



<b>Case number:</b>	10858ABC-10
<b>Address:</b>	8936 and 8946 Lyndale Avenue
<b>Application type:</b>	1) Rezone from B-2, General Commercial to Becky-2 (PD), General Commercial (Planned Development) (Case 10858A-10); 2) Preliminary and Final Development Plan for a 12,900 square foot retail building (CVS Pharmacy) (Case 10858BC-10)
<b>Applicant:</b>	Velmeir Companies

**This file will contain the following items as they become available:**

1. Agenda information
2. Staff report
3. Location map

**Additional information**

To receive copies of submitted development applications, supplemental documents, and (in some cases) building and site plans please contact the Planning Division at 952-563-8920 or [planning@ci.bloomington.mn.us](mailto:planning@ci.bloomington.mn.us).

**Your comments are important!**

If you wish to communicate to the Planning Commission about this agenda item, please include:

- Your name
- E-mail address
- Full mailing address (number, street name, city, state, ZIP)
- Daytime telephone number
- Case file number
- Date of hearing

You may not receive a detailed response to your e-mail, but your comments, if received in time, will be presented to the Planning Commission.

If you wish to send comments via e-mail, write to [planning@ci.bloomington.mn.us](mailto:planning@ci.bloomington.mn.us).

Anonymous e-mails will not be forwarded.

Originator <b>Community Development</b>	Item <b>Rezoning, Preliminary and Final Development Plan, Preliminary and Final plat</b>	#
Agenda Section <b>HEARINGS/PUBLIC INPUT Development Business</b>	By <b>LDP</b>	Approved Date

Item 1

Case 10858ABCD-10

## GENERAL INFORMATION

Applicant: Velmeir Companies

Location: 8936 and 8946 Lyndale Avenue South

Request:

- 1) Rezone B-2, General Commercial to B-2(PD), General Commercial (Planned Development) (Case 10858A-10);
- 2) Preliminary and Final Development Plan for a 12,900 square foot Retail Building (CVS Pharmacy) (Case 10858BC-10); and
- 3) Preliminary and Final Plat of Lyndale Ninety Addition, replat two lots into one lot (Case 10858D-10)

Existing Land Use and Zoning: Station store, restaurants and retail uses; zoned B-2 and B-2(PD)

Surrounding Land Use and Zoning:

North – Multiple Family residential; zoned RM-24(PD)  
 South – Service Station and retail sales; Zoned B-2  
 West – Single Family residential; zoned R-1  
 South – Auto Repair and warehouse; Zoned I-3

Comprehensive Plan: The Comprehensive Land Use Plan recommends General Business land use for the property.

## PROPOSAL

The applicant proposes redevelopment of two properties (approximately 1.58 acres) by removing three buildings, totaling 16,212 square feet, and constructing a 12,900 square foot CVS Pharmacy. The properties would be combined into a single parcel with right-of-way dedication 50 feet from centerline along Lyndale Avenue. The structure would be centrally located on the property with the primary customer entrance on the southeast with a drive through pharmacy on the northeast corner. A 24 foot drive aisle, including a pass by lane for the drive through, provides traffic circulation around the building. A majority of the 50 customer parking spaces would be along the east and south sides of the building. Primary exterior building materials would be stucco and brick veneer with prefinished metal coping and E.F.I.S. trim. The proposed signage package

**Council Action**

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

includes a monument sign along Lyndale Avenue, a pylon sign along West 90<sup>th</sup> Street and wall signs on East and South elevations.

## **APPLICABLE REGULATIONS**

The applicable sections applicable to the proposed changes include but not limited to:

- Section 19.51. – Refuse Handling and Storage Facilities
- Section 19.52. – Landscaping and Screening
- Section 21.204.04 – General Commercial Districts
- Section 21.301.01 -- Development Intensity And Site Characteristics
- Section 21.301.02. – Structure Placement
- Section 21.301.05. – Drive-Through Facilities
- Section 21.301.06. – Parking And Loading
- Section 21.301.07. – Exterior Lighting
- Section 21.501.02 – Preliminary Development Plans
- Section 21.501.03 – Final Development Plans

## **REQUIRED FINDINGS**

- Section 21.501.02(d)(1), (2), (3), (4), (5) and (6)
- Section 21.501.03(e)(1), (2), (3), (4), (5), (6) and (7)

## **HISTORY**

- City Council Action: 08/19/96 -- Approved rezoning from B-2 to B-2(PD) and preliminary and final development plan for a convenience store with gasoline sales with 17 conditions and 8 Code requirements.

