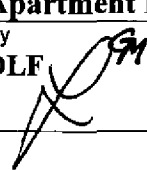


# Request for Council Action

PL202400060

|                                                                        |                                                                                                                                                      |                                                 |
|------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| Originator<br><b>Community Development</b>                             | Item<br><b>Preliminary and Final Plat, Preliminary and Final Development Plan for a 420 Unit, six-story Apartment Building and Parking Structure</b> | #<br><b>5.2A<br/>1,2,3,4</b>                    |
| Agenda Section<br><b>HEARING/PUBLIC INPUT<br/>Development Business</b> | By<br><b>DLF</b>                                                    | Approved<br><br>Date<br><b>December 2, 2013</b> |

Case 2830FGHI-13

## GENERAL INFORMATION

Applicant: Bloomington Port Authority (Owner)  
Lennar Multifamily Investors, LLC (User)

Location: 8001 and 8051 33<sup>rd</sup> Avenue South

Request: F) Major Revision to Preliminary Development Plan  
G) Final Development Plan for a 420 unit, six-story apartment building with attached parking structure  
H) Preliminary Plat for BLOOMINGTON CENTRAL STATION 4<sup>TH</sup> ADDITION  
I) Final Plat for BLOOMINGTON CENTRAL STATION 4<sup>th</sup> ADDITION

Existing Land Use and Zoning: Vacant Land; zoned HX-R (High Intensity Mixed Use with Residential)

Surrounding Land Use and Zoning: North – Remote airport parking; zoned HX-R  
West – Proposed BCS Hotel; zoned HX-R  
South – Vacant/Boiler Plant; zoned HX-R  
East – LRT station/Office/Hotel; zoned CS-1(PD) and CO-1 (PD)

Comprehensive Plan: The Comprehensive Land Use Plan recommends South Loop Mixed Use for the property.

## HISTORY

City Council Action: 05/06/13 -- Approved Modification to Preliminary Development Plan Condition, Final Development Plan for a 302 room hotel, preliminary and final plat for BLOOMINGTON CENTRAL STATION 3<sup>rd</sup> ADDITION (Case 2830ABCD-13)

**Council Action**

Motion by \_\_\_\_\_ Second by \_\_\_\_\_ to \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**QUALITY SERVICES - AFFORDABLE PRICE**

City Council Action: 10/06/08 -- Approved preliminary and final plat for BLOOMINGTON CENTRAL STATION 2<sup>ND</sup> ADDITION (Case 2830A-08)

City Council Action: 07/24/06 – Approved Final Development Plan for Bloomington Central Station Park (Case 2830A-06)

City Council Action: 12/06/04 – Approved rezoning from CS-1(PD)(AR-17) to HX-R (PD)(AR-17) (Case 2830A-04)

City Council Action: 12/06/04 – Approved revised Preliminary Development Plan for Bloomington Central Station (Case 2830G-04)

### CHRONOLOGY

Planning Commission Action: 11/21/13 – Planning Commission recommended approval of:

- F) Major Revision to Preliminary Development Plan
- G) Final Development Plan for a 420 unit, six-story apartment building with attached parking structure
- H) Preliminary Plat for BLOOMINGTON CENTRAL STATION 4<sup>TH</sup> ADDITION
- I) Final Plat for BLOOMINGTON CENTRAL STATION 4<sup>th</sup> ADDITION

City Council Agenda: 12/02/13 – Public Hearing Scheduled

### DEADLINE FOR AGENCY ACTION

Application Date: 10/16/13  
60 Days: 12/14/13  
Extension Letter Sent: No  
120 Days: 02/12/14

### STAFF CONTACT

Dennis Fields, Planner  
(952) 563-8925  
[dfields@ci.bloomington.mn.us](mailto:dfields@ci.bloomington.mn.us)

### APPLICABLE REGULATIONS

Section 19.29 High Intensity Mixed Use with Residential  
Section 21.501.02(d)(1-6) Preliminary Development Plan  
Section 21.501.03(e)(1-7) Final Development Plan  
Section 22.05(d)(1-8) Preliminary Plat  
Section 22.06(d)(1) Final Plat

## **PROPOSAL**

The proposed Final Development Plan (FDP) includes a 420 unit, six-story apartment building with an attached 664 space above-ground parking ramp. The six-story apartment complex, including the parking structure, will have 650,043 total square feet of floor area, with a maximum height of 74 feet 8 inches. The apartments alone will consist of 427,919 square feet of floor area and wrap around three sides of the parking structure.

A total of 24 on-street parking spaces will be constructed south of the apartment building along the proposed 80 ½ Street. The 662 space parking structure will include 12 visitor parking spaces and 4 ZipCar spaces, which are hourly rental vehicles available to residents and the general public.

The layout of the building creates four outdoor courtyards, each surrounded on three sides with apartment units. The courtyards will provide outdoor spaces for residents, including designated pet areas, exercise areas, and an outdoor pool. Interior amenities include two community rooms with kitchenettes, lounge areas, fitness center, spa with sauna, interior bike storage, and a dog wash facility.

