



Case number:	10768AB-07
Address:	2151 American Blvd W; and 8005 and 8051 Penn Avenue
Application type:	1)Rezone from General Business Zoning District B-3 and General Business Zoning District B-3 (PD) to Freeway Mixed Use Zoning District (Planned Development) (Case 10768A-07); 2)Preliminary Development Plan for a commercial mixed use center (Case 10768B-07
Applicant:	United Properties

This file contains the following items:

1. Agenda information
2. Staff report
3. Site plan
4. Map

Additional information

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- Daytime telephone number
- Case file number
- Date of hearing

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Originator Community Development	Item Rezoning and Preliminary Development Plan	#	
Agenda Section HEARINGS/PUBLIC INPUT Development Business	By CDC	Approved	Date

Item 5

Case 10768AB-07

GENERAL INFORMATION

Applicant: United Properties

Location: 2151 West American Blvd., and 8005 and 8051 Penn Avenue S.

Request:

- 1) Rezone from General Business Zoning District B-3 and General Business Zoning District B-3 (PD) to Freeway Mixed Use Zoning District (Planned Development) (Case 10768A-07);
- 2) Preliminary Development Plan for a commercial mixed use center (Case 10768B-07);

Existing Land Use and Zoning: Vacant Auto Dealership and Car Wash, Zoned B-3; and Auto Dealership; Zoned B-3 (PD)

Surrounding Land Use and Zoning:

- East—Retail; zoned B-3 and B-2
- North—Retail; zoned CR-1(PD)
- South—Public and Single Family Residential; Zoned R-1
- West—Retail and Office; zoned B-3 (PD) and CO 0.5

Comprehensive Plan: The Comprehensive Land Use Plan recommends Regional Commercial land use for the property.

PROPOSAL

Background

The City of Bloomington is preparing a District Plan for the area along American Boulevard predominantly between Penn Avenue and I-35W. A district plan is the most effective way to formulate development goals and objectives for this area, as a framework for future change. The plan will guide future land use, transportation, urban design and redevelopment of this important commercial area.

Council Action

Motion by _____ Second by _____ to _____

The Penn American District Plan will become the means for the City to guide redevelopment within this geographic area; although this application has been submitted concurrent to the development of the district plan, it is produced by the same development team that is working on the District Plan, and follows the guiding principles established by the City for this district.

Current Request – Rezoning to C-5 (Planned Development) and Preliminary Development Plan

The applicant is requesting a rezoning of three parcels from B-3 and B-3 (Planned Development) to C-5 (Planned Development), and consideration of a Preliminary Development Plan for the initial project of the Penn American District. A final development plan and preliminary and final plat will be submitted at a later date.

The applicant proposes to remove the existing three buildings on these parcels and redevelop the site. The entire site under this development proposal has 7.78 acres, with north and south parcels, separated by a new public street. The northern portion of this proposed development has approximately 2.82 acres and the southern portion of the site will be 3.22 acres. These acreages based on proposed ROW dedications for Penn Avenue and American Boulevard and the proposed new public streets.

Both sites have been used as new car dealerships, the first site is the former home of Walser Bloomington Dodge, now vacant with a 14,900 square foot auto dealership building and the 3,540 square foot car wash building. To the south is the Metro Mitsubishi/KIA dealership, with a 20,128 square foot building and a smaller 1,500 used car building.

The applicant is proposing a mixed-use development on the entire site. This development would consist of approximately 100,000 square feet of office/hotel space, 58 units of residential and 100,000 square feet of retail space in six, separate buildings. This site will be developed in two phases; the two phases are bisected by a new east-west public street and bordered by two other new streets (parkways) that will connect at Penn Avenue and American Boulevard.

The general site design provides for a variety of smaller, mixed-use areas directly accessible by using the internal street system. Penn Avenue and American Boulevard provide access at a City-wide or regional level, and connect this site to the remainder of the Penn American District, the 7.78 acre area previously described.

Parking is internal to the site, provided in a grade level lot central to the retail on the north side of the new public street and in a four level parking garage with 781 parking spaces. There are also 83 on-street parking spaces along the new east-west street (“A” Street) which will provide curb-side parking for the retail users on both sides of the street. The north and south parcels will be developed in stages, depending on the lease restrictions pertaining to the parcels. The northern parcel will develop first, with the street system connected to Morgan Circle. The southern parcel will follow in 2009 as that lease expires. This construction phase will include two retail buildings, one office building, the parking garage and the residential units.

This development is exploring a regional pond system at Lower Penn Lake with City Staff and their civil engineers. The developers will work to resolve this option as well as other on-site stormwater management issues before a final development plan is submitted.

APPLICABLE REGULATIONS

- 1) Rezoning, Case 10768A-07; Section 21.205.05
- 2) Preliminary Development Plan, Case 10768B-07: Section 19.38.01

REQUIRED FINDINGS

- 1) Rezoning, Case 10768A-07; None
- 2) Preliminary Development Plan, Case 10768B-07: Section 19.38.01(e)(5)(A),(B),(C),(D),(E),(F),(G) and (H)

HISTORY

City Council Action: 08/21/06 – City Council withdrew the request to rezone these 20 parcels.

