



# Development Review Committee

## Approved Minutes

Pre-Application, PL202300146

Meeting Date: September 5, 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 |
| Pete Miller (Fire Prev.)     | 952-563-8967 | Erik Solie (Env. Health)     | 952-563-8978 |
| Lance Stangoehr (Fire Prev.) | 952-563-8969 | Mike Thissen (Env. Health)   | 952-563-8981 |
| Duke Johnson (Bldg & Insp)   | 952-563-8959 | Glen Markegard (Planning)    | 952-563-8923 |
| Kevin Toskey (Legal)         | 952-563-4889 | Liz O'Day (Planning)         | 952-563-8919 |
| Nicholas Redmond (Legal)     | 952-563-8781 | Jordan Vennes (Utilities)    | 952-563-4533 |
| Renae Clark (Park & Rec)     | 952-563-8890 | Mike Palermo (Port)          | 952-563-8924 |
| Desmond Daniels (Police)     | 952-563-8848 |                              |              |

### Project Information:

|                      |                                                                                                          |
|----------------------|----------------------------------------------------------------------------------------------------------|
| Project              | 4-story apartments (190-200 units) and 11,000 SF commercial building                                     |
| Site Address         | 6701 W 78 <sup>th</sup> Street                                                                           |
| Plat Name            | Nine Mile West 2 <sup>nd</sup> Addition                                                                  |
| Project Description  | Preliminary and final development plans for a four-story apartment building and a commercial building    |
| Application Type     | Preliminary and Final Development Plan                                                                   |
| Staff Contact        | Liz O'Day – (952) 563-8919 or <a href="mailto:eoday@bloomingtonmn.gov">eoday@bloomingtonmn.gov</a>       |
| Applicant Contact    | Griffin Jameson – (612) 284-2059 or <a href="mailto:griffinj@kaaswilson.com">griffinj@kaaswilson.com</a> |
| Post Application DRC | YES                                                                                                      |

NOTE: To view all documents and minutes related to this review, please go to [www.blm.mn/plcase](http://www.blm.mn/plcase) and enter “PL202300146” into the search box.

### Guests Present:

| Name                                   | Email                                                                        |
|----------------------------------------|------------------------------------------------------------------------------|
| Griffin Jameson (with Kass Wilson)     | <a href="mailto:griffinj@kaaswilson.com">griffinj@kaaswilson.com</a>         |
| Shari Ahrens (with Westwood)           | <a href="mailto:shari.ahrens@westwoodps.com">shari.ahrens@westwoodps.com</a> |
| David Bade (with Westwood)             |                                                                              |
| Brian Bochman (with Enclave Companies) | <a href="mailto:brian@enclavecompanies.com">brian@enclavecompanies.com</a>   |
| Collin Kaas (with Kass Wilson)         | <a href="mailto:collink@kaaswilson.com">collink@kaaswilson.com</a>           |

**INTRODUCTION – Liz O'Day (Planning)**

The applicant requests a preliminary and final development plan for a four-story, 192-unit market rate apartment building and a detached one story, 11,000 square foot commercial building at 6701 W 78<sup>th</sup> Street. A significant portion of the site is Nine Mile Creek wetland area. In 2018, the Planning Commission and City Council approved a senior apartment building and childcare but it was never constructed.

There would be two access points off W 78<sup>th</sup> Street that would serve the two buildings. They are proposing 340 total parking stalls with 191 in the underground garage and 149 on the surface. A significant portion of the site is Nine Mile Creek wetland area. Amenities for the apartment building include a dog run, outdoor pool, plaza and a rooftop deck.

**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 Comment
- Jason Heitzinger (Assessing):
  - This project will be subject to a Park Dedication Fee and when it is calculated, Jason Heitzinger will communicate it to the Planner, Liz O'Day, who will communicate with the applicants.
- Erik Solie (Environmental Health):
  - The pool should be reviewed by the state.
  - If any retail space has a kitchen or restaurant, the applications go through City of Bloomington.
  - Odor Control is required due to the proximity to residential areas.
  - The City of Bloomington will be your contact for the rental licenses.
- Mike Thissen (Environmental Health):
  - No comment
- Duke Johnson (Building and Inspection):
  - Duke asked if this will be replatted into 2 lots.
  - The applicants confirmed that it will be replatted.
- Pete Miller (Fire Prevention):
  - Hydrant coverage on the south end will need to be addressed.
  - Also, the turn radius for the trucks will need to be reviewed. Brian Hansen can get you a template for Ladder 3 if needed.
- Desmond Daniels (Police):
  - No Comment
- Brian Hansen (Engineering):
  - A ROW dedication is not required for this project but a 20-foot easement along W 78<sup>th</sup> St is needed for future sidewalk improvements etc.
  - Regarding water resources review, a permit with Nine Mile Creek is required.