The exterior materials will consist of brick and cast stone on the two lower levels, primarily stucco and metal panels on upper levels, with limited amounts of high pressure laminate panels and Ipe wood panels to add texture to the building.

## **BACKGROUND**

The Bloomington Central Station (BCS) Preliminary Development Plan (PDP) was initially approved on December 6, 2004 and covers the entire 43 acre project area. The entire BCS development is proposed to be constructed in eleven phases, with the proposed apartments being phase three. At the same time, a Final Development Plan (FDP) was approved for the first phase of housing, Reflections – two 17-story condominium towers with a total of 263 dwelling units. The BCS Development centers around the Bloomington Central Light Rail Transit (LRT) Station, one of four Hiawatha LRT stations in the City of Bloomington. In 2006, City Council approved a revision to the PDP along with a FDP for Central Station Park, the primary open space focus within the BCS development. The 1.9-acre park is located west of the proposed apartments and features seating areas, garden rooms, water walls and fountains, paved and lighted walkways, and public art. In May 2013, the City Council approved a FDP for the second phase of development, a 302 room hotel with a restaurant and banquet facilities.

The PDP envisioned six mid-rise residential towers, 840 residential units with underground parking, on the northeast quadrant of the BCS site. The proposed revision to the PDP does not change the number of units, but includes two buildings, with seven-story above ground parking structures, to be constructed in two separate phases.

The purpose of a PDP is to establish a basic plan with respect to development density, intensity, building layout and access. It ensures that development on multiple lots or over multiple phases work together. Individual buildings or improvements for future phases then require a FDP approval prior to construction. The purpose of the FDP is to establish a detailed development plan for construction of the proposed development.

## ANALYSIS

### Land Use and Zoning

The property is guided South Loop Mixed Use (SLMU) in the City's Comprehensive Plan and is consistent with the approved South Loop District Plan. The South Loop District Plan envisions high quality pedestrian and transit oriented development in this area. The site is zoned HX-R, High Intensity Mixed Use with Residential. Residential apartments are a permitted use in the HX-R zoning district. The PDP, approved in 2006, envisioned up to 840 residential units on the site. The proposed revision to the PDP does not change the number of units, but rather the configuration and number of buildings and parking structures on the site. The PDP and FDP applications are both consistent with the previously approved PDP in 2006. The proposed residential apartments relate well to the proposed hotel building, Central Station Park, and future office components.

### Code Compliance

Planned developments allow for flexibility to City Code standards if the applicant can demonstrate that the project meets the findings and the City Council determines the flexibility meets the intent of the City Code. The Bloomington Central Station project will be developed in phases. It is important to note that the code requirements listed below are requirements for the entire BCS site and each phase independently may not meet all code requirements. Table 1 below compares the code requirements for HX-R and the proposed requests.

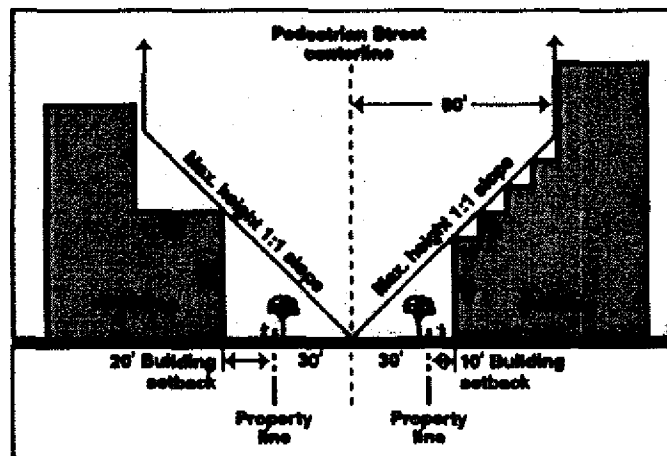
**TABLE 1: HX-R District Standards – Section 19.29**

| Standard                         | Code Requirement                                                                                               | Proposed                                     | Compliance                                                |
|----------------------------------|----------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------|
| Minimum Site Area                | 120,000 SF                                                                                                     | 168,054 SF                                   | Meets Code                                                |
| Floor Area Ratio (FAR)           | Min 1.5 – Max 2.0+ Bonus<br>for entire Planned Development                                                     | Apartments = 2.21<br>PD = 1.94               | Meets Code                                                |
| Building Setback - Public Street | No Minimum                                                                                                     | 10 feet                                      | Meets Code                                                |
| Building Setback - Non-Street    | 10 feet                                                                                                        | 10 feet                                      | Meets Code                                                |
| Public Entrance on Public Street | Within 20 feet                                                                                                 | < 20 feet                                    | Meets Code                                                |
| Maximum Building Height          | 991 ft elevation<br>Approx. 170 Feet in Height                                                                 | 896.47 ft elevation<br>74' – 8" Height       | Meets Code                                                |
| Building Design                  | Min 50 % of first floor be<br>windows or entrances.<br>Blank façade not exceed 20 feet                         | >50% windows<br>< 20 ft blank facade         | Meets Code                                                |
| Pedestrian Street Step Back      | 1:1 step back within 80 feet<br>from road centerline<br>(25 % of block face can<br>encroach or approx 93 feet) | 254 linear feet<br>within step back          | <b>Requesting<br/>Flexibility<br/>for 161 linear feet</b> |
| Landscaping                      | 68 trees<br>168 shrubs                                                                                         | 79 trees<br>828 shrubs                       | Meets Code                                                |
| Parking Location                 | Structured Parking                                                                                             | Structured Parking                           | Meets Code                                                |
| Parking Spaces                   | 796 spaces required by code<br>685 recommended by traffic<br>study                                             | 662 ramp<br>24 On-street<br>686 spaces total | <b>Requesting<br/>Flexibility</b>                         |

