



# Comment Summary

**Application #:** PL202600061

**Address:** 7900 XERXES AVE S, BLOOMINGTON, MN 55431

**Request:** An application to rezone from CO-1 to C-4, preliminary and final development plans, and a lot line adjustment for a multi-family residential development at 7900 Xerxes Ave S.

**Meeting:** Post Application DRC - April 14, 2026  
 Planning Commission - May 07, 2026  
 City Council (Projected) - June 01, 2026

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

**Planning Review Contact:** Dylan Palmer at [dpalmer@BloomingtonMN.gov](mailto:dpalmer@BloomingtonMN.gov), (952) 563-8918

**RE 4-23-2026 / GALLERY TEAM RESPONSES - NOTED IN BLUE BELOW:**

- 1) PD flexibility request is needed to reduce the setback for the amenity terrace on the SE corner of the building (35ft required, 22ft provided)
  - **SEE NARRATIVE**
- 2) PD Flexibility request needed to reduce building setback from 35ft to 12ft for Phase II.
  - **SEE NARRATIVE**
- 3) PD Flexibility request needed to reduce setback from 20 ft to 8ft (New WF lot and NW apartment lot)
  - **SEE NARRATIVE**
- 4) Can the trees that will be removed be taken off of Sheet 6? They are already shown as being removed in the demo plan.
  - **YES; UPDATED PLAN**
- 5) Is the bike storage on the exterior walls enough to cover the requirement of one space per unit? Consider adding some bike racks in other areas of the basement parking levels.
  - **ADDITIONAL GARAGE PARKING AND SITE BIKE PARKING PROVIDED.**
  - **SEE UPDATED PLANS; 300 BIKE RACKS PROVIDED.**
- 6) Tandem spaces do not count towards enclosed parking requirements
  - **NOTED; PLANS UPDATED**
- 7) OHO incentives reduce storage requirement to 135 spaces, only 61 are provided. It may be a good idea to provide some more context for the PD flexibility request for such a reduction.
  - **SEE NARRATIVE.**
  - **THE PROPOSED AMOUNT IS BASED ON DEMAND FROM OUR RESIDENTS. OUR TEAM MANAGES NEARLY 3,000 APARTMENTS ACROSS NEW PROPERTIES BUILT IN THE PAST 10 YEARS AND DATA IS COLLECTED ON ALL PROPERTY METRICS; PARKING DEMAND, STORAGE, PETS, ETC.**
- 8) The provided exterior materials for the north and west elevations do not meet standards. With OHO incentive, 50% of the building may be secondary materials, in both cases more than 50% of the North and West elevations are secondary building materials.
  - **SEE EXTERIOR MATERIALS EXHIBIT PROVIDED.**
  - **ALL PROPOSED MATERIALS ARE COMMERCIAL GRADE WITH LENGTHY WARRANTIES AND ARE PREMIUM, LONGER LASTING PRODUCTS OVER FIBER CEMENT OR WOOD FIBER MANUFACTURED**

***SIDING PRODUCTS.***

- 9) Please provide warranty and gauge info for the architectural metal panels
  - “ “
- 10) Please include parking calculations and building floor area for the tower building in addition to the apartment development. PD flexibility may be required to reduce parking.
  - ***PD OVERALL PLAN PROVIDED – SEE UPDATED CIVIL PLANS***
- 11) Provide a code complying sidewalk along the length of American Blvd. to the office tower road entrance (west of the Gallery development)
  - ***THE EXISTING SIDEWALK IS IN THE R.O.W. AND APPEARS TO BE IN GREAT CONDITION. WE DO NOT PLAN TO MAKE THESE CHANGES.***
- 12) Parking lot and exterior security lighting must meet Section 21.301.07. Please show lighting in the new parking area for the tower.
  - ***SEE UPDATED PHOTOMETRIC PLAN.***
- 13) Please show landscaping for the new tower parking area. A tree is missing from the easternmost parking lot island in the lot between Ph I and II buildings. 82 trees are required, only 38 are shown. Please add more trees to the site (some areas include the new tower parking lot, along street frontages)
  - ***FULL DEVELOPED LANDSCAPE PLANS WILL OCCUR DURING BUILDING PERMIT PLANS AND THAT REVIEW PROCESS. OUR PROJECT WILL MEET OR EXCEED THE CITY CODE.***