04/12/06 – City Council adopted resolution to initiate rezoning of 20 Parcels South of American Boulevard West between Queen Avenue and I-35W from B-2, General Commercial and B-3 General Business, to C-4, Freeway Office and Service and C-5, Freeway Mixed Use.

CHRONOLOGY

Planning Commission Agenda: 12/06/07 - Public Hearing scheduled

DEADLINE FOR AGENCY ACTION

Application Date: 10/31/07
60 Days: 12/06/07
Extension Letter Mailed: No
120 Days: 12/17/07

Item 5

GENERAL INFORMATION

Applicant: United Properties,

Location: 2151 W. American Boulevard, and 8005 and 8051 Penn Avenue S.

Request: 1) Rezone from General Business Zoning District B-3 and General Business Zoning District B-3 (PD) to C-5 Freeway Mixed Use Zoning District Planned Development (PD)
(Case 10768A-07);
2) Preliminary Development Plan for a commercial mixed use center
(Case 10768B-07);

PROPOSAL

The applicant (United Properties) is proposing a phased 7.78 acre, mixed-use development including 100,000 sq.ft. of office space, 100,000 sq.ft. of retail space, and 58 housing units at the southeast corner of Penn Avenue S. and American Blvd. This application is for a rezoning of the property from B-3 General Business and B-3 Planned Development (PD) to C-5 Freeway Mixed Use (Planned Development (PD) Overlay District) and a preliminary development plan.

This plan combines three parcels into single ownership and provides the new internal streets to serve the development. The internal street network also will provide a circulation route to access uses and parking on site. Access to the site will be from Penn Avenue and W. American Boulevard.

BACKGROUND/PLANNING CONTEXT

This site is part of a larger district planning effort currently being prepared by the City of Bloomington and a consultant team. The development of a cohesive plan is the most effective way to state the community's aspirations and expectations for this area. The district plan will guide future land use, transportation, urban design and redevelopment of this important commercial center.

Although this proposal is submitted in advance of the completion of the study for this area, it adheres to the guiding principles of the Master Planning effort and proposes a development which reflects the uses and scale which were the vision for the C-5 Zoning District.

The area which comprises the larger District, approximately 150 acres, will redevelop in phases, over many years. In redevelopment districts, phases are dependent on market conditions, and the motivation of property owners. Challenges to redevelopment include site assembly; especially the impact of long-term leases on existing retail and office uses.

On September 11, 2006, Bloomington adopted an ordinance to update its Commercial Zoning Code with revised neighborhood and freeway commercial zoning districts and standards. Included in the update was the formulation of several new Zoning Districts to provide an environment for new high intensity

mixed use commercial development. The Freeway Mixed Use (C-5) District is one new zoning district designed to provide for high intensity mixed residential and commercial land uses in locations where excellent, accessible transit service is anticipated to be available.

Not formally included in the rezoning or preliminary development plan are the four adjacent parcels to the east along American Boulevard to Morgan Circle. These properties are shown on the site plan due to their proximity to the new "A" Street and the impact that lot reconfiguration might have on the existing uses.

OVERVIEW

The area surrounding the Walser Dodge and Mitsubishi sites at the intersection of Penn Avenue S. and W. American Boulevard has a mix of regional shopping uses in integrated centers, freestanding office developments and older, non-integrated retail uses. As private redevelopment has occurred in this area, new buildings or significant improvements to existing buildings have been based on the integration of uses within the Planned Development framework. Roadway improvements in this area have been focused on developing good circulation patterns within new developments and improving access into and out of sites, especially onto arterial streets; and promoting transit related uses as alternatives to single user auto transportation modes. As noted in the Staff report written in 2002 for the TCF redevelopment:

The intersection of Penn Avenue and I-494 has grown into an established regional commercial area, with the expansion and remodeling of the Target Store (1992) and the construction of the Rainbow Grocery Store (1997). The continued development of the Target regional shopping center has required improvements to the roadway system serving the area and in center circulation and parking patterns that have been a part of the development process. The rezoning and review of the preliminary and final development plans for the Rainbow Foods Store resulted in access improvements that included the abutting parcels (Franks, TCF Bank, the Edwardo's commercial building) in a comprehensive approach to have development that is complementary and functional for all of the parties involved.

The proposed redevelopment of the southeast corner of Penn Avenue and American Boulevard is a development which follows this pattern of bringing centrally-integrated uses which have planned site access and adequate parking on site.

ANALYSIS

This development proposes to take advantage of its location near a regional freeway (I-494), and two major arterials (Penn Ave. and American Blvd.) as well as the possibility of a future Bus Rapid Transit station at I-35W to the east of this site; providing higher intensity housing, retail and office uses on a relatively small site (7.78 acres). The general concept of this development and of the entire Penn American District is to redevelop in a manner which provides high intensity/density uses, but also provides high amenities in terms of architecture, pedestrian features. The goal is a regional destination which can provide services for nearby neighborhoods as well and the region.

Rezoning

The existing property is zoned General Business B-3 and B-3 (PD) as are adjacent properties to the east, west and north. To the south is the City Reservoir and farther south, single family homes, zoned R-1. The purpose of the B-3 district is to provide centralized areas for businesses that do not belong in shopping centers, and for highway- or automobile-oriented businesses. Multiple family residential dwellings are not a permitted use in the B-3 district.

