

## GENERAL INFORMATION

|                                  |                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant:                       | Bloomington Hotel Ventures, LLC (owner /applicant)<br>Ron Clark Construction (applicant)                                                                                                                                                                                                                                                  |
| Location:                        | 3701 American Boulevard E., 6 Appletree Square, and<br>8101 36 <sup>th</sup> Ave. S.                                                                                                                                                                                                                                                      |
| Request:                         | <ol style="list-style-type: none"><li>1. Preliminary development plan for a 328-unit, multi-phase planned development;</li><li>2. Final development plan for a six-story, 242-unit apartment building; and</li><li>3. Variances from Bluff Protection setback and tree replacement requirements – <b>WITHDRAWN BY APPLICANT</b></li></ol> |
| Existing Land Use and Zoning:    | Surface parking lots; zoned HX-R(PD)(BP) High Intensity Mixed Use with Residential (Planned Development)(Bluff Protection)                                                                                                                                                                                                                |
| Surrounding Land Use and Zoning: | North – Remote airport parking; zoned HX-R(PD)<br>West – Office and parking structure; zoned HX-R(PD)<br>East – National Wildlife Refuge; zoned SC Conservation<br>South – Multi-family residential, stormwater management, and National Wildlife Refuge; zoned HX-R(PD)(BP) and SC Conservation                                          |
| Comprehensive Plan Designation:  | South Loop Mixed Use and Conservation                                                                                                                                                                                                                                                                                                     |

## HISTORY

|                      |                                                                                                                                         |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| City Council Action: | September 9, 1977 – Revised preliminary and final development plan (Case 8317A-77).                                                     |
| City Council Action: | April 08, 1985 – Major revision to preliminary and final development plan for a hotel addition and surface parking lot (Case 7727A-85). |

## CHRONOLOGY

|                     |                                                                                          |
|---------------------|------------------------------------------------------------------------------------------|
| Planning Commission | 06/11/2020 – Recommended City Council approve the preliminary and final development plan |
|---------------------|------------------------------------------------------------------------------------------|

City Council

06/22/2020 – Consent Agenda

## DEADLINE FOR AGENCY ACTION

|                             |                                                      |
|-----------------------------|------------------------------------------------------|
| Application Date:           | 05/06/2020                                           |
| 60 Days:                    | 07/05/2020                                           |
| 120 Days:                   | 09/03/2020                                           |
| <b>Applicable Deadline:</b> | <b>09/03/2020 (Extended by City)</b>                 |
| Newspaper Notification:     | Confirmed – (05/28/2020 Sun Current – 10 day notice) |
| Direct Mail Notification:   | Confirmed – (500 foot buffer – 10 day notice)        |

## STAFF CONTACT

Mike Centinario  
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E-mail: mcentinario@BloomingtonMN.gov

## PROPOSAL

The applicant proposes a two-phase redevelopment of existing surface parking lots at 3701 American Boulevard E. and 6 Appletree Square. Specifically, the applicant is seeking the following entitlements:

1. Major revision to the preliminary development plan (PDP) for a two-phase planned development at 3701 American Boulevard E. and 6 Appletree Square. The two phases include:
  - a. Phase I – Six-story, 242-unit market rate apartment building
  - b. Phase II – Five-story, 86-unit workforce housing building with a multi-level shared parking structure; and
2. Final development plan (FDP) for Phase I, the 242-unit market rate apartment building at 3701 American Boulevard E.

The applicant applied for variances from the Bluff Protection Overlay District's side-yard setback and tree replacement requirements. The Bluff Protection update ordinance rewrote the City's standards to be consistent with The Lower Minnesota River Watershed District's (LMRWD) requirements. Watershed Districts are required by State law to update their standards every 10 years and local governments are required to comply with updated standards. The ordinance adopted by the City Council on June 1, 2020 made the variances unnecessary – the applicant has withdrawn the variance requests.

## ANALYSIS

### Land Use

The American Square preliminary development plan envisions two-phases totaling 328 residential units and over 318,000 square feet of gross building floor area. Both phases are multi-family residential development; Phase I as market rate and Phase II as workforce housing. These land uses and their relationship to public right-of-way are consistent with the South Loop Mixed Use Guide Plan designation and permitted within the HX-R Zoning District.