## **CHRONOLOGY**

- Planning Commission Agenda: 06/24/10 - Public Hearing scheduled

## **DEADLINE FOR AGENCY ACTION**

- Application Date: 05/19/10  
60 Days: 07/17/10  
Extension Letter Mailed: No  
120 Days: 09/15/10

## **FINDINGS**

**Section 21.501.02(d)(1),(2),(3),(4),(5) and (6) - The following findings must be made prior to the approval of new preliminary development plans or revisions to previously approved preliminary development plans:**

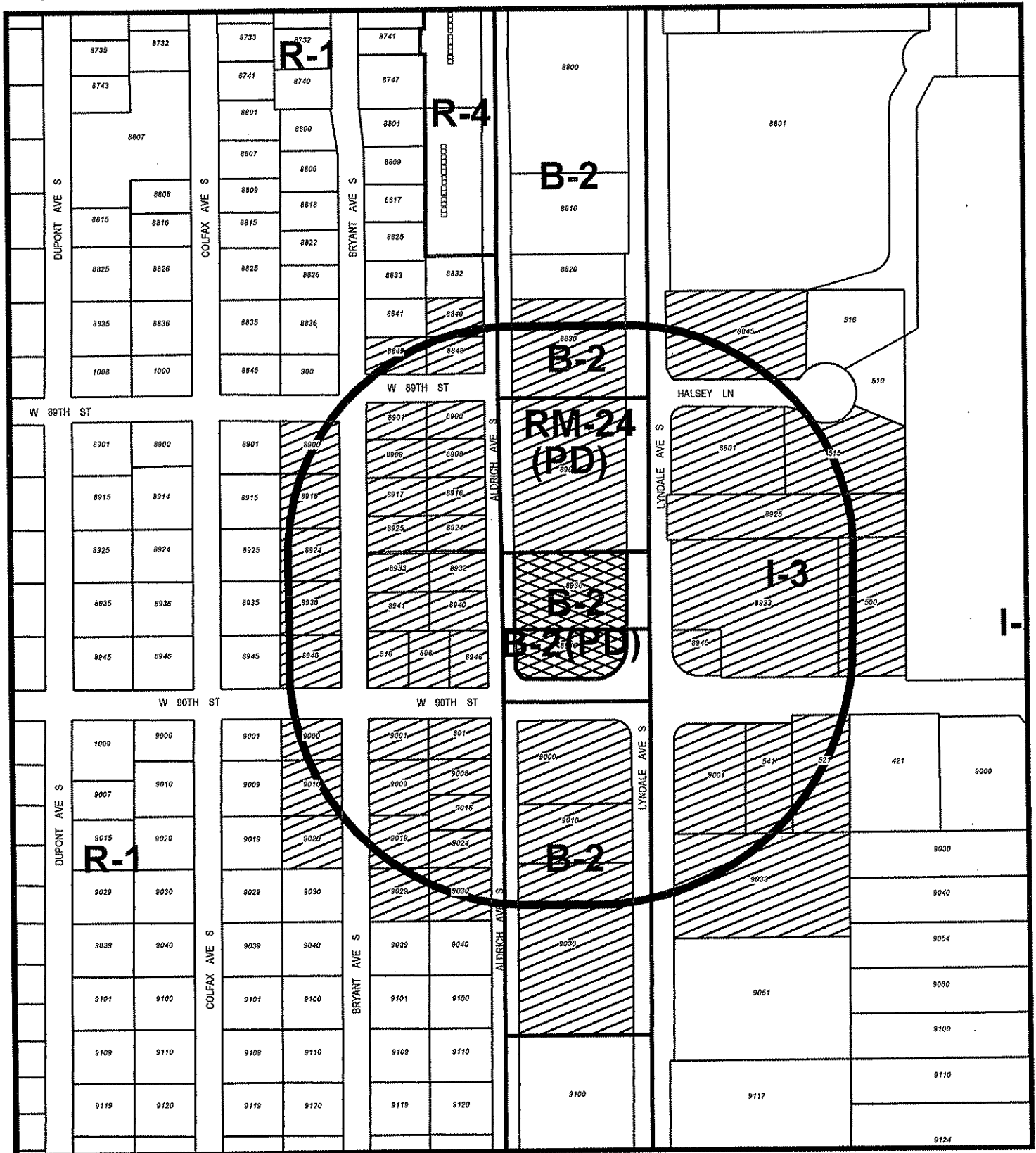
- (1) The proposed development is not in conflict with the Comprehensive Plan;**  
\*
- (2) The proposed development is not in conflict with any adopted District Plan for the area;**  
\*
- (3) All deviations from City Code requirements are in the public interest and within the parameters allowed under the Planned Development Overlay Zoning District or have previously received variance approval;**  
\*
- (4) Each phase of the proposed development is of sufficient size, composition, and arrangement that is construction, marketing, and operation is feasible as a complete unit without dependence upon any subsequent unit;**  
\*
- (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**  
\*
- (6) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.**  
\*