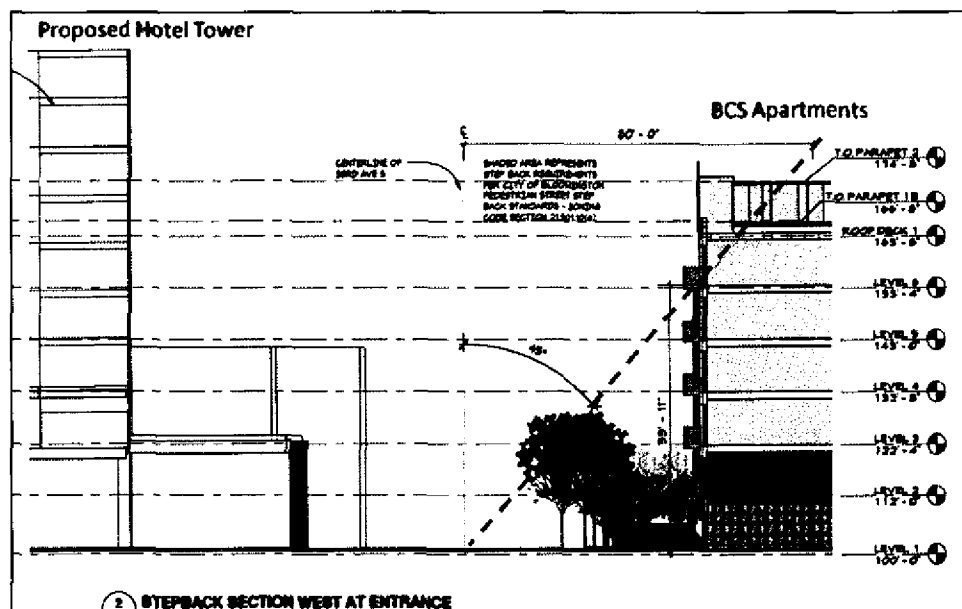
The following sections are a more detailed description of the requested code deviations.

### **Pedestrian Street Step Back**

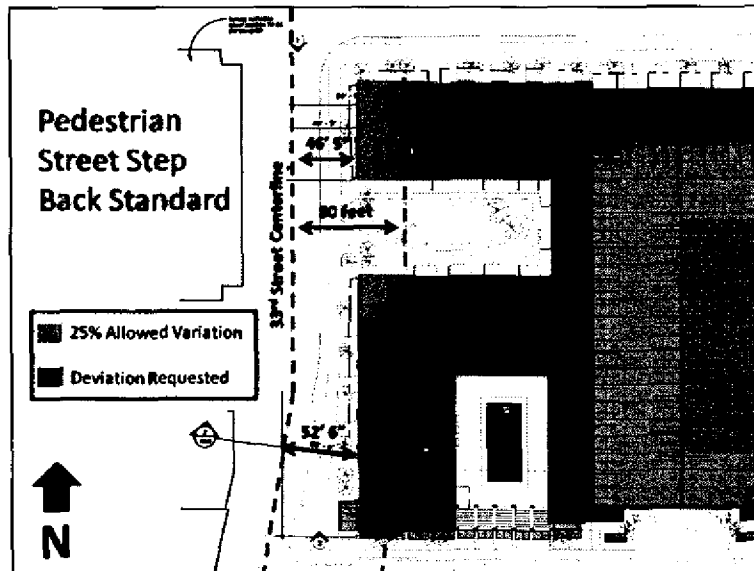
The City Code establishes Building Step Back Standards to avoid a “canyon effect” from tall buildings in pedestrian areas identified in the comprehensive plan as “Pedestrian Street Segments.” 33<sup>rd</sup> Avenue South is designated a Pedestrian Street Segment. The height of a new building adjacent to a pedestrian street must be proportional to the horizontal distance of the building wall to the centerline of the street. Those portions of a building located more than 80 feet from the road centerline are exempt from the step back standard. The graphic below illustrates the Pedestrian Step Back Standard.