Future development phases beyond Phase I typically change to some degree to respond to market conditions or financing considerations. The PDP establishes the overall land use framework and “snapshot” of what the property owner envisions for the site. As Phase II, specific design components, such as building orientation, massing, and access, may evolve. Should the applicant procure financing as identified in the proposed timeline, Phase II would commence while Phase I is under construction.

### Code Compliance

The City Code allows for and anticipates intense development at this location. Performance standards in the HX-R District require a more urban character when compared to the majority of the City of Bloomington. Given the location within the South Loop District, this is deliberate – the South Loop District is intended to accommodate the densest, most intense land uses within the City.

Table 1 below identifies several City Code requirements for development in the HX-R District. OHO incentives would apply to Phase II, but not Phase I, since Phase I would be entirely market rate. The only deviation the applicant is requesting for Phase I relates to parking supply and the requirement that one enclosed parking stall is provided for each residential unit. Additional commentary about the overall design are provided in the pages following Table 1.

**Table 1: City Code Requirement Analysis for HX-R Development**

| Standard                           | Code Required                                                                       | Proposed                                                           | Compliance |
|------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------------|------------|
| Site area                          | 120,000 square feet                                                                 | 166,234 square feet – Phase I; 241,442 square feet – Phases I & II | Yes        |
| Building setback along all streets | No minimum setback along streets. Setback is dictated by public easements – 10 feet | 10 feet                                                            | Yes        |
| Building rear yard setback         | 10 feet                                                                             | 56 feet – Phase I<br>18 feet – Phase II                            | Yes        |

|                                     |                                                                                    |                                                                                                            |                                                         |
|-------------------------------------|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| Impervious surface coverage         | 90 percent maximum                                                                 | ~50 percent – Phase I                                                                                      | Yes                                                     |
| Floor area ratio                    | 1.5 minimum<br>2.0 maximum<br>(without credits)                                    | 1.41 – Phase I<br>1.55 – Entire PD                                                                         | Yes                                                     |
| Residential density                 | 30 dwelling units/acre<br>minimum                                                  | Phase I : 63.4 units/acre<br>Phase I & II: 59.2<br>units/acre                                              | Yes                                                     |
| Building height                     | As dictated by MSP<br>Airport Zoning – 190<br>to 207 feet maximum                  | 75 – 80 feet along<br>American Blvd. E.;<br>85 feet along bluff                                            | Yes                                                     |
| Parking required                    | 470 spaces for Phase<br>I; 1,063 spaces for<br>Phases I & II                       | Phase I – 252 spaces,<br>plus access to 185-stall<br>surface lot; Phases I &<br>II – 715 spaces            | Deviation<br>Requested                                  |
| Parking location                    | Structured parking<br>with minimal surface<br>parking                              | Structured parking with<br>minimal surface<br>parking                                                      | Yes                                                     |
| Sidewalks                           | 8 feet minimum along<br>streets; 5 feet clear for<br>private sidewalks             | 10-foot trail along<br>American Blvd.;<br>private walks less than<br>5 feet clear with<br>vehicle overhang | Minor revision<br>required                              |
| Drive aisle                         | 24 feet two-way; 20<br>foot fire lane                                              | 24 feet two-way; 24<br>foot fire/drive lane                                                                | Yes                                                     |
| Trees                               | 44 trees                                                                           | 44 trees                                                                                                   | Quantity met –<br>some parking<br>islands require trees |
| Shrubs                              | 109 shrubs                                                                         | 268 shrubs                                                                                                 | Yes                                                     |
| Storage space – outside the<br>unit | 1 unit per dwelling<br>unit; OHO allows<br>reduction equal to ½<br>the total units | Phase I (242 units) –<br>289 storage units;<br>Phase II (89 units) – 95<br>storage units planned           | Yes                                                     |

**Opportunity Housing Ordinance and Incentives**

Between the two phases, 86 of the 328 units would be affordable to households earning no more than 60 percent of area median income, representing 26.2 percent of all units. The Opportunity Housing Project Summary, which is included in the packet, provides additional information on how Phase II relates to OHO requirements. Since the affordable units would be implemented with Phase II, Phase I is not entitled to the OHO incentives. To meet the OHO affordability requirement for Phase I, the applicant is proposing payment in lieu of affordable units (Section 9.09 of the City Code). At \$9.60 per gross leasable square foot, the total payment in lieu would be approximately \$1.7 million. Those funds, which would be held by the City, may be assigned

to future affordable units (Phase II), so long as final development plan approval is procured for Phase II within two years of Phase I construction commencing. If the applicant is unable to produce the affordable units, the \$1.7 million would go into the City of Bloomington's Affordable Housing Trust Fund to use for other projects in accordance with the Affordable Housing Trust Fund policies.