## **FINDINGS**

**Section 21.501.03(e)(1),(2),(3),(4),(5),(6) and (7) - The following findings must be made prior to the approval of new final development plans or revisions to previously approved final development plans:**

- (1) The proposed development is not in conflict with the Comprehensive Plan;**  
\*
- (2) The proposed development is not in conflict with any adopted District Plan for the area;**  
\*
- (3) The proposed development is not in conflict with the approved Preliminary Development Plan for the site;**  
\*
- (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;**  
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- (5) 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;**  
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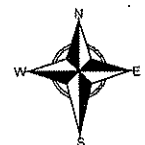
# City of Bloomington Notification Map



-  Notification Boundary
-  Applicant Property
-  Notified Properties

Zoning District Boundary (Labels Refer to Zoning District)

CASE  
10858ABCD-10



(A notice of this application was sent to the registered owner of these properties)



Scale: 1:3600

Plot time: 05/20/2010 09:46:13

## Summary

The parcel is located on the north side of 90<sup>th</sup> Street West & the west side of Lyndale Ave South, Bloomington, Minnesota. The existing site consists of a three buildings, gas pump canopy, along with paved parking lots. The proposed site will consist of an approximately 12,900 square foot footprint CVS building with associated parking, utilities, Stormtech, etc. The area of the site is approximately 1.58 acres, with 1.58 acres expected to be disturbed.

### Existing

The existing site, comprised of three buildings, and gas station is mainly impervious and drains generally south to inlet structures which connect to the City's storm sewer system in 90<sup>th</sup> and Lyndale. The existing grade is fairly mild and drains to the south. The soils are B type soils.

### Proposed

The proposed plan consists of a 12,900 square foot building footprint for CVS with associated improvements. The impervious area is decreased by 0.18 acres. We are proposing to capture the runoff and direct it to the underground Stormtech infiltration system. This system will act as an infiltration system capable of removing 85% TSS and 60% phosphorous.

### Nine Mile Creek Watershed District Requirements

The Nine Mile Creek Watershed District has the following requirements:

- **Volume Reduction/Infiltration:**
  - Provide retention on-site of one inch of runoff from all impervious surfaces of the parcel.
  - Infiltration must be designed for a maximum 48 hour draw down period.
- **Pollutant Removal:** Provide for all runoff from the 2.5-inch storm event to be treated for 60% phosphorous and 90% total suspended solids removals. For projects that have met the above Volume Reduction criteria, the pollutant removal requirements are considered to be met.
- **Rate Control:**
  - Discharge rates leaving the site must not exceed the current rates for the 2, 10 & 100 year 24-hour storm events.

Water Quality

The volume reduction required based on a fore mentioned calculation criteria is approximately 4,500 cubic feet of runoff volume. With the bottom of the treatment chamber system at an elevation of 822.23 and the 12 inch outlet pipe installed at an invert of 825.01, there is approximately 6,000 cubic feet of storage to handle the runoff volume required to be infiltrated. Once this runoff volume has been removed from the system for infiltration, we meet the standards of 90% TSS and 60% phosphorus removals. The runoff will first be directed to sump storm manholes to remove the heavier grit. The outlet pipe from these sump manholes will have an elbow and extension that will allow the inflow to enter the pipe in the submerged condition to allow for floatables to remain in the sump manholes. These manholes will have solid cover castings to prevent mosquitoes and smells.

Water Quantity

We are required to match or decrease the runoff rates from the 2-yr, 10-yr and 100-yr storm events. Since the impervious areas are being decreased and the outflow is being restricted through a 12" pipe, we are decreasing the runoff rates by more than one half.

The discharge rates are summarized below:

Existing:

Event	Total
2-Year	5.33
10-Year	8.88
100-Year	12.40

Proposed:

Event	Total
2-Year	0.17
10-Year	2.80
100-Year	5.79

### Erosion Control

We have included a SWPPP plan in our plan set and details as well. Best Management Practices will be followed for all erosion control measures. Silt fence will be used around the perimeter of the site where the green area drains off-site. The catch basins will have inlet protection. We will have a rock construction entrance to reduce the amount of sediment leaving the site. A concrete washout area will be provided. All slopes within the site meet standards and should need no erosion control measures. Additional information on erosion control can be found in the Plan Set.