- A National Pollutant Discharge Elimination System (NPDES) construction site permit is required if you are disturbing more than an acre.
- Provide a stormwater management plan meeting the requirements of the Bloomington Comprehensive Surface Water Management Plan.
  - Document in your plan if it is a restricted site and why you think so.
- Regarding Traffic review and the western driveway, you were looking to have a full access driveway. That would require some modifications to the median on W 78<sup>th</sup> Street and we would have a petition and a waiver and have the improvements done through the city's Pavement Management Program and have the cost assessed back to the properties. We have some base information from a survey that was done previously for a project that didn't move forward.
- Right-in/right-out only at the eastern driveway
- Provide a protected left turn lane to access the site.
- Provide trip generation numbers for the site based on the proposed use, using ITE Trip Generation Standards.
- Regarding Parking supply, if you are seeking any deviation you may need to do a parking study.
- Jordan Vennes (Utilities):
  - This property is served by Edina water and sewer. Bloomington will review the water main and hydrant configuration concerning Bloomington fire requirements. Please coordinate with Edina Engineering and/or Utilities for utility review. Contact Ross Bintner (RBintner@edinamn.gov), Copy [jvennes@bloomingtonmn.gov](mailto:jvennes@bloomingtonmn.gov) on utility correspondence.
  - There could be capacity concerns with Edina based on an analysis done in 2019.
- Kate Ebert (Public Health):
  - Absent
- Kevin Toskey (Legal):
  - No comments
- Mike Palermo (Port Authority):
  - The development narrative mentions they are seeking FAR requirement flexibility. We would like to remind the developer that the OHO (Opportunity Housing Ordinance/ Plan) offers a FAR bonus for each affordable unit in excess of the 9% required affordable unit baseline. Note that if the development complies with OHO requirements by payment in lieu, it will not be eligible for OHO incentives. From the OHO compliance perspective, we would like to know if the developer plans to go the payment in-lieu path.
  - Our office can walk you through the process if you need guidance.
- Jason Heitzinger (Assessing):
  - Asked what is the use of the commercial space?
    - Brian Bochman said it will probably be a daycare or a service retail space like a small medical clinic.
- Liz O'Day (Planning):
  - The Code requires a 20-foot landscape yard for the access drive and parking. Depending on how the easement shakes out a landscape deviation might be required. A setback of less than 20 feet would require planned development flexibility.
  - If the commercial use is intended to be a day care, please note that the use is accessory limited, meaning the use cannot be standalone and cannot be more than 25% of the floor area it occupies. Therefore, a standalone daycare isn't allowed but there might be alternatives.

- Previously, staff provided a deviation for 39,835 square feet of non-residential uses, where 61,558 square feet was required. Staff is uncomfortable going significantly below 39,835 square feet of non-residential floor area.
- Please read the Comment Summary thoroughly.
  - Applicant Brian Bochman commented on the non-residential uses discussion. Opus was probably including a fitness area in the figures so we are probably closer to 11,000 square feet.
  - Applicant Collin Kaas suggested they hold another meeting to get more accurate square footages and figure out how to land on the ratio.
  - Applicant Brian Bochman agreed and wanted to talk about the freestanding daycare as well and noted that attaching a daycare to senior living seems cute but to apartments it seems inappropriate.



# Comment Summary

**Application #:** PL202300146

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

**Request:** Preliminary and final development plans for a four-story apartment building and a commercial building at 6701 W. 78th Street.