Requested OHO Incentives for Phase II include: Parking stall reduction, alternative exterior materials, storage space reduction, development fee reimbursement (not eligible), and Tax Increment Financing. The site qualifies as a Designated Transit Area under the OHO. Given the level of affordability, the project is entitled to a 20 percent parking stall requirement reduction. The proposed structured parking in Phase II, irrespective of the 323-stall parking structure, equates to a 20 percent parking deviation.

### **Building and Site Design**

Replacing surface parking with a six-story apartment building at a 10-foot setback would have a dramatic impact on the site development. Along with recently approved development across the street, the American Boulevard E. built environment would transform. Surface parking lots, on both sides of the street, would become residential uses with human-scale activity.

The exterior materials palette is similar to other multi-family developments with proposed stucco, brick and metal panels. Staff would continue to work with the applicant to ensure performance standards are met for stucco and metal panels. The applicant is not seeking any exterior material flexibility for Phase I, but would be able to take advantage of the OHO incentive allowing 50 percent secondary materials for non-street facing building elevations for Phase II. The applicant has identified using the incentive for Phase II, but final architectural designs would be reviewed as part of the Phase II final development plan review. Only the west building elevation is street-facing. The likely secondary material that is used for Phase II is fiber cement panels. Based on preliminary review of Phase II, staff anticipates the exterior materials requirements would be met or exceeded once OHO incentives are taken into account.

A major site consideration is its location along the Minnesota River bluff. Although the majority of the site is currently developed as surface parking, the Phase I building encroaches into steep slope areas, which are defined as having at least an average 18 percent slope over a horizontal distance at least 25 feet. While the encroachment into the steep slope area is minor, the applicant has been working with a team of engineers and City staff to ensure no detrimental impact on the river bluff. Some trees would be removed in the steep slope area, in part to allow for maintenance of the existing stormwater management infrastructure, but the majority of the steep slopes would remain undisturbed. Further, no "significant trees," as defined by City Code, would be removed from the bluff. Prior to the issuance of permits for land disturbance activity, professional certifications are needed relating to site stabilization, slope restoration, and sediment control best management practices to ensure no adverse impact to downstream properties or water bodies, slope stability, water quality, or existing hydrology.

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

Landscaping, including trees, shrubs, grasses, and perennials are provided throughout the Phase I site as well as some areas outside of the Phase I site, but within the planned development. Planting quantities meet City Code tree requirements and exceed shrub requirements. The mix of trees, shrubs, and grasses along American Boulevard and within the proposed plaza would significantly improve aesthetic appeal along public right-of-way. Minor modifications to the plans include adding trees to parking islands around the lobby entrance.

Meeting the landscaping requirement for Phase II would be more challenging since the majority of the site would be occupied by building or structured parking. Some landscaping would be provided on site, but much of the landscaping would need to be planted elsewhere in the planned development. Landscaping improvements along 34<sup>th</sup> Avenue S., where there are areas with no landscaping, would be a logical option.

In the HX-R Zoning District, a public plaza is required for each development. Among other standards, the plaza must be a minimum of 5,000 square feet, have access to a public or private street, and be available to the public. The applicant has proposed a public plaza on their property which has direct access to the American Boulevard E. paved trail. The plaza meets the area, seating, and dimensional requirements outlined in City Code.

An initial and maintained photometric lighting plans for the Phase I exterior and structured parking. Staff would continue to review lighting plans, including testing results for LED fixtures, as lighting plans are typically modified between City Council FDP approval and building permit issuance. Generally, lighting requirements for purely residential uses is lower than commercial uses. Structure parking has a higher minimum requirement.

