

MERGED CONDITIONS

RECOMMENDED CITY COUNCIL ACTION

The Planning Division Staff, Planning Commission, and Traffic and Transportation Advisory Commission recommend approval of the Revised Preliminary Development Plan for Mall of America-Phase II at 7900, 8000 and 8100 24th Avenue subject to the following conditions being satisfied prior to the issuance of grading, footing and foundation permits:

- 1) A Site Development Agreement be executed by the applicant and the City that includes all conditions of approval;
- 2) The applicant shall execute a Public Improvement Agreement with the City that identifies cost participation and timing of those improvements to public infrastructure identified in Appendix A;
- 3) The applicant shall execute an Operation and Maintenance Agreement with the City for all private facilities in the public right-of-way and for any public infrastructure that may be attached, incorporated, or be part of the Phase I or Phase II structure located in public right-of-way. This Agreement shall include, but not be limited to:
 - a. Lighting, traffic control devices, and ITS devices attached to private structures;
 - b. Air quality improvements including venting of areas under private structures;
 - c. Public safety improvements;
 - d. Anti-icing system or program;
 - e. Liability considerations;
 - f. Public right-of-way encroachment considerations; and
 - g. General maintenance program;
- 4) At no cost to the City, the applicant shall dedicate easements to the City for the public street connection between TH 77 and Lindau Lane and for the connection to/from Thunderbird Road to the TH 77-494 CD roadway;
- 5) Approvals and any required permits for infrastructure improvements listed in Appendix A shall be obtained from Federal, State, and local agencies, including but not limited to: Hennepin County, the Metropolitan Council, the Metropolitan Airports Commission, the Minnesota Department of Transportation (MnDOT), the Minnesota Department of Natural Resources (MnDNR), the Watershed District(s), the Minnesota Pollution Control Agency, the U.S. Fish and Wildlife Service (USFWS), the Federal Highway Administration (FHWA) and the Federal Aviation Administration (FAA). If the permits or approvals cannot be obtained through no fault of the Mall of America Company (MOAC), the feasibility of alternate infrastructure improvements must be evaluated by the MOAC and submitted to the City for its review and approval prior to the City Council decision on whether to approve the final development plan.

- 6) The applicant shall provide proof of the Right to Construct facilities on IKEA property;
- 7) A record copy of the approved preliminary development plans shall be submitted to the Planning Manager within 60 days of City Council approval of the Preliminary Development Plan;
- 8) A final Traffic Impact Study shall be submitted with the Final Development Plan application to include, but not be limited to, the following:
 - a. Modifications to create consistency with the approved site plan, land use mix, approved roadway network, bicycle access and parking, parking infrastructure, and performing arts operations;
 - b. Participation and approval of the respective governmental agencies, provide a detailed on- and off-site ITS and wayfinding system; and
 - c. Verification that all intersections shall operate at Level of Service (LOS) D or better in the first year the facility is opened and two years after it opens; and
 - d. Expansion of the study area to include American Boulevard intersections located west of TH 77 to Portland Avenue and the I-494/Portland intersection;
- 9) A Construction Management Plan shall be submitted for review and approval by the City prior to Final Development Plan approval. Plan elements shall include, but not be limited to:
 - a. A temporary parking plan;
 - b. A temporary security/inspection area;
 - c. Construction staging areas;
 - d. Traffic control and pedestrian and bicycle circulation plans for encroachments in public streets and sidewalks; and
 - e. A detour plan specifying alternative traffic routes during road closures or construction;
- 10) All portions of roads, driveways, and pedestrian accesses that extend under structures must meet height clearance and lighting requirements. Minimum height clearances shall be as follows:
 - a. Lindau Lane - 14'-6"
 - b. American Boulevard - 16'-4"
 - c. Public street connection between TH 77 and Lindau Lane (Nordstrom access) – 16'-4";
- 11) For purposes of reviewing the preliminary development plan, the on-site parking supply requirement for Phase I and II, inclusive of an Effective Supply Factor, but excluding IKEA, has been calculated at 20,872 to date and will be amended in the future at such time if the applicant and City concur on a revised number using the methodology contained in the Urban Land Institute Shared Parking Study Second Edition; plus an effective supply factor.
- 12) The applicant shall provide bicycle facilities and access plan to address, at a minimum: convenient bicycle parking locations, bicycle storage facilities, and connections to City bicycle routes and regional trails;
- 13) A revised final Parking Study shall be submitted with the Final Development Plan application that includes, but is not limited to: modifications to achieve consistency

