well above the 2.0 footcandle requirement. There is no maximum lighting level along public right-of-way, which lines three sides of the Luther site, but there are maximum lighting levels along private property boundaries. Photometric levels were not provided along these property lines, but staff suspects they would exceed the maximum 2.0 footcandle light trespass level. A condition is recommended requiring updated, Code compliant photometric plans be submitted prior to issuance of a building permit.

### **Circulation and Parking**

The redevelopment would create a more coherent and efficient auto sales and service campus. Site access along Lyndale would remain unchanged with a right-in, right-out. Full access to American Boulevard via an access easement across Goodwill at 7845 Lyndale Avenue South is retained. A second American Boulevard access, a right-in, right-out would be constructed. All two-way drive lanes are served with 24-foot or wider aisles. The applicant proposes a combined 497 surface parking spaces for the two-dealership sites. Stalls used for customer and employee parking must meet stall dimension and access requirements of 9 feet by 18 feet with a 24-foot wide access drive if 90 degree parking. Some compact spaces could be included, but are within the 20 percent allowance in City Code.

Inventory stalls are not required to meet the minimum parking dimensional standards. To increase the inventory storage area, the applicant has double-stacked spaces along the east property line and within the southeast parking area. The applicant would need to designate parking areas for employees, customers, and service staging equal to Code required parking for retail, warehouse, and office uses.

It is common for a car dealership to experience inventory control issues and utilize designated customer and employee parking for vehicle inventory. While staff is excited by the redevelopment, the change results in less than 100 spaces reserved for inventory for both properties, which is far below the actual inventory. Over the past several years, staff has observed illegal parking and storage, including in the fire lanes, due to inventory control issues.

Through this proposal, the number of inventory storage spaces decreases from that previously approved in the 1987 approval due to the increased service bays, office use and showroom areas. Staff is concerned the site may be constrained to accommodate the on-site inventory and increased demand for the two dealerships in separate structures. An inventory management plan must be provided and approved by the Planning Manager to minimize the ongoing issues of inventory in customer spaces which result in parking in the fire lanes and other auxiliary parking by customers and employees.

### **Stormwater Management**

Stormwater will 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 have been reviewed and appear to meet the requirements in the City of Bloomington Comprehensive Surface Water Management Plan. A maintenance plan has not yet been provided and will be required to be signed and filed at Hennepin County. This site is located within the Nine Mile Creek Watershed District, so an additional permit will be required.

### **Utilities**

The proposed building would utilize existing sanitary sewer and watermain within American Boulevard West. The applicant will be responsible for coordinating all utility work and acquiring all applicable permits with the Bloomington Utility Division.

### **Traffic Analysis**

No significant impacts to the adjacent traffic patterns due to this building addition have been identified.

### **Transit and Transportation Demand Management (TDM)**

This redevelopment will require a Tier 2 TDM plan, which allows the property owner to choose from a menu of TDM options. The owner has not yet submitted a Tier 2 TDM checklist.

### **Fire Preventions and Public Safety**

The proposed development is consistent with the Emergency Vehicle Access and Circulation requirements and provides the minimum 20 foot wide access around the building. The access and circulation design must meet or exceed the minimum standards for fire prevention and be maintained in accordance to 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. Vehicle storage arrangement allows adequate Fire Department vehicle access around the property. The applicant is not proposing any gated security for the property. Any proposed obstructions that would impede emergency vehicle access must be reviewed by the Fire Prevention Division.

The building must be addressed plainly and visible from the street or road using numbers that contrast with the background. The numbers must be a minimum of four inches, be Arabic numbers or alphabetic letters with a minimum stroke width of 0.5 inches.

A looped water supply feeding a single, combined water service into the building is required for the domestic and sprinkler system water demand. Ensure an adequate water supply with a hydrant within 50 feet of the fire department connection and within 150 feet of any exterior wall and must ensure the proposed landscaping plans don't interfere with access to the building. Hydrants must be approved by the Utilities and Fire Prevention Divisions.

A Knox box is required at the main entrances and other areas as designated by the Fire Prevention Division.

Provide for emergency responder radio coverage throughout the complex and in all structures per the requirements of Appendix L in the 2015 Minnesota State Fire Code.

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 at the subject properties.