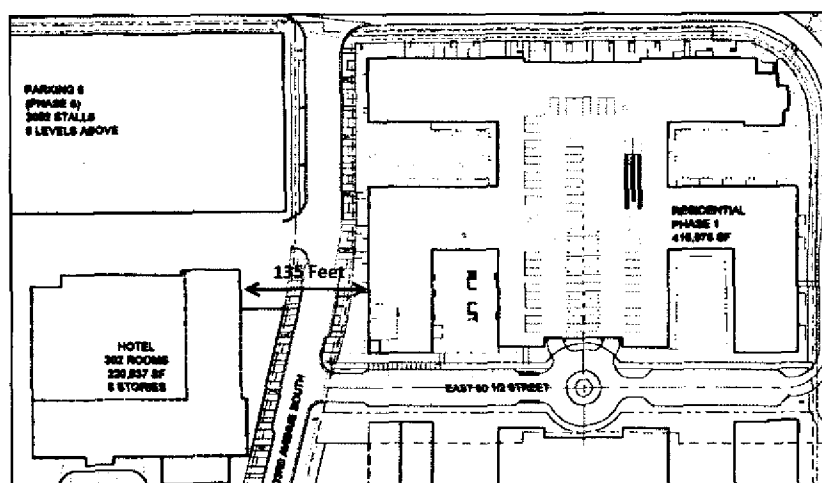
The requirement only applies to the 33<sup>rd</sup> Avenue façade since this is the only designated Pedestrian Street Segment adjacent to the proposed residential building. The pedestrian step back standard applies to all portions of the building within 80 feet of the street centerline. Any portion of the building further than 80 feet from centerline is then exempt from the Step Back Standards.



Code allows up to 25% of an individual block face to exceed the Pedestrian Street Step Back Standard, thus allowing roughly 93 feet of the building face to encroach into the step back area. The west face of the residential building has roughly 254 feet within the step back area, a deviation of 161 feet. The graphic below shows the area allowed to encroach by Code (orange), and the requested area of deviation (red). In the area of deviation, the building height is between 66 and 75 feet (due to taller parapets), whereas only heights between 46 feet and 54 feet would be allowed (depending on the curvature of the road), thus a deviation ranging from 13 feet to 29 feet in height on the west façade is requested.



To meet the Pedestrian Street Step Back Standards, the applicant would be required to remove approximately 9 or 10 units on the west side of the building. There are competing objectives in this area. On one hand, the Comprehensive Plan and HX-R zoning district calls for creating high residential densities near LRT stations. On the other hand, City height standards are designed to avoid canyon effects and shadowing from taller buildings. The distance between the proposed hotel tower and the apartment building wall is approximately 135 feet (see graphic below). Staff feels that the applicant is meeting the intent of the code due to the fairly wide distance between buildings and by incorporating courtyards areas to break up the length of solid building wall. In this case, flexibility is warranted to achieve the objective of adding residential density near LRT stations.



### **Parking**

The HX-R zoning district is intended to encourage high intensity mixed use development and promotes the use of mass transit and pedestrian friendly design. The apartment complex is proposed to include 686 total parking spaces with the development. The proposed attached parking structure will create 664 spaces, and 26 parking spaces will be on-street spaces along 80 ½ Street. Within the parking ramp, there will be ten visitor parking spaces, and four spaces dedicated to ZipCars, which are hourly rental vehicles available to residents and the general public.

The City Code requires 796 parking spaces for the residential use prior to taking into consideration any reductions due to adjacency to mass transit, which reduces the need for parking. City Staff required the applicant to hire a consultant to perform a parking study to determine the parking demand / supply for this transit oriented residential development. After taking into consideration the availability of high quality transit, the parking consultants determined the parking demand to be 685 parking spaces, which is lower than the proposed supply of 686. This translates to a 14 percent reduction from City Code requirements based on proximity to light rail transit, which the consultant concluded was reasonable at this location. In the even that actual parking demand proves to be higher than predicted, the applicant would have the ability to provide a higher level of parking in conjunction with their Phase II parking ramp.

Staff is comfortable with granting flexibility for the reduction of parking spaces from 796 to 686 based on the parking consultant's findings, however Staff is concerned with the ratio of visitor only spaces. Currently there are 36 visitor spaces including 12 located in the parking ramp and 24 on-street spaces. Staff recommends approximately 8% of the total parking count to be visitor spaces, or roughly 55 stalls. A condition of approval has been added to this effect.

### **Other Site Conditions:**

#### **Building Design**

The HX-R District requires buildings that are adjacent to and within 100 feet of a public street to have at least one public entrance within 20 feet of the street. The proposed apartment building has entrances on all four corners of the building and all are within 20 feet of the property line, which meets this code requirement.

The code requires first floor building facades that are facing and within 100 feet of a public street to have a minimum of 50 percent ground floor windows or entrances to promote a pedestrian oriented environment and add visual interest. All four of the building facades face and are within 100 feet of public streets, and all incorporate over 50 percent windows and entrances for the apartment units on the ground floor, which meets this code requirement.