**Building Department Review Contact:** Kelly Beyer at kbeyer@BloomingtonMN.gov, (952) 563-4519

***ITEMS BELOW WILL BE COMPLETED DURING PERMIT PHASE DRAWINGS AND REVIEW. NOTED.***

- 1) Must meet 2020 MN State Building Code
- 2) Must meet 2020 MN Accessibility Code.
- 3) Building plans must be signed by a MN licensed architect.
- 4) Provide a detailed code analysis with the plans.
- 5) Must meet 2024 MN Energy Code and any testing/commissioning requirements.
- 6) SAC review by MET council will be required. On January 2nd, 2025, the City of Bloomington implemented a City SAC charge. The cost will be \$2,026 per City SAC unit. The amount of SAC charged will mirror the MET Council Determination. This applies to any permits submitted on or after 01/02/25.
- 7) Separate permit and review by MN State Elevator inspector for elevators, escalators and moving walkways.
- 8) When plans are 80% complete please contact Building & Inspections to set up a Building Code review.
- 9) Any rooms/spaces with an occupant load over 49 requires 2 exits - doors swinging in direction of egress.
- 10) 3006.2.1 Rated corridors. Where corridors are required to be fire-resistance rated in accordance with Section 1020.1, elevator hoistway openings shall be protected in accordance with Section 3006.3.
- 11) Maximum 3 stories for an A-3 occupancy for Type III-B construction. Provide details in code analysis as to how this meets building code.

**Environmental Health Review Contact:** Mark Stangenes at mstangenes@BloomingtonMN.gov, (952) 563-8980

***ITEMS BELOW WILL BE COMPLETED DURING PERMIT PHASE DRAWINGS AND REVIEW. NOTED.***

- 1)
  1. rental license required
  2. pool plan review must be approved by MDH and licensed by city of Bloomington
  3. 7030.0030 NOISE CONTROL REQUIREMENT.

No person may violate the standards established in part 7030.0040, unless exempted by Minnesota Statutes, section 116.07, subdivision 2a. Any municipality having authority to regulate land use shall take all reasonable measures within its jurisdiction to prevent the establishment of land use activities listed in noise area classification (NAC) 1, 2, or 3 in any location where the standards established in part 7030.0040 will be violated immediately upon establishment of the land use.

**Fire Department Review Contact:** Laura McCarthy at lmccarthy@BloomingtonMN.gov, (952) 563-8965

***VARIOUS ITEMS NOT NOTED BELOW WILL BE COORDINATED DURING PERMIT PHASE***

- 1) Ensure landscaping doesn't interfere with access to the building, hydrants and/or FDC.
  - NOTED.**
- 2) A looped water supply feeding a single, combined water service is required for the domestic and sprinkler system water demand. Solenoid devices are not to be used to meet sprinkler system demand.
  - NOTED**
- 3) All emergency vehicle access lanes including all areas of the parking structure (top and lower levels) shall support a minimum 40 tons.
  - NOTED**
- 4) Provide adequate turning radius for all emergency vehicle access lanes.
  - EXHIBIT IN CIVIL PLANS**
- 5) Hydrant is not accessible from the building parking area.
  - TO CLARIFY; THE HYDRANT NEAREST INTERSECTION OF XERXES/AMERICAN...**
  - WE HAVE DELETED THIS AND RELOCATED TO NEAR THE SW CORNER ENTRY; AND SUPPLIED FROM THE EXISTING HYDRANT LEAD ALONG AMERICAN BLVD.**
- 6) Concern with the accessibility of the current FDC location.
  - PER THE EXISTING HYDRANT IN AMERICAN BLVD R.O.W – WE WILL ELIINATE SHRUBS AND PROVIDE CLEAR VISUAL AND ACCESSIBILITY TO THIS HYDRANT. IT IS APPROX. 20-FEET OFF THE PARKING LOT.**
- 7) Building/property shall be adequately signed for emergency response.
- 8) Hydrant coverage shall be provided within 50' of the FDC and within 150' of all portions of the structure.
  - NOTED; SEE UPDATED UTILITY PLAN**
- 9) Decks and balconies may require sprinkler protection depending on construction type, combustibility of exterior building materials and type of roof assembly.
  - ALL DECKS/BALCONIES WILL BE NON-COM (METAL)**
- 10) Emergency responder radio coverage meeting the requirements of appendix P in the 2020 MSFC shall be provided throughout the property and within the structures.
  - NOTED; TESTING FOR RADIO COVERAGE WILL BE COMPLETED DURING CONSTRUCTION**
- 11) Code compliant smoke and carbon monoxide (CO) alarms shall be provided for all sleeping areas. Smoke alarms 10 years or older and CO alarms older than 7 years shall be replaced.
- 12) 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.
- 13) Fire alarm and annunciator panels and Knox box locations to be determined by the Fire Prevention Division. This project will require multiple panels and Knox boxes.
- 14) Hose valves shall be provided throughout the lower level of the parking garage within 130' of all areas of the garage if dry standpipe or within 200 feet if installing a wet standpipe.
- 15) Need access to the stairwell from parking ramp side for standpipe operations/requirements.
- 16) Concerned about the double door swing direction by A3 and B3
- 17) Provide sprinkler protection between the building entrance/exit and terrace.
- 18) Standpipes requirement in all stairwells and hose valves shall be located at the floor landing.
- 19) Provide access to the stairwell from parking ramp side for standpipe operations/code requirements.
- 20) Concerned about the double door swing by A3 and B3
- 21) Provide sprinkler protection between the building entrance/exit and terrace.
- 22) Emergency responder radio coverage meeting the requirements of appendix P in the 2020 MSFC shall be provided throughout the property and within the structures.
- 23) Hose valves shall be provided throughout the lower level of the parking garage within 130' of all areas of the garage if dry standpipe or within 200 feet if installing a wet standpipe
- 24) Standpipes requirement in all stairwells and hose valves shall be located at the floor landing
- 25) Code compliant smoke and carbon monoxide (CO) alarms shall be provided for all sleeping areas. Smoke alarms 10 years or older and CO alarms older than 7 years shall be replaced.
- 26) 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.
- 27) Decks and balconies may require sprinkler protection depending on construction type, combustibility of exterior building materials and type of roof assembly.