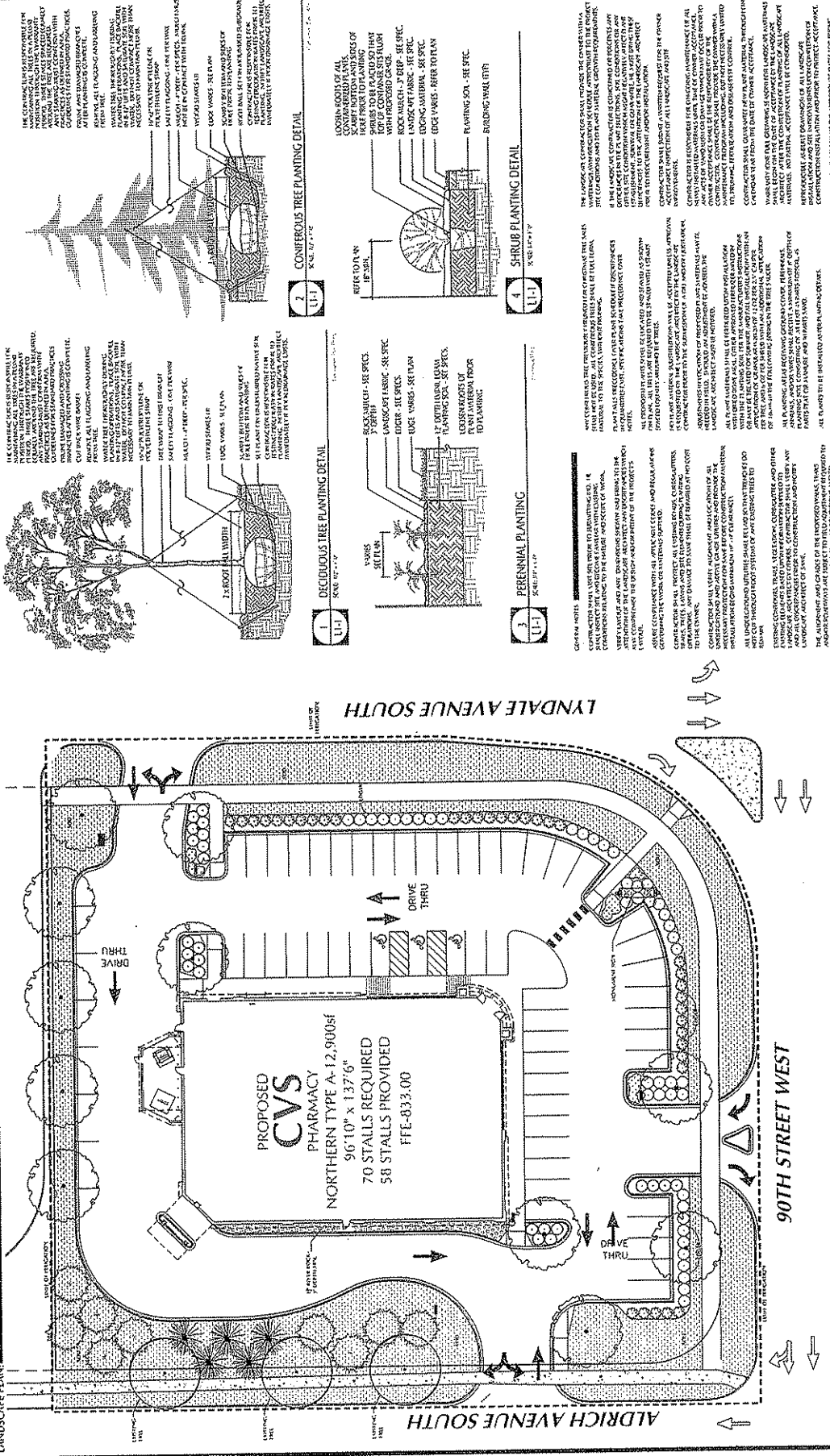
**CVS/**  
pharmacy  
RIGHT HAND ENTRANCE  
1400 N. LYNDALE AVENUE  
LYNDALE AVENUE S  
90TH STREET WEST  
CITY OF BLOOMINGTON  
HENNING COUNTY, MN