#### **Landscaping and Screening**

The City Code requires one tree be planted for every 2,500 square feet, and one shrub for every 1,000 square feet of developable area. By code, 68 trees and 168 shrubs must be planted. The applicant proposes to plant 79 trees and 828 shrubs, which exceeds the code requirement for landscaping.

#### **Airport Zoning**

The proposed apartment building is subject to the Airport Zoning Height Limits because of the proximity to the airport runway. In this location, buildings cannot exceed 991 feet in elevation above sea level, or approximately 170 feet in height relative to existing grades. The proposed finished height of the hotel will be 74 feet 8 inches, which is approximately 896.5 feet in elevation above sea level depending on final grading and meets the City

Code Requirement. The applicant will need to obtain an Airport Zoning Permit for the temporary use of tower cranes during construction that exceed 80 feet in height. If the tower cranes will exceed the 991 foot elevation, they will require a temporary variance from the Minneapolis-St. Paul International Airport Board of Adjustment prior to the administrative approval of the Airport Zoning Permit by City staff.

### **Noise Mitigation**

Given the location of the South Loop District relative to the north/south runway at MSP International Airport, noise insulation is an important factor to consider in conjunction with any application for a noise sensitive use. Residential uses are among the most noise sensitive uses.

To offer additional insight on the issue of noise insulation at the proposed multi-family development and to assist in determining an appropriate insulation level, the applicant has retained an acoustics expert to prepare a report. At this time, the report has not been submitted to the City for review. Given the lack of the acoustical report, staff recommends a placeholder condition that requires a level of noise insulation to match that required for the Reflections project, the only other multi-family project approved in the South Loop District since the opening of the north-south runway. Staff further recommends that the condition be worded in a manner that allows the City Council to alter the level of noise insulation once the acoustical report is available and has been reviewed by the City and the Metropolitan Airports Commission.

Given that existing and forecast airport related noise levels have dropped considerably since the Reflections requirement was set and given that the proposed site is slightly more removed from aircraft noise sources than the Reflections site, the City Council, once it has had a chance to review the acoustical report, may wish to reduce the required noise insulation level relative to the placeholder condition. However, in the absence of the acoustical report, staff recommends setting the bar high. This approach allows the application to proceed while placing all risk on the applicant.

### **Signage**

No signage is approved with this development application. The applicant will need to complete a Uniform Sign Design (USD) for the entire BCS development prior to any sign permit approval for the proposed apartments.

### **Infrastructure**

The Bloomington Central Station public infrastructure adjacent to the proposed apartment will include watermain, sanitary sewer, storm sewer, curb and gutter, street, sidewalk and street lighting, which will be constructed as City Project 2013-305. The City project includes construction of improvements on, adjacent to and under the new 80-1/2 Street between 33<sup>rd</sup> Avenue and 34<sup>th</sup> Avenue, south of the proposed apartment building. The City project also includes streetscape enhancements on all sides of the building. It is anticipated that the City project will begin in the summer of 2014. The City will coordinate the schedule of the public infrastructure project with the apartment construction project.

### **Access and Circulation**

The previously approved hotel project included the construction of City Project 2013-304, which included the streets east (33<sup>rd</sup> Avenue South) and south (East 81<sup>st</sup> Street) of the hotel. The BCS apartment project will require the construction of 33<sup>rd</sup> Avenue South (west of the apartment) and 80-1/2 Street (south of apartment). The BCS apartment will have one vehicle access into the parking ramp located at approximately the midpoint of East 80-1/2 Street.

### **Traffic Analysis**

In 2004, the *Bloomington Central Station Traffic Study* was completed for the Preliminary Development Plan (PDP) for Bloomington Central Station. When the PDP was revised in 2005, a traffic study memo was prepared to address the PDP revisions. In December 2007, the *Bloomington Central Station Traffic Study – Hotel Development* was completed to evaluate traffic impacts and potential improvements necessary to support the proposed hotel development. In March 2013, the *Bloomington Central Station Traffic Analysis Update – Hotel Development* was completed to analyze the effects of the changes to the hotel project. With this project, Engineering staff requested a traffic study memo to analyze the effects of the new residential development.

Results from the recent traffic study memo indicated that all key intersections will operate at an acceptable overall Level of Service (LOS) D or better during the peak hours in the build condition and that additional traffic control improvements are not expected to be needed for this proposed apartment development.

There are considerable changes to the transportation network planned in the South Loop District in the next few years, including a Diverging Diamond Interchange at 494 and 34<sup>th</sup> Avenue (now open), Lindau Lane grade separation near the Mall of America, extension of Lindau Lane from 24<sup>th</sup> Avenue to 30<sup>th</sup> Avenue, and construction of 30<sup>th</sup> Avenue from East Old Shakopee Road to American Boulevard East. These transportation improvements are expected to shift traffic patterns in the District. Before Bloomington Central Station receives approval for its next phase of development following the apartment development, a detailed traffic analysis similar to the *2004 Bloomington Central Station Traffic Study* will need to be completed for the entire development, specifically taking into account the new and changed infrastructure in the South Loop District. The study will be completed using the City Code requirements for Special Studies.