**Meeting:** Pre-Application DRC - September 05, 2023

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

**Planning Review - Pre-App Contact:** Elizabeth O'Day at [ecoday@BloomingtonMN.gov](mailto:ecoday@BloomingtonMN.gov), (952) 563-8919

- 1) Submit an Affordable housing Plan (AHP) with the development application. Greater levels of affordability have increasing opportunities for development incentives. Submit an Affordable Housing Plan (AHP) that includes the proposed affordability mix for the development and number of units for various affordability levels. City staff will provide a blank AHP template.
- 2) Previously, staff provided a deviation for 39,835 square feet of non-residential uses, where 61,558 square feet was required. Staff is uncomfortable going significantly below 39,835 square feet of non-residential floor area.
- 3) Sidewalks perpendicular to parking stalls must be seven feet wide.
- 4) Each parking lot island must have one deciduous tree, have an internal width of eight feet and must be three feet shorter than the adjacent parking stall.
- 5) The Code requires a 20 foot landscape yard for the access drive and parking. A setback of less than 20 feet would require planned development flexibility.
- 6) Previously, the daycare and senior residential care facility traffic generated was within acceptable thresholds. A review of market-rate housing and the non-residential use must be provided for review.
- 7) Include a landscaping plan as part of the development application. Section 21.301.15 requires 1 tree per 2,500 square feet and 1 shrub per 1,000 square feet of developable landscape area. In this case, 123 trees and 308 shrubs are required to be evenly dispersed around the site. Screening from non-residential uses is required. Fifty percent of the frontage of a building facing a public street should be landscaped with foundation plantings.
- 8) If the commercial use is intended to be a day care, please note that the use is accessory limited, meaning the use cannot be standalone and cannot be more than 25% of the floor area it occupies. Therefore, a standalone daycare would not be permitted.
- 9) List the number of parking spaces required by city code and the number of spaces provided on the site plan.
- 10) Exterior materials must meet Section 19.63.08. The Opportunity Housing Ordinance may provide some relief from exterior material requirements for non-street side building elevations. Refer to Section 9.22 for information.
- 11) 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 for the parking dedicated to the apartment building. Structured parking has a 3.0 minimum foot-candle requirement with may be reduced to 1.5 foot-candles for the outer perimeter. Parking dedicated to the commercial use must meet a minimum of 2.0 foot-candles on the parking surface (which may be reduced to 1.0 foot-candles for the outer perimeter of the parking lot. Submit both an initial (1.0 LLF) and maintained (0.81 LLF) lighting plans for review.
- 12) Provide a sidewalk connection from the building to public sidewalk or street. (City Code Section 21.301.04(b)(2)(A)).

- 13) All rooftop equipment must be screened equal to the height of the equipment. (Section 21.301.18)
- 14) Interior trash and recycling must be provided (see City Code Section 21.301.17).
- 15) Exterior signage must meet Chapter 19, Article X of the City Code. Refer to sign requirements for multi-family residential development. However, the sign Code is going through a comprehensive review.
- 16) 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-use of salt.
- 17) Show location of a bike rack and bike rack detail on the plan.
- 18) A fully enclosed, lockable storage space, located outside the unit (excluding accessibility and senior citizen housing), must be provided for each dwelling unit. If the storage space is used to meet the long-term bicycle parking requirements of § 21.301.06, the storage space must have a minimum of a four foot horizontal dimension and a minimum of a four foot vertical dimension and be at least 175 cubic feet. If long-term bicycle parking requirements of § 21.301.06 are being met outside of the storage space, 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. Refer to Section 9.23 for OHO incentives for storage space reduction.
- 19) 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 may be required for the construction of surface parking and grading/filling activities in the shore area. See Section 19.87.04 of the City Code. Impacts to the shore area must be further evaluated by staff.
- 20) Compliance with MN Rules Chapter 7030 Noise Pollution Control is required.
- 21) An eight-foot wide public sidewalk must be constructed behind the planned widened right-of-way line (City Code Section 21.301.04(b)(1)) within a sidewalk/bikeway easement and the sidewalk must be constructed in conjunction with the development.
- 22) Any retaining wall over four feet is required to meet principal building structure setbacks and requires engineered drawings.
- 23) Parking lot screening required between parking areas and the street. Screening may not be located within the planned widened right-of-way or easement (City Code Section 21.301.15(d)(3)).
- 24) All plantings must be no less than 2 feet away from any sidewalk.
- 25) Refer to City Code Section 21.301.03 for structure design enhancement requirements.
- 26) On development sites where residential buildings are separated from nonresidential buildings, the primary public entrances of residential and non-residential buildings must be linked with one another through direct pedestrian connections.

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

- 1) Must meet 2020 MN State Building Code
- 2) Building plans must be signed by a MN licensed architect.
- 3) SAC review by MET council will be required.
- 4) Must meet 2020 MN Accessibility Code.
- 5) Provide a detailed code analysis with the plans.