### **Access, Circulation, and Parking**

Access points to the site would largely remain the same. The primary entrance to the development would be from an existing driveway immediately east of the existing parking structure at 3601 American Boulevard E. That drive lane would lead to the Phase I lobby and guest parking area and the Phase II parking structure. A secondary entrance located at the existing eastern curb cut would lead to the upper structured parking level in Phase I. Where there is no pedestrian access into the site today, direct pedestrian access would be provided to the Phase I lobby entrance. Phase II would include a pedestrian access to the west to connect with 34<sup>th</sup> Avenue S. Staff has also requested the applicant provide a pedestrian connection between the Phase I site and the existing surface parking lot. That connection would remain for Phase II to provide a pedestrian connection between Phase I and the Phase II parking structure.

Table 2 below identifies the use categories, parking standards, what is proposed, and the parking requirement. The surface parking lot at 6 Appletree Square is used by 2 Appletree Square, a 119,500 square foot office building, so it was included in the parking analysis. The proposed deviation from City Code for Phases I and II is 32.7 percent, but is misleadingly high because

that parking requirement does not incorporate a shared parking reduction. A parking study was conducted and updated several times as development plans evolved. The study reviewed City Code requirements, ITE standards, and anticipated demand based on full-occupancy of the office building and demands for residential uses. The study concluded that there would be sufficient parking provided and even an anticipated excess when taking into consideration shared parking. Staff is supportive of the proposed parking supply.

**Table 2 – Parking Analysis**

| Use Category                | Standard – Stalls per Floor Area or Dwelling Unit | Proposed | Parking Requirement |
|-----------------------------|---------------------------------------------------|----------|---------------------|
| 2 Appletree Square (Office) | 285                                               | 119,504  | 419.3               |
| MR - Studio & 1 BR          | 1.8                                               | 200      | 360.0               |
| MR - 2 BR                   | 2.2                                               | 36       | 79.2                |
| MR - 3 BR                   | 2.6                                               | 6        | 15.6                |
| MR - Party Room             | 100                                               | 1,529    | 15.3                |
| WF - Studio & 1 BR          | 1.8                                               | 63       | 113.4               |
| WF - 2 BR                   | 2.2                                               | 23       | 50.6                |
| WF - Party Room             | 100                                               | 971      | 9.7                 |
| Total Requirement (stalls)  |                                                   |          | 1063.1              |
| Proposed Parking (stalls)   |                                                   |          | 715                 |
| Deviation (stalls)          |                                                   |          | 348.1               |
| Percent Deviation           |                                                   |          | 32.7                |

In addition to the deviation for overall parking supply, the applicant has requested flexibility from the requirement that at least one enclosed parking space is provided for each dwelling unit. With 242 units proposed in Phase I, a minimum of 242 enclosed parking spaces are required – 233 structured stalls are proposed. Phase II would exceed the requirement since Phase II proposes 140 structured parking stalls for its 86 units.

Along with the 233 structured parking spaces, 19 surface spaces at the main entrance are proposed. If Phase II construction is delayed, residents would have access to the existing surface parking stalls located at 6 Appletree Square, which is comprised of 185 stalls.

Staff is supportive of the enclosed parking flexibility for Phase I. Providing 233 enclosed stalls amounts to a 3.7 percent deviation. Overall parking supply would be adequate and the applicant

anticipates that not all dwelling units will request a permanent parking stall. Also, the deviation would be temporary. The Phase II parking structure would be 323 stalls, which would provide additional enclosed, shared parking for office tenants, guests, and residents.

### **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 Lower Minnesota River Watershed District, so no additional permit will be required.

### **Utilities**

The subject property is served by both City sanitary sewer and water. City sanitary sewer improvements are planned for the South Loop area that will increase capacity to serve future development in the area including the future phases of the proposed development. Without the improvements, sufficient capacity does not exist. The utility plans for the site must be approved by the City Engineer prior to the issuance of a building permit for the site. Fire hydrant coverage and adequate supply for fire protection will also be evaluated as part of the review of the utility plans.

### **Traffic Analysis**

Access to the subject property is not proposed to substantially change. Staff is open to modifying the southern American Boulevard E. curb line and eliminating the right turn bay into the west driveway of the site per a petition and waiver agreement with the applicant. There is adequate capacity on American Boulevard E. for traffic generated from the site. Traffic impacts for future phases will be evaluated as those projects come online. The project must include bicycle parking facilities, as noted in the recommended conditions attached to the staff report.