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

A condition of the Bloomington Central PDP is completion of a Transportation Demand Management (TDM) plan for the site. An overall TDM plan for the entire site should be submitted before Building Permit for the apartment. Each phase that requires a detailed TDM plan will also be required before that phase's Building Permit. TDM agreements and financial guarantees are due before a certificate of occupancy is issued. Bloomington Central Station is a Transit Oriented Development with the Hiawatha Light Rail line going through the site. Just west of the Bloomington Central Station site is a park and ride facility and further west is the Mall of America Transit Station. Also, there will be construction in the South Loop District over the next few years which will provide more multi-modal routes around the district.

### **Stormwater Management**

For the Bloomington Central Station Preliminary Development Plan (PDP), an Overall Stormwater Management Summary was submitted, with a revision completed in 2006 with the revised PDP. The Overall Stormwater Management plan includes a stormwater pond in the southwest corner of the Bloomington Central Station site which was designed to handle rate control and water quality requirements. Stormwater infrastructure will be constructed as part of the public improvements, City Projects 2013-304 and 2013-305.

### **Utilities**

As part of the City infrastructure project, sanitary sewer and watermain will be constructed under 33<sup>rd</sup> Avenue and East 80-1/2 Street. These utilities have been sized to handle the development.

Redevelopment projects in the City of Bloomington generally increase the density of property use throughout the City. As a result, the demand upon the remaining capacity of the existing wastewater infrastructure is being pushed beyond system limits. To allow these redevelopment projects to move forward, additional wastewater

capacity must be built into the system to accommodate the desired growth. Bloomington is in the process of developing a fair cost-sharing program that will address future funding for the needed wastewater system capacity improvements. This project will likely be required to participate in the cost-sharing of system upgrades in accordance with the City's cost sharing program once it has been finalized by the City.

### **Fire Prevention**

The goals of Fire Prevision are to insure adequate emergency vehicle access, water supply, and addressing. 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 shall be asphalt or concrete and support a minimum of 80,000 pounds. A mountable curb and no landscaping is required for emergency vehicle access on the southwest corner of 80 ½ street and 34<sup>th</sup> Avenue.

Addressing for emergency vehicle response will be critical for the size and scope of this project. Multiple addresses are preferred to provide emergency vehicles with the most direct entry point in the event of an emergency. An address plan must be submitted and approved by Engineering, Fire Prevention, and Police prior to the issuance of a building permit. Each building must be addressed plainly and be visible from the street or road using numbers that contrast with the background. A Knox box and fire alarm annunciator panel will be required at each of the main entrances.

The garage standpipe connections shall be located in protected stairwells that the Fire Department can access from each level of the garage. A dry standpipe is limited to 130 feet maximum distance between hose connections. A wet standpipe is limited to 200 feet maximum distance between hose connections.

Hydrants will need to be strategically placed to provide an adequate water supply for firefighting operations in and around all buildings including the subsequent development of phase II. A hydrant shall be located within 50 feet of the fire department connection and within 150 feet of any exterior wall.

### **Preliminary and Final Plat**

The property currently consists of one parcel, Outlet E of Bloomington Central Station 2<sup>nd</sup> Addition. The preliminary and final plat subdivide the outlot into one lot known as Lot 1, Block 1, and two outlots, one for street purposes and one for future development. The proposed 211,039 square foot lot for development purposes exceeds the minimum site area for the HX-R zoning district. The proposed plat is called BLOOMINGTON CENTRAL STATION 4TH ADDITION. The plat dedicates a 10 foot drainage and utility easement along the north boundary with American Boulevard East and east boundary with 34<sup>th</sup> Avenue south and a variable width drainage and utility easement along the west boundary with 33<sup>rd</sup> Avenue south. Minimum 10-foot sidewalk/bikeway easements will be provided along all street frontages. Outlots A and B will have easement for pubic roadway purposes and the applicant will be seeking an amendment to the existing maintenance agreement with the City to include this easement.

## FINDINGS

### Section 21.501.02(d) Preliminary Development Plan

**(1) The proposed development is not in conflict with the Comprehensive Plan;**

- The comprehensive plan recommends high intensity mixed uses with residential for this site and an apartment building is a permitted use in the zoning district. The proposed apartment complex is consistent with the Comprehensive Plan.

**(2) The proposed development is not in conflict with any adopted District Plan for the area;**

- The proposed residential use and intensity is consistent with the adopted South Loop District Plan.

**(3) All deviations from City Code requirements are in the public interest and within the parameters allowed under the Planned Development Overlay Zoning District or have previously received variance approval;**

- The deviations requested are in the public interest and meet the intent of the code. All requested deviations are within the allowed parameters under the Planned Development Overlay District.

**(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;**

- The proposed apartment complex, in conjunction with the overall 43 acre Planned Development, is a complete unit without dependence upon other subsequent units. There are several public roads, parking areas, and new accesses created to ensure that the planned development is able to fully accommodate all of the uses within the site.