It is important to note that the Regional Commercial designation in the Comprehensive Plan calls for developments with mixed office/retail/and residential, and these uses should be fully integrated whenever possible. Rezoning to stand-alone residential and office districts would not be supported in this designation, due to the limited supply of land within very close proximity to freeways and adjacent to arterial streets.

One goal of the C-5 zoning district is to allow high intensity mixed uses which incorporate pedestrian oriented design standards, connectivity and development flexibility in areas which have transit corridors that could feasibly convert to major transit nodes. The C-5 zoning district has site standards which will encourage the optimum density to support future transit modes. This district also has design standards to provide for attractive commercial nodes which although near freeways, are relatively close to existing neighborhoods. The C-5 district has development standards which include design, sidewalk and parking standards to help promote a “sense of place”, contributing to the quality of the commercial framework in the City and overall livability.

The applicant is also requesting a Planned Development (PD) zoning overlay to allow flexibility with regard to required development standards, including building setbacks, building height and building coverage, and possibly impervious surface coverage. The PD overlay district is intended to provide for creative and efficient use of land by providing flexibility in the application of the development standards of the primary zoning district.

Preliminary Development Plan

The developer has submitted a rezoning request and a preliminary development plan that will serve as a general framework for the future redevelopment of the site. The purpose of a preliminary development plan is explicitly presented in section 19.38.01(e)(1): *The purpose of the preliminary development plan is to establish the intent, density, and intensity for a proposed development.* Approval of the preliminary development plan does not assure development of any specific building but establishes parameters for future development.

Individual buildings or improvements require final development plan approval prior to construction. Section 19.38.01(e) (3) states the purpose of the final development plan: *The purpose of the final development plan is to establish a detailed development plan for a proposed development.* This development will have to apply for a final development plan before any permits could be issued.

Development Intensity - Development intensity is an important aspect of the C-5 Freeway Mixed Use District. Development regulations in the C-5 District acknowledge the regional aspect of this retail and office area and focus on providing uses which achieve a minimum intensity of building coverage for a site. This is regulated through the requirement of a minimum overall development floor area ratio (FAR) for the site. This minimum FAR is balanced with the need to have a development which

provides services for neighborhoods and the larger market; and can effectively deal with internal site circulation, access to the nearby arterial streets; and meeting required parking.

The FAR requirements for the C-5 district are a minimum of 1.0 and a maximum of 1.5 FAR. This site achieves an FAR of 1.04 for the entire site. The north and south portions of the site would have individual FAR's of 0.46 and 1.55, respectively, these FAR values are net of the new streets, which are assumed to be public streets and not included in the site area value. Also not included is the square footage for the parking structure.

High intensity sites should balance the scale of development with architectural integrity and design. The location of this site seeks to promote joint use trips with other employment and retail uses in the area. Providing a mix of uses in close geographic proximity has several benefits. More uses along retail streets can create a sense of place and safety by increasing the amount of time streets are active.

Mixed uses can work to increase choices for working, shopping and living at a level to support new transit decisions, while alternately reducing energy consumption. Mixed uses can locate work, live and shop choices in close proximity to each other, making it easy to run errands, socialize and meet basic needs without always using a car. Mixed uses, also, support 'shared parking' decisions.

This application proposes a mix of uses which individually meet the C-5 code. The intensity of the site will be a function of not only the final development plan, but some assumptions about how these uses will work together in terms of peak hours of operation for the retail and office uses, providing a basis to evaluate the need for on-site parking versus utilizing transit. It is hoped that the larger Penn American District will develop at a development intensity which can attract improved transit and support more non-automobile choices in the future.

The narrative describes the development as a mixed use project, the exact mix of office/retail/residential remains to be determined but the location of this site to multiple modes of transportation should keep the intensity of the uses on the site at a premium. The developer would like to have the option to incorporate more residential uses into the final development, this is acceptable if the site can work in terms of aesthetics and parking.

Traffic, Access, Parking and Site Circulation

Traffic – The street network in this area is designed to reduce conflict. At submission of a final development plan, a comprehensive traffic study will be submitted. The study will analyze traffic operations at selected intersections and will recommend mitigations measures as needed.

Access and Interior Circulation – There are four access points proposed to this site; two along Penn Avenue S. and two at W. American Blvd. Along Penn Avenue, at mid-development, the development connects a new "A" street east to Morgan Circle; this is the main access into the site. "A" street continues to Morgan Circle and turns north; at that location there is a full access intersection and light at American Blvd. At Penn Avenue, "A" street is restricted to a right-in/right-out movement.

"A" street is designed as a public street, two 12.67 foot drive lanes with 45 degree angled parking along each side of the street. This street extends from Penn Avenue to Morgan Circle, with one intersection at "C" street. There are 87 parking stalls along "A" street; those on-site are included in the parking calculation for the site. Landscaped sidewalks 12 feet wide separate the parking from the storefronts

along this street. Considering a 2 foot vehicle overhang, this leaves a 10 foot sidewalk for pedestrian movement.