**FINDINGS**

**Required Final Site and Building Plan Findings - Section 21.501.01(d)(1-4):**

<b>Required Finding</b>	<b>Finding Outcome/Discussion</b>
(1) The proposed use is not in conflict with the Comprehensive Plan.	<b>Finding Made</b> – The Comprehensive Land Use Plan designates this property as Regional Commercial, which specifically allows motor vehicle sales uses.
(2) The proposed use is not in	<b>Finding Made</b> – The property is not located within an

conflict with any adopted District Plan for the area.	adopted District Plan area.
(3) The proposed use is not in conflict with City Code provisions.	<b>Finding Made</b> – The proposed use would meet the City Code provisions, subject to minor changes as required by the conditions of approval.
(4) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	<b>Finding Made</b> – The proposed motor vehicle sales facility, once revisions are made to comply with City Code, is not expected to create excessive noise, light, odor, or other factor that would be injurious to the surrounding neighborhood.

**Required Conditional Use Permit Findings - Section 21.501.04 (e) (1)**

<b>Required Finding</b>	<b>Finding Outcome/Discussion</b>
(1) The proposed use is not in conflict with the Comprehensive Plan.	<b>Finding Made</b> – The Comprehensive Land Use Plan designates this property as Regional Commercial, which specifically allows motor vehicle sales uses.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	<b>Finding Made</b> – The property is not located within an adopted District Plan area.
(3) The proposed use is not in conflict with City Code provisions.	<b>Finding Made</b> – The proposed use would meet the City Code provisions, subject to minor changes as required by the conditions of approval.
(4) The proposed use 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.	<b>Finding Made</b> – 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. Staff’s review of final stormwater plans will ensure stormwater is appropriately managed.
(5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	<b>Finding Made</b> – The proposed motor vehicle sales facility, once revisions are made to comply with City Code, is not expected to create excessive noise, light, odor, or other factor that would be injurious to the surrounding neighborhood.

**RECOMMENDATION**

**Note the Planning Commission has final approval authority on both applications unless an appeal to the City Council is received by 4:30 p.m. on October 8, 2019.**

Staff recommends approval with the following motions:

In Case PL2019-150, having been able to make the required findings, I move to adopt a resolution approving a conditional use permit for a Class I motor vehicle sales facility located at

7801 Lyndale Avenue South, 500 American Blvd. W., and 511 and 515 W. 78th Street, subject to the conditions and Code requirements attached to the staff report.

In Case PL2019-150, having been able to make the required findings, I move to approve 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 located at 7801 Lyndale Avenue South, 500 American Blvd. W., and 511 and 515 W. 78th Street subject to the conditions and Code requirements attached to the staff report.

**RECOMMENDED CONDITIONS OF APPROVAL**

**Case** PL2019-150

**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 Avenue South, 500 American Blvd. W., and 511 and 515 W. 78th Street.

**Address:** 7801 Lyndale Avenue South, 500 American Blvd. W., and 511 and 515 W. 78th Street

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 Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
2. Prior to Permit A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division.
3. Prior to Permit An erosion control surety must be provided (16.08(b)).
4. Prior to Permit A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) must be provided to the Engineering Division.
5. Prior to Permit Storm Water Management Plan must be provided to the Engineering Division 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.
6. Prior to Permit Provide information to the Engineering Division on pretreatment and verify elevations for infiltration systems.
7. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
8. Prior to Permit A uniform sign design must be submitted for approval by the Planning Manager (Section 19.109).
9. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
10. Prior to Permit A sidewalk must be provided to link the primary entrance of each building on site with the public sidewalk network. The sidewalk must account for a minimum two-foot vehicle overhang and maintain five-feet of unobstructed, walkable width.
11. Prior to Permit A Construction Management Plan, consistent with the agreement between the applicant and the adjacent property owner Keats Bloomington, LLC and its tenant Goodwill Industries, Inc. whose address is 7845 Lyndale Avenue S., Bloomington, Minnesota, must be submitted for review and approval by the City.
12. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52). Modifications are required to show a Code compliant tree in each parking island.

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13. Prior to Permit Parking lot and site security lighting plans must be revised to satisfy the requirements of Section 21.301.07 of the City Code.
14. Prior to Permit Proof of submittal to Hennepin County of a City-approved tax parcel combination must be provided.
15. Prior to C/O Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
16. Prior to C/O 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).
17. Prior to C/O Tier 2 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
18. Prior to C/O A plan designating all customer, employee and service parking with a vehicle inventory management plan must be approved by the Planning Manager.
19. Ongoing All construction stockpiling, staging and parking must take place on site and off adjacent public streets and public right-of-way.
20. Ongoing Three foot high parking lot screening must be provided along American Blvd. as approved by the Planning Manager (Sec. 19.52).
21. Ongoing Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands (Sec 19.64).
22. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
23. Ongoing The mural must meet all City Code requirements (Chapter 19, Article X).