**VELMEIR**  
CORPORATION  
10000 1/2 W. WASHINGTON  
MINNEAPOLIS, MN 55426

**LOUGHS**  
ASSOCIATES  
Landscape Architecture  
10000 1/2 W. WASHINGTON  
MINNEAPOLIS, MN 55426

**NORR**  
Landscape Architecture  
10000 1/2 W. WASHINGTON  
MINNEAPOLIS, MN 55426

LANDSCAPE PLAN



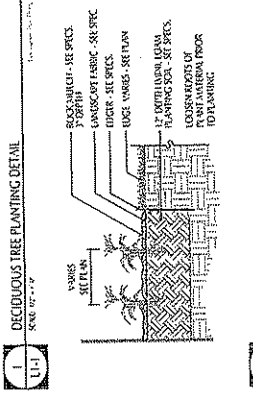
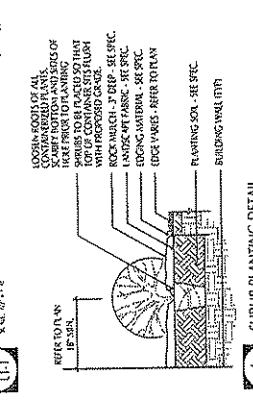
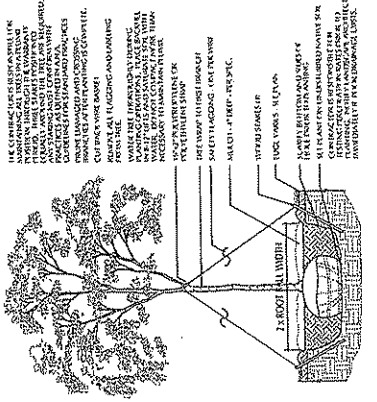
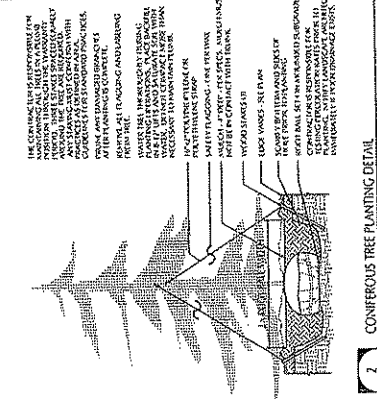
**LANDSCAPE REQUIREMENTS:**  
ONE TREE PER 2,000 SQUARE FEET AND ONE SHRUB PER 1,000 SQUARE FEET OF DEVELOPABLE LANDSCAPING AREA.  
DEVELOPABLE LANDSCAPING AREA = 70,427.250 SQ. FT.

**TREES REQUIRED = 35.21362500 = 35**  
**SHRUBS PROVIDED = 28**  
**SHRUBS REQUIRED = 70.4272500 = 70**

**PLANT PALETTE:**

SYMBOL	PLANT IDENTIFICATION SPECIES/SIZE
(Tree symbol)	CONIFEROUS TREES - 6" H. BLACK HILLS SPRUCE NORWAY SPRUCE NORWAY SPRUCE NORWAY SPRUCE NORWAY SPRUCE
(Shrub symbol)	CONIFEROUS SHRUBS - 4" H. NORWAY SPRUCE NORWAY SPRUCE NORWAY SPRUCE NORWAY SPRUCE
(Perennial symbol)	PERENNIALS - 4" H. SHEILA'S CROZIER SHEILA'S CROZIER SHEILA'S CROZIER SHEILA'S CROZIER

**GENERAL NOTES:**  
1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF BLOOMINGTON LANDSCAPE CODE.  
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CITY OF BLOOMINGTON  
Division of City Planning  
**REPORT TO THE PLANNING COMMISSION**  
June 24, 2010

Item 1

## **GENERAL INFORMATION**

- Applicant: Velmeir Companies  
(Case 10858ABCD-10)
- Location: 8936 and 8946 Lyndale Avenue South
- Request: 1) Rezone B-2, General Commercial to B-2(PD), General Commercial (Planned Development) (Case 10858A-10);  
2) Preliminary and Final Development Plan for a 12,900 square foot Retail Building (CVS Pharmacy) (Case 10858BC-10); and  
3) Preliminary and Final Plat of Lyndale Ninety Addition, replat two lots into one lot (Case 10858D-10).

## **PROPOSAL**

The applicant proposes redevelopment of two properties (approximately 1.58 acres) by removing three buildings, totaling 16,212 square feet, and constructing a 12,900 square foot CVS Pharmacy. The properties would be combined into a single parcel with right-of-way dedication 50 feet from centerline along Lyndale Avenue. The structure would be centrally located on the property with the primary customer entrance on the southeast with a drive through pharmacy on the northeast corner. A 24 foot drive aisle, including a pass by lane for the drive through, provides traffic circulation around the building. A majority of the 58 customer parking spaces would be along the east and south sides of the building. Primary exterior building materials would be stucco and brick veneer with prefinished metal coping and E.F.I.S. trim. The proposed signage package includes a monument sign along Lyndale Avenue, a pylon sign along West 90<sup>th</sup> Street and wall signs on East and South elevations.