A secondary access along Penn Avenue is located at the southern property line on Penn Avenue. This street is referred to as “B” street, located east of 81st Street, has a ROW of 55 feet, 20 feet on this site and an easement for 35 feet on the City Water Reservoir site. “B” street turns north into “C” street, continuing north to connect at American Blvd with proposed $\frac{3}{4}$ movements which allows access from American Blvd. The turning movement at Penn Avenue and “B” street is also a proposed $\frac{3}{4}$ movement, with a right-in/right-out to the development and a left turn into the site southbound from Penn Avenue. The developer is required to get Hennepin County approval for both these access drives.

“B” street will provide direct access to the offices and residences on-site and to the parking ramp. This street will have 42 parallel parking stalls along its width, a 5 foot landscaped boulevard and a 6 foot sidewalk in front of the residences on the north side of the street.

Pedestrian Circulation – Public sidewalks are proposed along the perimeter of the site on Penn Avenue and American Blvd. The sidewalks along the internal streets are proposed to be between 6 and 12 feet wide with a landscaped streetscape. Private sidewalks will connect all office and retail uses and provide clear paths to the parking ramp. Internal sidewalks will connect to all public sidewalks and to perimeter streets.

Parking - Off-street parking for the development will be provided in a central lot located along American Blvd., along the new “A” and “B” streets, and in a parking ramp located to the south of the retail uses, attached to the residential building. The parking ramp will be 5-levels with one level below ground and the top level uncovered.

Parking along the new internal streets is counted toward the required parking for the site; staff supports this due to the internal orientation and the mixed use nature of the site. It is entirely possible that someone could park on the street and visit an office and a restaurant in the same trip. Staff felt it was reasonable to count the on-street parking here because of the integration of the uses on the site and the expectation that someone parking in these would be in this development, not any of the neighboring uses. On-street parking provides 129 parking spaces for the site, about 10% of the required parking.

The surface lot and parking along “A” street provide about 175 parking spaces. The parking ramp provides 781 parking spaces and the remaining spaces in several small areas on site or along “B” street provide the remaining 69 spaces. Residential uses in the C-5 district are allowed to provide 95% of the parking required by code. The residential units line the south side of the parking ramp and will have direct access to parking in the ramp. There is also direct access from the second level of building E to the parking ramp, this office space may be marketed as medical office.

City Code required parking for the residential units is based on an estimated unit mix. The developer proposes a parking ratio of one parking space per unit, with this required parking being located underground in the parking ramp. Staff’s experience is that these units generally have parking needs closer to that in Code. Calculating parking based on code, additional parking over the 1 space per unit is provided in the central ramp. Using staff’s parking assumption, the parking available on site is still adequate.

The parking proposed includes the assumption that a percentage of each of the retail and office buildings have some space allocated for restaurants. This percentage ranges from 10-20 percent per building, and establishes a seat count to reflect the more intense parking needs of restaurants. Using the mix of uses shown on the plan and allowing for the addition of restaurants on the plan, the parking for the site meets code requirements. This will be again evaluated at Final Development Plan.

Development Standards Compliance – the following table compares the proposed development to the dimensional requirements of the C-5 zoning district. As shown in the table below, the proposed Preliminary Development Plan meets many, but not all, of the dimensional requirements. As a Planned Development, some flexibility and deviations from code requirements may be allowed. The degree of flexibility must be evaluated in terms of how well the overall proposal meets the “intent” of the zoning code in an acceptable manner and the extent to which the proposed flexibility is of public benefit.

Development Item	Code/C-5 Requirement	Proposed Development
Minimum lot area	80,000 square feet	339,768 s.f. (7.78 acres)
Floor Area Ratio	Min. 1.0, Max 1.5	1.04 , varies by phases
• Front	20 ft. along public street	10 to 15 ft. along Penn Ave., American Blvd. and internal streets
• Side	20 ft., 30ft. for buildings over 4 stories	May not meet along internal property lines
• Rear	30 ft., 40 ft., for buildings over 4 stories	<ul style="list-style-type: none"> • Spacing between buildings “E” and parking ramp • Spacing between parking ramp and residential bldg.
Structure height	60% of the buildings on a site must be at least two stories	Site has 49% of footprints at 2 or more stories <ul style="list-style-type: none"> • A and B buildings 23 to 30 ft (1 story) • C and D buildings -20 feet (1 story) • Building E – 40 feet (3 stories) • Building F – 50 feet (four stories) • Building G – 50 feet (four stories)
Max. impervious surface coverage	95%	Estimated to meet standard Pre-development site currently does not comply
Storage Space	25 s.f. per unit exclusive of storage within dwelling unit	This would have to be accommodated in Final Dev. Plan
Off-street parking	Section 21.301.06	Meets parking per code

Architectural Design and Building Materials

There are eight buildings proposed on this site. Six of these buildings have retail or office uses, the other two are the parking deck and the attached residences along the south side of the ramp. The development team working on the larger district plans for the area is the same team that has developed this proposal. This situation should enhance consistency between the final architectural design elements and the design principles for the district.

All buildings will be designed with some façade relief and windows at street level to provide an attractive architectural character. Details on the design, appearance, and exterior materials used will be provided at the time of the Final Planned Development application.