### **Fire Prevention and Public Safety**

The applicant continues design work to meet the minimum standards for emergency vehicle access, including turning radius prior to the issuance of the building permit(s). The approved access road shall be maintained in accordance with 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.

A looped water supply feeding a single, combined water service into the building(s) is required for the domestic and sprinkler system water demand. Hydrant coverage must be provided within

150 feet of all exterior walls and within 50 feet of the fire department connection. The applicant continues design work for hydrant locations between the new and existing parking structures. The Utilities and Fire Prevention Divisions would approve hydrant locations.

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.

The applicant must ensure the proposed landscaping plans do not interfere with access to the building. Knox boxes and annunciator panels would be required at the main entrances and other areas as designated by the Fire Prevention Division. All stairwells must have an access door to the interior on all floors including the first floor. The fire code requires wet standpipe hose valves within 200 feet of all areas within the structure. Emergency responder radio coverage throughout the complex and in all structures per the requirements of Appendix L in the 2015 Minnesota State Fire Code must be provided.

Any changes made to the current plans, including building location, access roads, water supply and addressing, must be reviewed by the Fire Marshal to insure continued compliance with the fire code.

#### **Status of Enforcement Orders**

There are no open enforcement orders for the properties.

### **FINDINGS**

#### **Required Preliminary Development Plan Findings - Section 21.501.02(d)(1-6):**

| <b>Required Finding</b>                                                                                                                                  | <b>Finding Outcome/Discussion</b>                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) The proposed use is not in conflict with the Comprehensive Plan                                                                                      | Finding made – There is no conflict between the proposed development and the Comprehensive Plan. The proposed apartment building is consistent with the Comprehensive Plan’s South Loop Mixed Use designation.                                                                   |
| (2) The proposed use is not in conflict with any adopted District Plan for the area                                                                      | Finding made – The proposed development is consistent with the South Loop District’s vision for dense, mixed-use development that takes advantage and supports nearby transit options.                                                                                           |
| (3) All deviations from City Code requirements are in the public interest and within the parameters allowed under the Planned Development Overlay Zoning | Finding made – The proposed deviations would facilitate a development similar in character with the nearby multi-family housing development. The building’s height, density, massing, design and other characteristics are consistent with development projects within the South |

|                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                            |
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| District or have previously received variance approval                                                                                                                                                                    | Loop District. The deviations would not have an adverse impact on the surrounding neighborhood and are in the public interest.                                                                                                                                                                                                                                                                             |
| (4) Each phase of the proposed development is of sufficient size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit without dependence upon any subsequent unit | Finding made – The planned development’s Phase I is not dependent on subsequent phases.                                                                                                                                                                                                                                                                                                                    |
| (5) The proposed development 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; and                  | Finding made – 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 once planned sanitary sewer improvements are completed in the area.                                                                                                                                        |
| (6) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare                                                                                | Finding made – The proposed development is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare. The development must meet stormwater requirements and the building design, building heights, and site circulation are consistent with multi-family housing development within the South Loop District and the Interstate 494 corridor. |

**Required Final Development Plan Findings – Section 21.501.03(e)(1-7)**

| <b>Required Finding</b>                                                                                     | <b>Finding Outcome/Discussion</b>                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) The proposed use is not in conflict with the Comprehensive Plan                                         | Finding made – There is no conflict between the proposed development and the Comprehensive Plan. The proposed apartment building is consistent with the Comprehensive Plan’s South Loop Mixed Use designation. |
| (2) The proposed use is not in conflict with any adopted District Plan for the area                         | Finding made – The proposed development is consistent with the South Loop District’s vision for dense development that takes advantage and supports nearby transit options.                                    |
| (3) The proposed development is not in conflict with the approved preliminary development plan for the site | Finding made – the final development is consistent with Phase I of the preliminary development plan.                                                                                                           |
| (4) All deviations from City Code requirements are in the public                                            | Finding made – The proposed deviations would facilitate a development similar in character with the nearby multi-                                                                                              |

|                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| interest and within the parameters allowed under the Planned Development Overlay Zoning District or have previously received variance approval                                                              | family housing development. The building's height, density, massing, design and other characteristics are consistent with development projects within the South Loop District. The deviations would not have an adverse impact on the surrounding neighborhood and are in the public interest.                                                                                                             |
| (5) The proposed development is of sufficient size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit without dependence upon any subsequent unit | Finding made – The planned development's Phase I is not dependent on subsequent phases.                                                                                                                                                                                                                                                                                                                    |
| (6) The proposed development 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; and    | Finding made – 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 once planned sanitary sewer improvements are completed in the area. The City has anticipated the need for sanitary improvements and has planned accordingly.                                               |
| (7) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare                                                                  | Finding made – The proposed development is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare. The development must meet stormwater requirements and the building design, building heights, and site circulation are consistent with multi-family housing development within the South Loop District and the Interstate 494 corridor. |