- 28) Fire alarm and annunciator panels and Knox box locations to be determined by the Fire Prevention Division. This project will require multiple panels and Knox boxes.
- 29) Building/property shall be adequately signed for emergency response.

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

***ITEMS BELOW WILL BE COMPLETED DURING PERMIT PHASE DRAWINGS AND REVIEW. NOTED.***

- 1) Include B618 curb, B612, sidewalk and driveway details
- 2) Replace pedestrian ramp it is not currently ADA compliant
- 3) Minimum 7' walk width adjacent to parking stalls
  - ***NOTED: PLAN UPDATED***

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

***ITEMS BELOW WILL BE COMPLETED DURING PERMIT PHASE DRAWINGS AND REVIEW. NOTED.***

- 1) Submit a copy of Nine Mile Creek Watershed District permit and comments prior to issuance of City of Bloomington permits (www.ninemilecreek.org)
- 2) A National Pollutant Discharge Elimination System (NPDES) construction site permit and Storm Water Pollution Prevention Plan (SWPPP) must be provided.
- 3) An erosion control bond is required.
- 4) A maintenance agreement must be signed by the property owner and recorded at Hennepin County.
- 5) Utility permits are required for connections to the public storm, sanitary, and water system. Contact Utilities (952-563-8777) for permit information.
- 6) Utility as-builts must be provided prior to issuance of Certificate of Occupancy. – add this note to the plan.

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

- 1) Existing drainage and utility easements may be vacated. Contact Bruce Bunker at 952-563-4546 or bbunker@BloomingtonMN.gov for information regarding the Public Rights-of-Way Vacation Application. It is the responsibility of the developer to determine if private utilities exist in the easement prior to submitting the application. Developer/owner to provide legal description and Engineering staff will prepare vacation document.
- 2) Private common driveway/access easement/agreement must be provided.
  - ***VARIOUS EASEMENT DRAFTS WERE PROVIDED/UPLOADED TO CITY PORTAL.***
- 3) Consent to plat form is needed from any mortgage companies with property interest.
- 4) Private common utility easement/agreement must be provided if sharing a utility with another property.
- 5) See checklist of items that must be included on the lot line adjust per the Bloomington City Code, Chapter 22.
- 7) A sidewalk and bikeway easement shall be provided along Xerxes Avenue South for new sidewalk. Developer/owner shall provide legal description and Engineering staff will prepare easement document.
  - ***NOTED: EASEMENT DOCUMENTS WILL***
- 8) Is this a public main or private service? No public easement along north line.
- 9) Public drainage and utility and easements must be provided as approved by the City Engineer.
  - ***EASEMENTS WILL BE PROVIDED DURING FINAL CONSTRUCTION DRAWINGS / PERMITS REVIEW***

**Utility Review Contact:** Kallie Doeden at kdoeden@BloomingtonMN.gov, (952) 563-8776

- 1) Provide civil plans for the project. Plan sheets may include grading, drainage, utility, erosion control, traffic control, civil site, property lines, easements, etc
- 2) Include all water and sanitary services and mains on survey sheets (only some parts are shown, not all parts).
- 3) A Minnesota licensed civil engineer must design and sign all civil plans.
- 4) Taps of live water mains are done by City forces. The Contractor pays for and coordinates this work. – add this note to the plan.
  - ***NOTED IN PLANS***
- 5) Install hydrants to provide fire protection for entire building. Each hydrant covers 150-foot radius. Make sure

there is a fire truck accessible hydrant within 50' of the building FDC.