The two buildings along American Blvd. are proposed to be one-story and between 23 to 30 feet in height. This height would allow the buildings to maintain a street-front presence with an attractive façade. All of the buildings on the plan have taller first floors, averaging 20 feet, expanding the vertical storefronts while keeping the scale at a pedestrian level. The other benefit of this is that the overall building heights of the C, D and E buildings will be the same at that of the parking ramp, keeping the visual impact of that structure to a minimum.

The residential building is proposed to be four-stories and up to 55 feet in height. The housing will be a combination of concrete and wood frame construction. The housing works as a liner building to the parking ramp and is built over a level of concrete. The ground floor units are two-story and have a traditional design with front stoops and individual entries off the street.

The parking ramp is designed with flat floor and open perimeters that allow pedestrians to maintain visual connections with destinations. There will be natural light on three sides of the above-grade parking structure. Below-grade parking will be reserved for tenants and residents. The east and west elevations of the structure will be heavily landscaped for aesthetic appeal.

Other Site Improvements - Landscape Plan, Lighting-Security and Signage –

Detailed aspects of landscaping and lighting will be submitted as part of the final development plan. Proper lighting will be necessary for the final development plan to make people feel comfortable moving between the retail, office and residential areas.

The Zoning Code specifies the minimum number of trees and shrubs required based on the developable area of the site. Code requires about 135 trees and 339 shrubs for this development. There is not a preliminary landscape plan at this time. Landscaping will be located along the perimeter of the site along streetscapes and along the new interior streets and at storefronts. Parking lots and common spaces will provide landscaping. The applicant is proposing to include public seating and other amenities to enhance the public spaces and to have outdoor seating at restaurants. Each of the residential units has a small front landscaped yard and a planted streetscape.

At this time very little information about signage is provided. A Uniform Sign Design (USD) will need to be prepared for this property and approved by the Planning Manager prior to issuance of any sign permits.

Utility Services

Stormwater Management - The preliminary development plan does not include an on-site stormwater management plan. There is a regional stormwater pond, Lower Penn, which might accommodate some stormwater, but the plan will probably include several approaches to treat the entire site. The developer and their consultant, Kimley-Horn need to look at alternatives prior to Final Development Plan preparation, especially in light of the developer's desire to proceed with the first phase of this development in early 2008.

This development will result in a decrease in overall impervious surface area from what exists on the site today. The applicant must demonstrate runoff rate control as outlined in the City's Comprehensive Surface Water Management Plan prior to grading plan approval.

Water and Sanitary Sewer Utility Services - The project will be connecting to the existing City water and sanitary sewer lines in W. American Boulevard and along Penn Avenue. This development is a stand alone project, and does not impact water and sanitary availability. The District plan will be looking at water demand and wastewater impacts, including this site.

Proposed Planned Development Exceptions

The developer has asked for flexibility on several code provisions as part of the Planned Development overlay district. The Zoning Code has standards for development intensity and site characteristics, structure placement and design, and sidewalks. At the submission of the final development plan, actual code deviations will be determined. At this time there are several identified areas where the applicant does not expect to be able to meet the code requirements for development standards. The identified code deviations are:

Section 21.205.05 Building Footprint - The Code requires that a minimum of 60% of the building footprint area on a site must be two stories or more in height. The site has a ratio of 49% of building footprints with 2 stories or more, not counting the parking ramp.

Section 21.205.05(c)(2)(F) Drive Through Facilities- The code requires a maximum of one drive-through per business. This development proposes two drive-throughs for building C and one at building B. There is also a third lane which allows cars to bypass either of these drive-throughs to exit onto "C" street. There is a Code amendment proposed which, if adopted will remove this provision and allow a second stacking lane for the building. If not approved, the applicant would like Planned Development Flexibility on this requirement.

Section 21.205.05 (c)(5)(B) Streetside Entrance- The code requires a streetside entrance for each building and to each individual tenant. The applicant is asking for flexibility on this standard along Penn Avenue and American Boulevard. The exact degree of flexibility will be determined at the Final Development Plan.

Section 21.301.01 Building Floor Area in the C-5 zoning district requires 20,000 square feet per building. Individual buildings for retail uses may not meet this standard, although the site as a whole has 100,000 square feet in retail and 100,000 square feet in offices uses.

Section 21.301.02 – The C-5 district requires setbacks as follows:

Front - 20 feet setback along a public street
Side – 20 feet setback, 30 feet for buildings over 4 stories
Rear – 30 feet setback, 40 feet for buildings over 4 stories
Adjacent to Residential – 50 feet setback

The development does not meet the front yard setbacks along public streets at either Penn Avenue or American Boulevard, nor along internal streets. Internal property lines developed as part of the final development plan may not meet rear or side setbacks.

Section 21.301.03 Structure Design – C-5 Requirements for structure design will be reviewed at final development plan. Staff has reviewed the design requirements and expects that architectural design which meets the intent of the code will be developed.