## RECOMMENDATION

The Planning Commission and staff recommend approval using the following motion:

In Case PL2020-83, having been able to make the required findings, I move to approve preliminary development plans for a 328 residential unit multi-phase American Square planned development and final development plans for a 242-unit apartment building at 3701 American Boulevard E., subject to the conditions and Code requirements attached to the staff report.

## **RECOMMENDED CONDITIONS OF APPROVAL**

**Case** PL2020-83

**Project Description:** Preliminary and final development plan for a 328 unit multi-phase, mixed-use development and variances from Bluff Protection setback and tree replacement requirements.

**Address:** 3701 American Blvd. E., 6 Appletree Square, and 8101 36<sup>th</sup> Avenue S.

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.

### **Preliminary Development Plan Conditions of Approval**

1. Ongoing The American Square Planned Development must be implemented in accordance with the approved preliminary development plan, unless otherwise amended in accordance with City Code.
2. Ongoing Opportunity housing units must be provided in accordance with Chapter 9 of the City Code. Payment in lieu of affordable units must be provided prior to the issuance of building permits for a fully-market rate Phase I of the planned development.
3. Prior to Permit To ensure sufficient sanitary sewer capacity and to avoid sanitary sewer surcharge, a building permit must not be issued for Phase I or Phase II unless the City Council has accepted a feasibility study and ordered the associated project(s) to increase sanitary sewer capacity sufficient to serve the project phase or the Director of Public Works has determined that adequate sanitary sewer capacity exists to serve the development phase.

### **Final Development Plan Conditions of Approval**

1. Prior to Permit A Site Development Agreement, including all conditions of approval, must be executed by the applicant and the City and must be properly recorded by the applicant with proof of recording provided to the Director of Community Development.
2. Prior to Permit Development must comply with Lower Minnesota Watershed District standards.
3. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
4. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
5. Prior to Permit An erosion control surety must be provided (16.08(b)).
6. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52).
7. 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.

8. Prior to Permit Utility plan showing location of existing and proposed water main and fire hydrant locations must be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, Minnesota State Fire Code Sec. 508).
9. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
10. Prior to Permit A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) must be provided if greater than one acre is disturbed (State of MN and Federal regulation).
11. Prior to Permit Storm Water Management Plan must be provided that demonstrates compliance with the City's Comprehensive Surface Water Management Plan. A maintenance plan must be signed by the property owners and must be filed of record with Hennepin County.
12. Prior to Permit Professional certifications related to steep slope disturbances must be submitted in compliance with Bluff Protection standards and be approved by the City Engineer.
13. Prior to Permit A Minnesota Department of Health (MDH) watermain review and approval must be obtained or notification from MDH that this permit is not required must be submitted to the City (State of MN).
14. Prior to Permit Federal Aviation Administration review is required through the 7460 airspace analysis process.
15. Prior to Permit Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
16. Prior to Permit Buildings shall meet the requirements of the Minnesota State Fire Code Appendix L (Emergency Responder Radio Coverage) adopted through City Ordinance to have approved radio coverage for emergency responders based upon the existing coverage levels of the public safety communication systems.
17. Prior to C/O 10-foot trail along American Blvd. E. must be provided. Private sidewalk must maintain 5-foot clear. A pedestrian connection must be provided between the Phase I and Phase II sites (Section 21.301.04(b)(1)).
18. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
19. Ongoing All construction stockpiling, staging and parking must take place within the planned development and off adjacent public streets and public right-of-way.
20. Ongoing Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
21. Ongoing All rooftop equipment must be fully screened (Sec. 19.52.01).
22. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.
23. Ongoing Alterations to utilities must be at the developer's expense.
24. Ongoing Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
25. Ongoing 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).