- **NOTED: SEE UPDATED UTILITY AND HYDRANT PLAN FOR PROPER COVERAGE**

- Utility permits are required for connections to the public storm, sanitary, and water system. Contact Utilities (952-563-8777) for permit information.
- A minimum 10-foot horizontal separation and 18-inch vertical separation is required between watermain and sewers. – add this note to the plan. The current Utility plan shows 10'-2" separation between center of pipes from existing building to SSMH 103. Needs to be 10' from outer edge of pipes. For SSMH101, there needs to be 10' from outside edge of sanitary MH to outside edge of existing 8" water service as well.
  - **NOTED: PLAN UPDATED**
- Loop water system (supply from two locations with valve between) to provide increased reliability of service and reduction of head loss. Minimum size 8".
- Add applicable utility details to civil plans.
- Comment from January 2026 pre-app (PL202600009): What are the approximate dates that each phase of the project would be occupied? There is a sanitary sewer capacity constraint downstream of this development which is being addressed through a sewer project in 2026-2027. Detailed capacity evaluation has not been performed for this development. Please consider water reuse strategies for this proposed development.  
Comment from 4/9/2026: Additional sanitary capacity analysis will be required to confirm there is sufficient capacity in the sanitary system. Applicant to provide anticipated flows, so we can confirm we still have available capacity in the sanitary sewer system. Utilities will expedite analysis once information is provided.
  - **BLDG A / PHASE 1 CONSTRUCTION = FALL 2026 THRU SPRING/SUMMER 2028**
  - **BLDG B / PHASE 2 CONSTRUCTION = TBD MARKET DEPENDENT (3 YEARS LATER)**

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

- Is this approval for both Phase 1 and 2? Parking requirements were only calculated for Phase 1. Update the parking calcs provided in the narrative to include both phases if that is what is being requested for approval. The current parking calcs and parking provided do not request a deviation from the code requirements so don't trigger a parking study. The total site may trigger the need for an independent consultant (via escrow) study (as noted in the Pre-DRC notes), but we can't tell from the info provided.
  - **PLANS UPDATED WITH PARKING REQUIREMENTS & TOTAL STALLS PROVIDED**
- This is presented in an odd way - Phase 2 only proposes to construct 65 underground spaces for 90 additional units and no additional surface spaces.
  - **UPDATED TO SHOW 90 GARAGE UNDERGROUND STALLS FOR 90 PHASE 2 UNITS**
- Can this sidewalk be straightened out? We don't want it to transition to be curb walk. Can have a wider boulevard than 5' if trying to avoid relocating the hydrant.
  - **OK – SEE UPDATED PLAN**
- 8' Sidewalk (and sidewalk/bikeway easements) should also be added on 78th Street and on American Boulevard.
  - **EASEMENTS WILL BE PROVIDED DURING FINAL CONSTRUCTION DRAWINGS / PERMITS REVIEW**
- Correct this driveway opening - remove the flare/taper opening and replace the curb. The opening should be 24'. Include Bloomington driveway detail in plan.
  - **SEE UPDATED PLAN**
- See Document Markups
  - **PLEASE RESEND MARKUPS TO CLARIFY.**
- See Document Markups
  - " "
- See Document Markups
  - " "
- show the new easements
  - **EASEMENTS WILL BE PROVIDED DURING FINAL CONSTRUCTION DRAWINGS / PERMITS REVIEW**
- Need to include some exterior bike storage within 50' of the building public entrance (in addition to the private spaces provided in the parking garage stalls)
  - **SEE UPDATED PLAN**
- Show location of a bike rack and bike rack detail on the plan.
  - **SEE UPDATED PLAN FOR LOCATION.**
  - **EQUIPMENT DETAILS WILL BE PROVIDED AT BUILDING PERMIT PLAN REVIEW.**

- 12) 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.
- 13) Any requested sidewalk closure will only be considered for a limited duration and alternative access/TPAR will be required, as approved by the City Engineer.
- 14) Existing curb cuts must be removed and replaced with curb and gutter per City standard details.
- 15) List the number of parking spaces required by city code and the number of spaces provided on the site plan.
  - **SEE UPDATED PLANS**
- 16) Contractor shall obtain a Public Works permit for obstructions and concrete work within the right-of-way. Permit is required prior to removals or installation. Contact Sean Jenkins (952-563-4545, [sjenkins@BloomingtonMN.gov](mailto:sjenkins@BloomingtonMN.gov)) for permit information.

**Assessing Review Contact:** Jason Heitzinger at [jheitzinger@BloomingtonMN.gov](mailto:jheitzinger@BloomingtonMN.gov), (952) 563-4512

no comment