RECOMMENDATION

In Case 10768AB-07, Staff recommends approval of a Rezoning from General Business (B-3) and General Business Planned Development B-3 (PD) to C-5 Freeway Mixed Use Zoning District Planned Development (PD) and a Preliminary Development Plan for a commercial mixed-use center at 2151 W. American Blvd., and 8005 and 8051 Penn Avenue S. subject to the following conditions being satisfied:

- 1) A development agreement including all conditions of approval be executed by the applicant and the City and proof of filing be provided to the Director of Community Development;

and subject to the following additional conditions being satisfied as part of the Final Development Plan application:

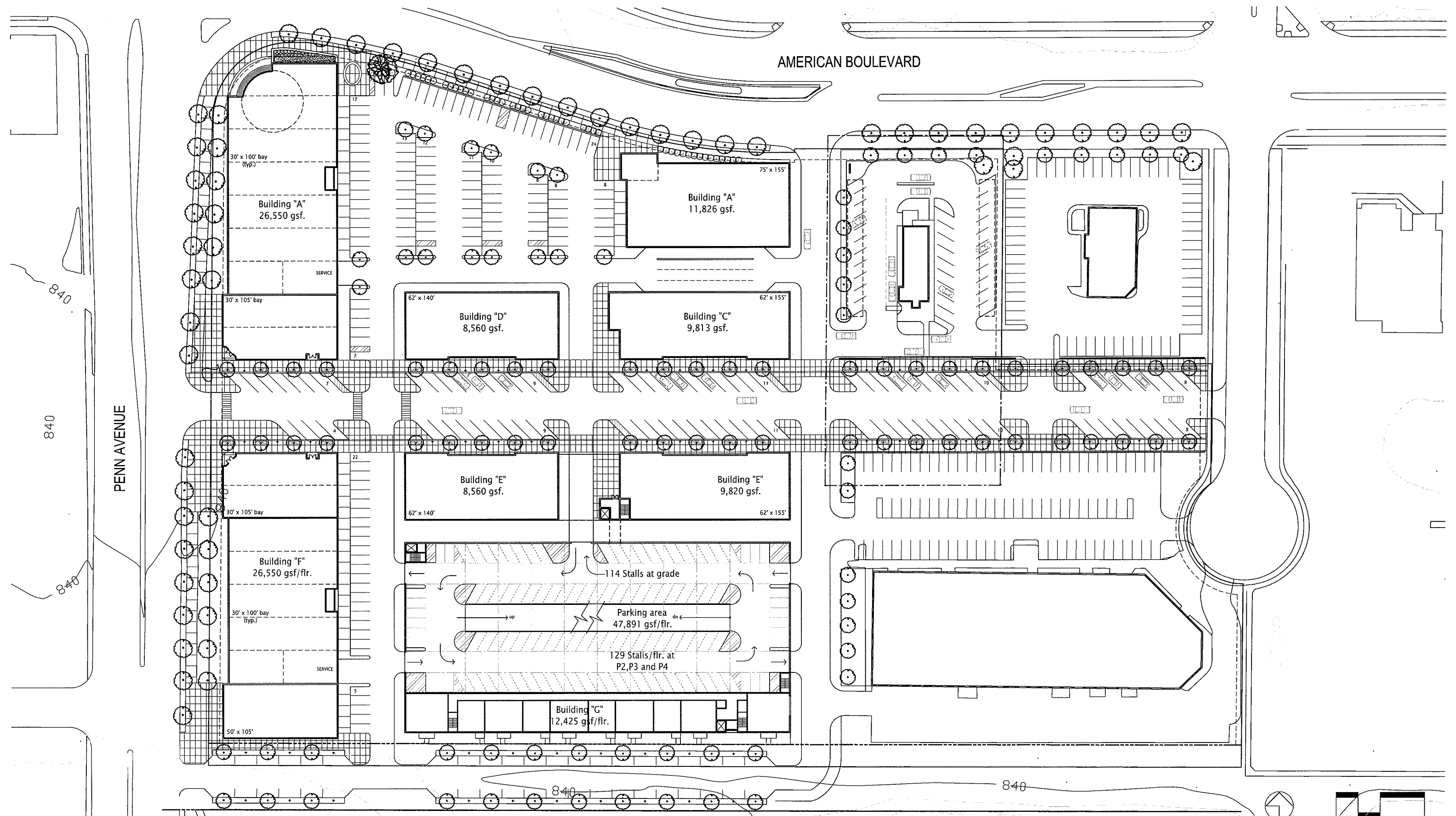
- 2) Prior to issuance of the Certificate of Occupancy, the developer/contractor must submit electronic utility as-builts to the Public Works Department;
- 3) Grading, drainage, utility and erosion control plans be approved by the City Engineer following review by the appropriate watershed district—including a Stormwater Management Plan including the following:
 - i. Stormwater rate control, volume control and water quality treatment which meets the requirements of the Bloomington Comprehensive Surface Water Management Plan (CSWMP)
 - ii. Maintenance Schedule/Plan for Stormwater BMP signed by property owner and to be filed on record with Hennepin County. Proof of filing shall be submitted to Engineering;
- 4) NPDES construction site permit and Storm Water Pollution Prevention Plan (SWPPP) shall be provided. The SWPPP shall include the name and phone number of the party responsible for erosion control;
- 5) Nice Mile Creek Watershed District Permit and comments shall be provided;
- 6) Alterations to utilities be at the developer's expense;
- 7) Connection charges shall be satisfied prior to issuance of utility permits;
- 8) Sewer Availability Charges (SAC) shall be satisfied prior to the issuance of a building permit.
- 9) An Erosion Control Bond shall be provided;
- 10) Approved and installed erosion control barriers shall be maintained in an effective and functional condition throughout the construction period and shall not be removed until all disturbed areas are stabilized in an approved manner and removal is authorized by the City Engineer;
- 11) Maintenance Schedule/Plan for Stormwater BMP signed by property owner and be filed on record with Hennepin County. Proof of filing shall be submitted to Engineering;
- 12) A traffic study be included as part of the Final Development Plan for the project; a Transportation Demand Management (TDM) Plan, including trip reduction alternatives and programs may be required for individual uses on the Final Development Plan to be determined by the Community Development Director;
- 13) Access, circulation and parking plans be approved by the City Engineer including a bicycle parking plan;