- with the revised traffic impact study, site plan, land use mix, and infrastructure improvement;
- 14) For purposes of reviewing the preliminary development plan, the off-site parking supply requirement for Phase I and II, inclusive of an Effective Supply Factor, but excluding IKEA, has been calculated at 3,199 to date and will be amended in the future at such time if the applicant and City concur on a revised number using the methodology contained in the Urban Land Institute Shared Parking Study Second Edition; plus an effective supply factor.
 - 15) An Off-Site Parking Plan must be submitted that details off-site parking locations, location of shuttle facilities for non-adjacent lots, shuttle routes, and pedestrian routes between the off-site parking locations and the Mall of America. The Off-Site Parking Plan shall include a process for modifying the off-site parking requirements;
 - 16) Overflow parking must be made available on land owned by the applicant or its affiliates or through shared parking agreements with other property owners. Proof of ownership, parking easements, and/or authorization to use property not owned by the applicant must be submitted with a Final Development Plan application;
 - 17) Submit a parking management plan with the Final Development Plan application that includes, but is not be limited to the following:
 - a. A detailed shared parking program that would allow for delineation of parking areas in relation to mall land uses;
 - b. Provisions for parking prioritization areas based on duration of events;
 - c. Contingency-based planning that would regulate where parking will go and parking duration during overflow parking periods;
 - d. A Travel Demand Management (“TDM”) program with goals, objectives and enforcement mechanisms that would manage employee parking and include incentives for transit and bicycle use; and
 - e. The applicant and any successors shall prohibit the performing arts facility from operating whenever the available on-site parking will be less than 1000 spaces. This condition shall be incorporated into any operations, maintenance, and/or lease agreements;
 - 18) All intersections included in the on-site circulation system must operate at a LOS D or better;
 - 19) Phase I and Phase II interior circulation roadways must be properly aligned across the intersections with Lindau Lane and American Boulevard;
 - 20) The bus and shuttle drop-off area in the northwest corner of the Phase II structure must provide sufficient height clearance, lighting, turning paths, and functional intersections;
 - 21) Sidewalks on public streets shall be 8-feet wide with a 6-foot boulevard. However, in the Lindau Lane tunnel the sidewalk shall be 6-feet wide with a 5-foot boulevard;
 - 22) The roundabout adjacent to Nordstrom (Phase I) must be designed according to City and MnDOT approved criteria;
 - 23) Hotel and office drop-off areas must accommodate emergency vehicle access and height clearance;

- 24) All tunnels created by the extension of the Phase II structure over roadways shall include lighting, sprinkler, and ventilation systems to ensure the tunnels meet all applicable regulations regarding air quality and safety;
- 25) A revised final site plan/on-site circulation plan (including the recommendations in conditions 19-24 above) must be submitted with the Final Development Plan application and shall additionally include the following:
 - a. Roadway alignment, locations, and dimensions shall match conceptual layouts of proposed roadway network, address previous comments, parking layout, parking study, and traffic impact study; and
 - b. Non-motorized surface connections as approved by the City from public sidewalks/bikeways and parking areas to building access point;
- 26) Provide revised site access plan (including an analysis of sight triangles), grading drainage, erosion control, and utility plan for the Thunderbird Hotel property, to reflect changes to that property that are caused by the new parking structure with the Final Development Plan application;
- 27) A detailed verification study for Lindau Lane and the new storm sewer alignment shall be submitted with the Final Development Plan application that addresses:
- 28) Stormwater modeling that includes flows from the surrounding networks (Phase I, IKEA, City);
 - a. An assessment of hydraulic losses, hydraulic grade, and freeboard;
 - b. The final engineering, right-of-way, and construction; and
 - c. Permit requirements related to crossing the LRT line and 24th Avenue and the outfall discharge location;
- 29) An on-site stormwater management plan for Phase I and Phase II shall be submitted with the Final Development Plan application that includes:
 - a. An analysis of surface water flows and calculations from all parking levels if it is determined that the ramps are classified as “open” ramps and drain to stormwater system;
 - b. Phase I stormwater flows;
 - c. Receipt of a MnDNR dewatering permit for lower parking levels; and
 - d. Rate control and water quality management practices compliant with the City ’s comprehensive Surface Water Management Plan;
- 30) The design of the south ravine outfall must address:
 - a. Construction impacts on the ravine;
 - b. The potential trout stream determination by the MnDNR;
 - c. Any permits or approvals necessary from the Lower Minnesota River Watershed District and the US Fish and Wildlife Service; and
 - d. Potential mitigation for increased stormwater discharges to the wildlife refuge;
- 31) An analysis of sanitary sewer flows and calculations from all parking levels if it is determined that the ramps (or portions of ramps) are classified as “closed” ramps and drain to the sanitary sewer system;
- 32) Sanitary flows from the parking ramps shall be metered;
- 33) Sanitary sewer and water utility service plans shall be submitted with the Final Development Plan application and must accommodate future development expansion north of American Boulevard;