**(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**

- The previously approved Preliminary Development Plan anticipated 840 residential units on this site for many years and these plans were considered in the planning for and sizing of recent infrastructure. An apartment complex of this size is not anticipated to create excessive burdens on public utilities and facilities.

**(6) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.**

- The proposed apartment building is not expected to create excessive noise, light, odor, or other factor that would be injurious to the surrounding neighborhood.

**Section 21.501.03(e) Final Development Plan**

**(1) The proposed development is not in conflict with the Comprehensive Plan;**

- The comprehensive plan recommends high intensity mixed uses with residential for this site and an apartment building is a permitted use in the zoning district. The proposed apartment complex is consistent with the Comprehensive Plan.

**(2) The proposed development is not in conflict with any adopted District Plan for the area;**

- The proposed residential use and intensity is consistent with the adopted South Loop District Plan.

**(3) The proposed development is not in conflict with the approved Preliminary Development Plan for the site;**

- The approved Preliminary Development Plan showed a slightly larger hotel use for this location. The development is consistent with the approved Preliminary Development Plan.

**(4) All deviations from City Code requirements are in the public interest and within the parameters allowed under the Planned Development Overlay Zoning District or have previously received variance approval;**

- The deviations requested are in the public interest and meet the intent of the code. All requested deviations are within the allowed parameters under the Planned Development Overlay District.

**(5) The proposed development is of sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit without dependence upon any subsequent unit;**

- The proposed apartment complex, in conjunction with the overall 43 acre Planned Development, is a complete unit without dependence upon other subsequent units. There are several public roads, parking areas, and new accesses created to ensure that the planned development is able to fully accommodate all of the uses within the site.

**(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**

- The previously approved Preliminary Development Plan anticipated 840 residential units on this site for many years and these plans were considered in the planning for and sizing of recent infrastructure. An apartment complex of this size is not anticipated to create excessive burdens on public utilities and facilities.

**(7) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.**

- The proposed apartment building is not expected to create excessive noise, light, odor, or other factor that would be injurious to the surrounding neighborhood.

**Section 22.05(d) (1-8) Preliminary Plat**

**(1) The plat is not in conflict with the Comprehensive Plan;**

- The comprehensive plan recommends high intensity mixed use with residential for this site, and an apartment use is an allowed use in the zoning district. The proposed hotel is consistent with the Comprehensive Plan.

**(2) The plat is not in conflict with any adopted District Plan for the area;**

- The proposed residential use and intensity is consistent with the adopted South Loop District Plan.

**(3) The plat is not in conflict with City Code Provisions;**

- The plat meets applicable City Code requirements.

**(4) The plat does not conflict with existing easements;**

- The applicant will be seeking an amendment to revise an existing easement and maintenance agreement between the City of Bloomington and the Bloomington Central Station. This revision would remove existing easements that are no longer required and add a new roadway easement over Outlot A.

**(5) There is adequate public infrastructure to support the additional development potential created by the plat;**

- As part of the project, additional roadways and utilities will be constructed to ensure that there is adequate public infrastructure to support the residential development.

**(6) The plat design mitigates potential negative impacts on the environment, including by not limited to topography; steep slopes; trees; vegetation; naturally occurring lakes, ponds, rivers, and streams; susceptibility of the site to erosion, sedimentation or flooding; drainage; and storm water storage needs;**

- The applicant is required to meet the requirements of the City's Comprehensive Surface Water Management Plan and the City Code in regards to storm water management and erosion control.

**(7) The plat will not be detrimental to the public health, safety and welfare; and**

- The proposed apartment building is not expected to create excessive noise, light, odor, or other factors that would be injurious to the surrounding neighborhood.

**(8) The plat is not in conflict with an approved development plan or plat;**

- The plan is consistent with the Preliminary and Final Development Plan.

**Section 22.06(d) (1) Final Plat**

**(1) The plat is not in conflict with the approved preliminary plat or the preliminary plat findings;**

- The plan is consistent with the Preliminary Development Plan and Preliminary Plat findings.

**RECOMMENDATION**

**(Case 2830F-13 - Major Revision to Preliminary Development Plan)**

The Planning Commission and Staff recommend approval of a major revision to the Preliminary Development Plan subject to the following conditions of approval:

- 1) All previous conditions of approval in Case 02830G-04 remain in effect;
- 2) The entire BCS planned development must provide a minimum 1348 parking spaces;
- 3) Each subsequent final development plan application which is not consistent with the approved preliminary development plan as determined by the Planning Manager must be accompanied by an application for a revised preliminary development plan complying with all zoning district regulations.