- 14) Bicycle parking spaces shall be provided as approved by the City Engineer;
- 15) Sidewalk connections shall be provided as approved by the City Engineer;

and subject to the following Code requirements:

- 1) The property shall be platted per Section 16.03 of the City Code. The approved Final Plat shall be filed with Hennepin County and a certified copy shall be provided to the Engineering Division prior to the issuance of building permits;
- 2) Exterior building materials shall be approved by the Planning Manager (Sec. 19.63.08);
- 3) Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec 19.52);
- 4) All rooftop equipment be fully screened (Sec. 19.52.01)
- 5) All unused water services shall be properly abandoned, per Section 11.15 of the Bloomington City Code.
- 6) Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
- 7) All trash and recyclable materials be screened and stored inside the principal building (Sec. 19.51)
- 8) Recyclable materials shall be separated and collected (Sec. 10.45);
- 9) Fire lanes be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3);
- 10) 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, MN State Fire Code Sec. 508);
- 11) Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
- 12) A Uniform Sign Design in conformance with the requirements of Chapter 19, Article X of the City Code shall be approval by the Planning Manager; and
- 13) Development shall comply with the State Handicapped Code.
- 14) Fire lanes shall be posted as approved by the Fire Marshal (Sec. 8.73);
- 15) Food service plans be approved by the Environmental Services Division (City Code Sec. 14.360);
- 16) Signage be in conformance with the requirements of Chapter 19, Article X of the City Code; and
- 17) A Uniform Sign Design in conformance with the requirements of Chapter 19, Article X of the City Code shall be approval by the Planning Manager.

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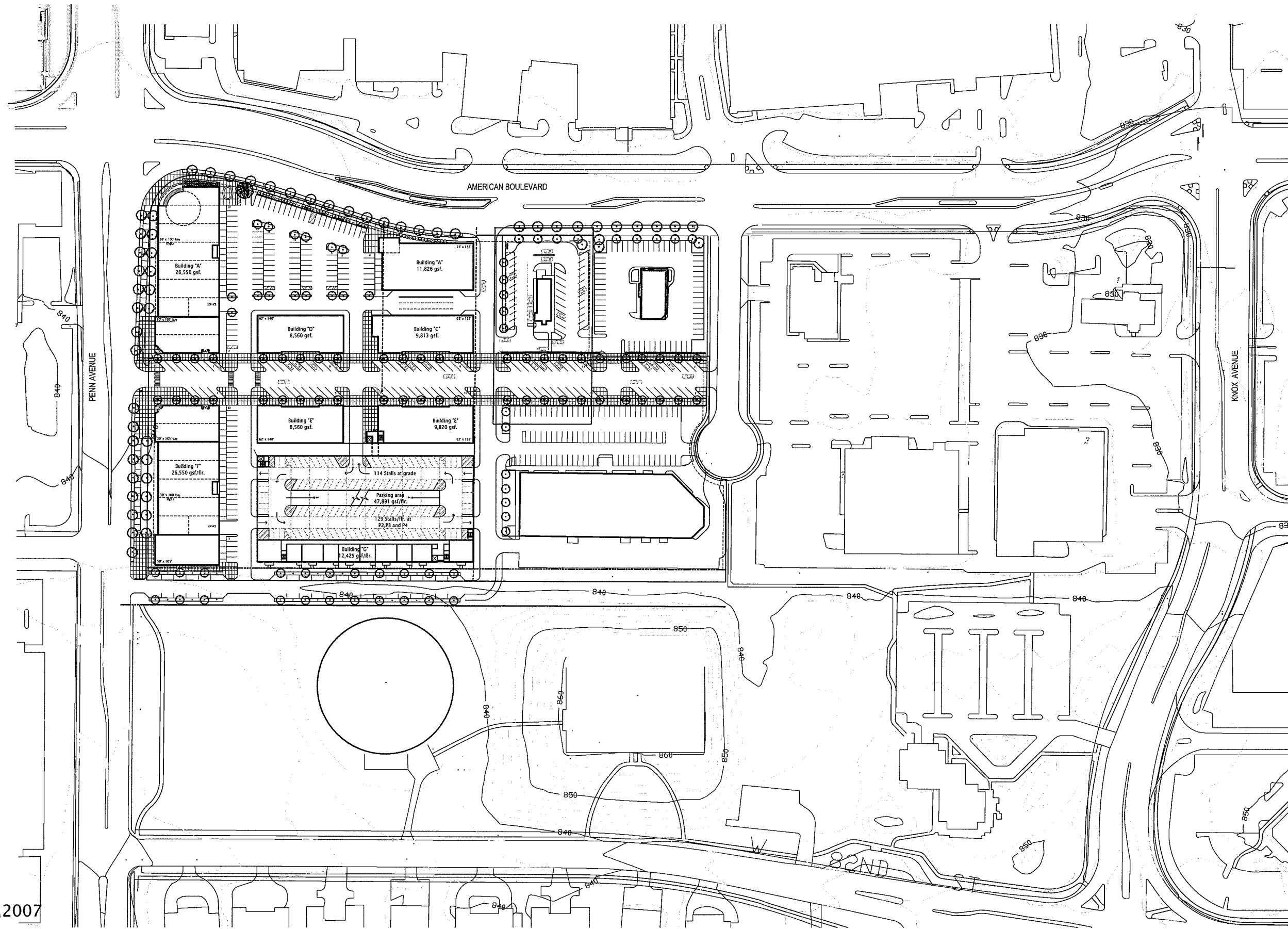
October 26, 2007