## **ANALYSIS**

### **Land Use**

The adjoining uses include an apartment building, single family dwellings, service stations and office/warehouse developments. The proposed development decreases the retail floor area by 3,312 square feet and provides increased separation from the single family dwellings along Aldrich Avenue. This proposed development is along the A-Minor Arterial's (90<sup>th</sup> Street and Lyndale Avenue). A drive-through is located at the northwest corner of the building. Care is needed to assure nuisances from drive through on the residential properties are minimized. Overall, the proposed development should enhance the land use compatibility and traffic patterns with the surrounding neighborhood.

The proposed redevelopment requires a subdivision combining the two properties into a single parcel in accordance with Chapter 16.03 of the City Code. The subdivision process will include an additional right-of-way dedication, 50 feet from centerline, along Lyndale Avenue. As part of the replanting of the

property, the applicant will dedicate 10 feet of right-of-way along Lyndale Avenue, a 10-foot drainage/utility easement along all street frontages and a 5-foot drainage and utility easement along the internal lot line on the north side of the site. In addition, the applicant will be granting a 10-foot sidewalk/bikeway easement along all street frontages. The applicant has provided a site plan that accommodates additional right-of way dedication. An application for the Plat is part of this application package.

### **General Site Plan**

The proposed building is centrally located on the lot to provide adequate vehicular circulation around the building and parking that is conveniently located to the front entrance. Table 1 is a code review of several applicable City Codes. The **shaded items** are not in compliance with the City Code. Items not in compliance are discussed in detail in this staff report.

**Table 1: Dimensional Requirements**

<b>Standard</b>	<b>Code Required</b>	<b>Provided</b>
Site area	25,000 square feet	68,675 square feet
Minimum Lot width	150 feet for corner lots	>250 feet
Building setback along all streets	35 feet	>56 feet
Building Rear yard setback	15 feet	37.8 feet
<b>Building setback from residential</b>	<b>50 feet</b>	<b>37.8 feet (north)</b> 66 feet (west)
Parking setback (Along Street)	20 feet	20 feet
Parking setback (Rear yard)	5 feet	8.8 feet
Impervious Surface Coverage	90 percent	71.1 percent
Floor area ratio	0.5 Maximum	0.18
Building size	1,000 square feet	12,900 square feet
Building height	40 feet	28 feet
<b>Parking required</b>	<b>70 spaces</b>	<b>52 spaces (without parking along north drive aisle)</b>
Parking stall size	9 feet by 18 feet	9 feet by 19 feet
Drive aisle	24 feet	24 feet
<b>Drive-through stacking spaces</b>	<b>12 spaces</b>	<b>8 spaces</b>
Trash collection area	120 square feet	>450 square feet
Free-standing sign setback	20 Feet	20 Feet
Trees	28 trees	28 trees
Shrubs	69 shrubs	103 shrubs

The applicant seeks a building setback variation from the multi-family residential to the north. The encroachment is for the trash attached enclosure as opposed to the retail building, which is setback over 50 feet. Staff supports the deviation from the City Code for the proposed encroachment as part of the Planned Development.

### **Landscaping, Screening and Lighting**

The proposed landscape plan provides Code complying amount of plant materials although is not Code compliance. A combination of up to a 4-foot berm and landscaping will provide code complying screening between the residential use to the west and the proposed development. The three foot required screen along Lyndale Avenue and West 90<sup>th</sup> Street are provided by landscape materials. The applicant does not provide required landscaping in three of the parking lot islands. In addition, several trees are proposed in the sidewalk easement along Aldrich Avenue. These trees shall be relocated out of the easement.

The City code requires all elements of the drive through service area, including but not limited to menu boards, order stations, teller windows, and vehicle lights from the stacking lanes, must be screened from view of residential properties zoned R-1, R-1A, RS-1, R-4, RM-12, RM-24 or RM-50 located within 300 feet. Screening must comply with the perimeter screening standards specified in Section 19.52(d). This requires a five foot screen solid screen on the north and west sides of the drive through. This has not been provided.

The proposed parking lot and security lighting plan submitted is deficient in minimum lighting levels, particularly in the handicapped parking area. In addition, photometrics for entrance and exit areas were not provided. The lighting plan will require a revision and the applicant be advised to meet with appropriate staff to resolve deficiencies.