- 34) Sanitary sewer installed on the Phase II site shall be of sufficient depth and capacity to serve all adjoining properties. Standard maintenance agreements and easements for the sanitary sewer shall be established and recorded prior to issuance of permits;
- 35) An environmental sustainability report shall be submitted as an element of the Final Development Plan application outlining the sustainable design, construction, and utility practices that allows for an environmentally sensitive development;.
- 36) The applicant will submit a preliminary project energy assessment identifying potential energy loads and a listing of possible energy conservation methods shall be included with the Final Development Plan application;
- 37) A cogeneration facility study shall be included with the Final Development Plan application containing information on capacity, system components, dimensional data, environmental factors, operations, and permits and approvals from regional, State, and Federal agencies or departments, as applicable;
- 38) The architectural expression of the development shall appear integrated and visually cohesive;
- 39) Variations in architectural form and materials shall be encouraged to create exterior expressions of individual tenants and shall be subject to review and approval by the Director of Community Development;
- 40) Pedestrian bridges connecting the Mall with parking ramp(s) and/or the existing Mall of America shall be covered and enclosed. Exterior materials shall be visually integrated with the exterior materials used on abutting structures;
- 41) At a minimum, the development shall be consistent with the principles outlined in the *Urban Design Guidelines* approved by the City in 2003;
- 42) On-site and perimeter streetscape and landscape design must enhance the pedestrian and bicycle environment;
- 43) The development shall incorporate sustainable design principles to structure and site design;
- 44) A separate final development plan shall be submitted for proposed development on the South Pad of Phase I;
- 45) No structures or buildings shall be located in existing public drainage, utility, or sidewalk easements;
- 46) Exterior materials and finish of all buildings (including South Pad development) shall be in conformance with the applicable requirements of Section 19.63.08 of the City Code subject to any condition contained herein.
- 47) Details and samples of the exterior finish materials shall be provided with the Final Development Plan application;
- 48) Exterior building materials will be subject to review by the Planning Commission and approval by the City Council during Final Development Plan review. In principle, Exterior Insulated Finish System (EIFS) will be limited to exterior trim and other applications where EIFS is aesthetically superior for accomplishing the Phase II urban design objectives for durable material and an upscale center;
- 49) Parking structure design shall take into account the *Urban Design Guidelines*;
- 50) Separate truck/delivery traffic from visitor traffic within the new East parking structure;

- 51) Coordinate Mall and parking structure design to:
 - a. Increase access to and from adjacent roads; and
 - b. Better enable patron access by increasing the number of pedestrian entrances from parking ramps to the Mall;
- 52) A Uniform Sign Design (per Sec. 19.109) shall be submitted with the Final Development Plan for approval by the Planning Commission and City Council;
- 53) Exterior signage shall be limited to the Mall and anchor tenants. The Final Development Plan shall provide a definition or identification of anchor tenants that are allowed to have signage;
- 54) A Security Plan including, but not limited to, design, structural, operational, internal security, traffic plans and communications elements must be submitted for review with the Final Development Plan application and approved by the Bloomington Police Chief and Fire Chief prior to the issuance of any grading, foundation, or building permits;
- 55) Any vehicle restrictions imposed by the Bloomington Police and Fire Departments resulting in vehicle rerouting must be reviewed by MnDOT and be addressed in the Revised Traffic Study; and
- 56) Fire and building code analyses be provided with the Final Development Plan application for review and approval by the City Fire Marshal and the Manager of the Building and Inspection Division prior to the issuance of any grading, foundation and building permits;.

and subject to the following City Code requirements:

- 1) Property be platted in accordance with the requirements of Chapter 16 of the City Code (Sec. 16.03);
- 2) Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec 19.52);
- 3) Erosion control measures be in place and bond be filed;
- 4) All rooftop equipment be fully screened (Sec. 19.52.01);
- 5) All trash and recyclable materials be stored and screened inside the principal building. (Sec. 19.51);
- 6) Fire lanes be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3);
- 7) Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, Minnesota State Fire Code Sec. 508);
- 8) Food service plans be approved by the Environmental Services Division (City Code Sec. 14.360); and
- 9) Parking ramp, lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code.