**(Case 2830G-13 - Final Development Plan)**

The Planning Commission and Staff recommend approval of a Final Development Plan for a 420 unit, six-story apartment building 8001 33<sup>rd</sup> Avenue subject to the following conditions of approval being satisfied prior to the issuance of building permit:

- 1) A site development agreement reflecting all conditions of approval in Case 02830FGHI-13 must be signed by the landowner and recorded with Hennepin County;
- 2) An address plan must be submitted and approved by Engineering, Fire Prevention, and Police.
- 3) The Grading, Drainage, Utility, Erosion Control and Traffic Control, access, circulation and parking plans must be revised for approval by the City Engineer;
- 4) A two-year haul plan must be provided and approved by the City Engineer;
- 5) A Storm water Management Plan must be provided that demonstrates how the development will meet the requirements of the City's Comprehensive Surface Water Management Plan and a maintenance plan must be signed by the property owner and filed of record with Hennepin County;
- 6) A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) must be provided since greater than one acre is disturbed;
- 7) An Erosion Control Bond must be provided;
- 8) Sewer Availability Charges (SAC) must be satisfied;

- 9) A private utility easement or agreement must be filed of record with Hennepin County and a copy of the recorded document must be provided to the Engineering Division;
- 10) A Minnesota Pollution Control Agency (MPCA) Sanitary Sewer Extension or Modification Permit must be obtained or notification from the MPCA that this permit is not required must be submitted to the City Engineering Division;
- 11) A Minnesota Department of Health (MDH) approval for water service extension must be obtained or a notification from MDH that this approval is not required must be submitted to the City Engineering Division;
- 12) Airport Zoning Permit must be approved by the City for any tower crane over 80 feet in height and a temporary variance from the Minneapolis-St. Paul International Airport Board of Adjustments must be obtained for any tower crane over 991 feet mean sea level;
- 13) Plans submitted for building permits must include documentation that unit construction and building materials will provide a composite Sound Transmission Class (STC) 45 dB rating for exterior noise protection to dwelling units and interior common spaces, unless the City Council approves an alternate level of exterior noise protection after the applicant has submitted an acoustical report;
- 14) The developer will perform as-built testing of the building's actual noise reduction. Reports of these tests will be submitted to the Director of Community Development;

and subject to the following ongoing conditions:

- 15) All construction stockpiling, staging, and parking must take place on-site and off of adjacent public streets and public rights-of-way;
- 16) A mountable curb and no landscaping is required for emergency vehicle access on the southwest corner of 80 ½ street and 34<sup>th</sup> Avenue.
- 17) A minimum of 55 visitor parking spaces must be provided.
- 18) Development must comply with the Minnesota State Accessibility Code; and
- 19) Alterations to utilities must be at the developer's expense;

and subject to the following Code Requirements:

- 1) The property must be platted per Chapter 22 of the City Code and the approved final plat must be filed with Hennepin County prior to the issuance of footing and foundation or building permits (22.03(a)(2));
- 2) Utility permits will not be issued until sewer and water connection charges have been paid or petition for inclusion in an assessment district has been signed. (11.04, 11.27);
- 3) 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, MN State Fire Code Sec. 508);
- 4) Unused water services must be properly abandoned. (11.15);
- 5) 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);
- 6) Electronic utility as-builts, per City of Bloomington requirements, must be submitted to the Public Works Department prior to the issuance of the Certificate of Occupancy. (17.79(a));
- 7) A Tier 1 Transportation Demand Management (TDM) Plan must be submitted prior to the issuance of permits. (21.301.09(b)(1));
- 8) Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08);
- 9) Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52);

- 10) All rooftop equipment must be fully screened (Sec. 19.52.01);
- 11) Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands except where flexibility has been approved (Sec 19.64);
- 12) All trash and recyclable materials must be stored inside the principal building (Sec. 19.51);
- 13) Recyclable materials must be separated and collected (Sec. 10.45);
- 14) Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3);
- 15) Parking lot and site security lighting must satisfy the requirements of Section 21.301.07 of the City Code; and
- 16) Sign design must be in conformance with the requirements of Chapter 19, Article X of the City Code.

**(Case 2830HI-13 - Preliminary and Final Plat)**

The Planning Commission and Staff recommend approval of the preliminary plat and adoption of a resolution granting approval of the final plat of BLOOMINGTON CENTRAL STATION 4<sup>th</sup> ADDITION subject to the following conditions:

- 1) A title opinion or title commitment that accurately reflects the state of the title of the property being platted, dated within the past 6 months, must be provided;
- 2) Consent to plat forms must be provided for any mortgage companies with property interest;
- 3) Drainage and utility easements as approved by the City Engineer must be dedicated on the final plat;
- 4) Sidewalk/bikeway easement must be provided as approved by the City Engineer;
- 5) A private access/parking/utility easement or agreement must be filed of record with Hennepin County and a copy of the recorded document must be provided to the Engineering Division or provide permanency of shared access, parking and utilities in another manner approved by the City Engineer and Planning Manager; and
- 6) Park dedication must be paid in cash;

and subject to the following Code Requirements:

- 1) The property must be platted per Chapter 22 of the City Code and the approved final plat must be filed with Hennepin County prior to the issuance of footing and foundation or building permits (22.03(a)(2)).

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