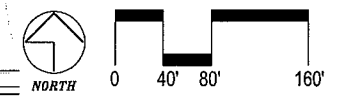
PENN AND AMERICAN BOULEVARD

Bloomington, Minnesota

PHASE I: SITE PLAN

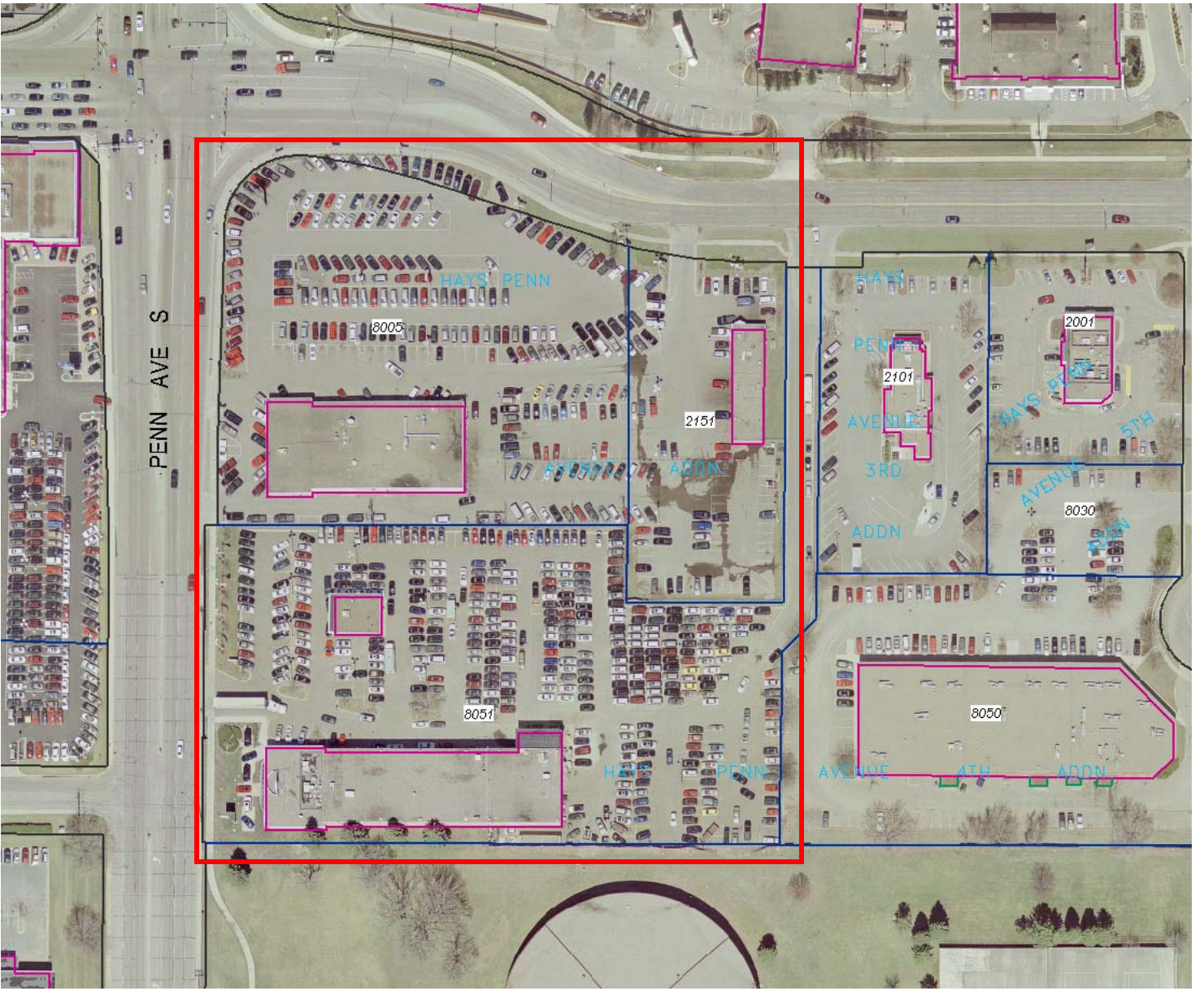


October 26, 2007



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PHASE I : SITE CONTEXT PLAN



INTERSTATE 404

INTERSTATE 404