**Fire Department Review - Pre-App Contact:** Pete Miller at [pmiller@BloomingtonMN.gov](mailto:pmiller@BloomingtonMN.gov), (952) 563-8967

- 1) Hydrant coverage shall be provided within 50' of the FDC and within 150' of all portions of the structure.
- 2) Access shall be provided to/from all stairwells on all floors and parking levels.
- 3) Emergency responder radio coverage meeting the requirements of Appendix P in the 2020 MSFC shall be provided throughout the property and within the structures.
- 4) Appliances/cooking producing grease laden vapors requires a hood and suppression system.
- 5) A looped water supply feeding a single, combined water service is required for the domestic and sprinkler system water demand.
- 6) All exterior doors that allow access to the interior of the building(s) shall be numbered in a sequential order starting with the main entrance (public entrance) as number 1 and continue in a clockwise manner.

- 7) Provide adequate turning radius for all emergency vehicle access lanes.
- 8) Hydrant coverage shall be provided within 50' of the FDC and within 150' of all portions of the structure.
- 9) Building/property shall be adequately signed for emergency response.
- 10) Provide adequate turning radius for all emergency vehicle access lanes.

**Other Departmental Review - Pre-App Contact:** Kenneth Niemeyer at kniemeyer@BloomingtonMN.gov, (952) 563-4981

- 1) From the OHO compliance perspective, we would like to know if the developer is planning to go the payment in-lieu path.
- 2) The development narrative mentions they are seeking FAR requirement flexibility. We would like to remind the developer that the OHO offers a FAR bonus for each affordable unit in excess of the 9% required affordable unit baseline. Note that if the development complies with OHO requirements by payment in-lieu, then it will not be eligible for OHO incentives.

Comments from the Port Authority

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

- 1) Provide an Environmental Health Plan Review application with plan submittal for each proposed food facility.
- 2) Proposed pool must be approved by the Minnesota Department of Health prior to construction.

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

- 1) Max 2% cross slope at handicap stalls
- 2) Provide standard commercial driveway entrances

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

- 1) An erosion control bond is required.
- 2) 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.
- 3) 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))
- 4) List erosion control maintenance notes on the plan.
- 5) Show erosion control BMP locations on the plan.
- 6) A National Pollutant Discharge Elimination System (NPDES) construction site permit and Storm Water Pollution Prevention Plan (SWPPP) must be provided.
- 7) Use updated city standard details for driveways, utilities, erosion control, etc. found on the website at [www.bloomingtonmn.gov/information-sheets-and-handouts-engineering-division](http://www.bloomingtonmn.gov/information-sheets-and-handouts-engineering-division)
- 8) Provide a turf establishment plan.
- 9) A maintenance agreement must be signed by the property owner and recorded at Hennepin County.
- 10) Utility permits are required for connections to the public storm, sanitary, and water system. Contact Utilities (952-563-8777) for permit information.
- 11) Provide stormwater management plan meeting the requirements of Bloomington Comprehensive Surface Water Management Plan.
- 12) Utility as-builts must be provided prior to issuance of Certificate of Occupancy.
- 13) Retaining walls 4-ft and taller requires additional permitting
- 14) Pre-treatment required prior to discharging to permanent stormwater treatment BMP's

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

- 1) 20' future ROW may be part street part swk/bkwy/D/U easement.
- 2) Future separation of ownership of two buildings may trigger re-platting.

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

- 1) This new driveway location (away from Shaughnessy Rd) would require reconstruction of the turn lane/median on W 78th Street if a left into the site option is requested
- 2) Relocate and reconstruct the sidewalk parallel to 78th Street to be 6' wide with a 5-6' grass boulevard
- 3) Right-in/right-out only at this eastern driveway
- 4) List the number of parking spaces required by city code and the number of spaces provided on the site plan.
- 5) Show location of a bike rack and bike rack detail on the plan.
- 6) Provide trip generation numbers for the site using ITE Trip Generation Standards.
- 7) 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) for permit information.
- 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.

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

- 1) This property is served by Edina water and sewer. Bloomington will review water main and hydrant configuration with respect to Bloomington fire requirements. Please coordinate with Edina Engineering and/or Utilities for utility review. Contact Ross Bintner (RBintner@edinamn.gov), Copy jvennes@bloomingtonmn.gov on utility correspondence.
- 2) Provide civil plans for the project. Plan sheets may include grading, drainage, utility, erosion control, traffic control, civil site, etc.
- 3) See attached sanitary flow planning document from 2019 development review. Edina has limited sewer capacity in this area and wishes to make applicant aware of previous 2019 analysis and "will serve" conditions.