The applicant has submitted a sign package as part of the application. This includes several wall signs, a pylon near the corner of West 90<sup>th</sup> Street and Lyndale Avenue and a monument sign along Lyndale Avenue just north of the proposed access drive. The City Code requires there shall be a minimum distance of one hundred (100) feet between the leading edge of any illuminated sign and an adjoining residential district boundary. Therefore, the drive through signs and the monument sign along Lyndale Avenue may not be illuminated.

### **Stormwater Management:**

Stormwater will be managed to meet the City's and Nine Mile Creek Watershed District's requirements for stormwater rate control (quantity), stormwater quality and volume. The existing site is comprised mostly of impervious surface and drains south to inlet structures which connect to the City's storm sewer system in West 90<sup>th</sup> Street and Lyndale Avenue. The proposed development will have 0.18 acres less impervious surface than existing conditions. The Stormwater Management Plan includes an underground Stormtech infiltration system with 60 chambers. Nearly all stormwater from the site is captured in catch basins that are routed through storm pipes to the Stormtech system, which discharges into an existing public catch basin on West 90<sup>th</sup> Street.

The Stormwater Management plan calculations and narrative have been reviewed and appear to meet the requirements in the City of Bloomington Comprehensive Surface Water Management Plan. A maintenance plan has not yet been provided and will be required to be signed and filed at Hennepin County. This site is located within the Nine Mile Creek Watershed District, so an additional permit will be required.

**Utilities:**

Sanitary sewer pipes are located under the street on Aldrich and Lyndale Avenues South and water main is located under the street on all three sides of the property. There are three existing water services on Aldrich Avenue and three on Lyndale Avenue. One of the water services on Aldrich Avenue will be reused for this project, but all unused water services will need to be properly abandoned at the main. The existing site has six sanitary sewer services; three on Aldrich Avenue and three on Lyndale Avenue. The proposed development proposes to reuse one of the sanitary sewer services in Lyndale and will need to properly abandon all unused sanitary sewer services.

**Traffic Analysis:**

The existing uses on the site include three buildings consisting of a liquor store, two fast food restaurants, a barber, insurance office and shoe store, and a gas station. As noted in the Special Traffic Study performed by Alliant Engineering, Inc. the trip generation per the ITE Trip Generation chart is expected to decrease from 226 weekday, peak hour trips to 134 week day peak hour trips. The adjacent roadway capacity is sufficient for the proposed trip generation.

**Access and Circulation and Parking:**

Currently, the site has one full-access on Lyndale Avenue (north end of the site), one right-in/right out access on Lyndale Avenue (south end of the site), one right-in/right out access on W. 90<sup>th</sup> Street and one full access on Aldrich Avenue. The proposed development intends on closing the right in/right out access on Lyndale Avenue and keeping the other three accesses in their current location/configuration. Staff was concerned with the full access on Lyndale Avenue and subsequently requested the applicant either convert the full access on Lyndale Avenue to a right in/right out only or have the City complete a Special Study using the process outlined in City Code Section 21.501.02(f)(5) and 21.502.01(h). The applicant opted to have the City conduct a Special Study.

The Special Traffic Study performed by Alliant Engineering, Inc. has been reviewed and staff is in agreement with the methodology and calculations used for analysis of the proposed full access on Lyndale Avenue. The Study verifies the proposed full access on Lyndale could operate at an acceptable level for 2010 and 2030 build conditions. If a documented operation or safety issue occurs in the future, the City will take appropriate action to address the issue. This may require extending the median on Lyndale Avenue South past the access location, limiting the access to only right-in/right-out movements.

The proposal includes a double drive-thru in the northwest corner of the site. Circulation on the north and west side of the site is one-way, counterclockwise through the drive-thru. Circulation south of the Aldrich Avenue driveway and south of the Lyndale Avenue driveway is two-way with perpendicular parking on both sides of the 24-foot drive aisle. The two drive through lanes should have a total of 12 stacking spaces. The applicant proposes 8 drive through stacking spaces for the two lanes. The reduction is allowed as part of the planned Development. Staff supports the reduction as the decrease is supported by the documentation provided by the applicant.

As proposed, the physical development is consistent with most Code regulations and general performance standards. The required parking to serve the proposed retail site is 70 parking spaces. The proposed parking of 58 spaces is an 18 percent reduction. The Traffic Study verified the proposed development will need to provide a drive-thru by-pass lane in lieu of proposed parallel parking stalls along northern lot curb for optimal site circulation. Due to the parking stalls orientation and proximity to the building main entrance, the proposed parallel parking stalls along the northern lot curb would be infrequently used. The addition of the drive-thru by-pass lane provides greater benefit in optimizing site circulation and minimizing the potential for site congestion spill over into southbound Lyndale Avenue. This reduces the parking to 52 spaces. Based upon CVS parking study data submitted by applicant the proposed site development appears to provide adequate parking spaces.

There are existing sidewalks on all three sides of the property. The existing sidewalks along Lyndale Avenue and W. 90<sup>th</sup> Street will be removed and replaced using the current standards, which are 8-foot concrete sidewalks centered in the 10-foot sidewalk/bikeway easement. The existing 6-foot sidewalk on Aldrich Avenue will not be reconstructed as it meets the current width standards. The applicant is providing three sidewalk connections from the public sidewalk to pharmacy entrance.

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

There is an existing weekday express transit route along Lyndale Avenue that provides service to Downtown Minneapolis (Express Route 576). The nearest transit stop for Express Route 576 is located at the intersection of Lyndale Avenue and W. 90<sup>th</sup> Street. Also, within one mile of this location is the South Bloomington Transit Center located at 98<sup>th</sup> and Aldrich.

This redevelopment will require a Tier 2 TDM plan, which allows the property owner to choose from a menu of TDM options. The owner has not yet submitted a Tier 2 TDM checklist.

## **FINDINGS**

**Section 21.501.02(d)(1),(2),(3),(4),(5) and (6) - The following findings must be made prior to the approval of new preliminary development plans or revisions to previously approved preliminary development plans:**

- (1) The proposed development is not in conflict with the Comprehensive Plan;**
  - \* The proposed development is consistent with the Comprehensive Plan.
- (2) The proposed development is not in conflict with any adopted District Plan for the area;**
  - \* The proposed development is not in conflict with any adopted 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 reduction in total parking provided is the only deviation requested in the application. The deviation is acceptable given the traffic and parking study reviewed by the City Engineer.
- (4) Each phase of the proposed development is of sufficient size, composition, and arrangement that is construction, marketing, and operation is feasible as a complete unit without dependence upon any subsequent unit;**
  - \* The project is a single phase development and this condition is not applicable to this development.
- (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 decrease in total retail floor area for the proposed redevelopment would decrease any impact on schools, streets and public facilities while increasing the services provided for the surrounding area.
- (6) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.**
  - \* The proposed development provided increase separation from other structures as well as traffic and circulation improvements which decrease any negative impacts on the adjoining properties.

**Section 21.501.03(e)(1),(2),(3),(4),(5),(6) and (7) - The following findings must be made prior to the approval of new final development plans or revisions to previously approved final development plans:**

- (1) The proposed development is not in conflict with the Comprehensive Plan;**
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  - \* The proposed development is not in conflict with any adopted District Plan.
- (3) The proposed development is not in conflict with the approved Preliminary Development Plan for the site;**
  - \* The proposed development is consistent with the Preliminary Development Plan submitted as part of this application.
- (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 reduction in total parking provided is the only deviation requested in the application. The deviation is acceptable given the traffic and parking study reviewed by the City Engineer.
- (5) 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 project is a single phase development with size and composition of the single tenant not reliant upon any additional use or units.
- (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 decrease in total retail floor area for the proposed redevelopment would decrease any impact on schools, streets and public facilities while increasing the services provided for the surrounding area.
- (7) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.**
  - \* The proposed development provided increase separation from other structures as well as traffic and circulation improvements which decrease any negative impacts on the adjoining properties.

**Section 16.05.01(e)(1),(2),(3),(4),(5),(6) and (7) - In the case of all plattings, the Planning Commission or the Issuing Authority, whichever is applicable, shall recommend denial of, and the City Council shall deny, approval of a preliminary or final plat if it makes any of the following findings:**

- (1) The plat is in conflict with the Comprehensive Plan.**
  - \* The proposed plat is consistent with the Comprehensive Plan.
- (2) The plat is in conflict with any applicable general or area plan.**
  - \* The proposed plat is not in conflict with any adopted general or area plan.
- (3) The plat does not conform with City Code standards and other applicable laws and regulations.**
  - \* The proposed plat conforms with City Code standards and other applicable laws. All required right-of-way is provided.

**(4) The plat creates conflicts with existing easements.**

\* The proposed plat is not in conflict with any existing or proposed easements.

**(5) There is inadequate public infrastructure (roads, utilities, storm water system, emergency services, schools, etc.) to support the additional development potential created by the plat.**

\* There is adequate public infrastructure to support the development. The proposed development reduces the retail floor area on the site.

**(6) The plat has not been designed to mitigate potential negative impacts upon the environment including but not limited to topography; steep slopes; trees; vegetation; naturally occurring lakes, ponds, rivers and streams; susceptibility of the site to erosion and sedimentation; drainage; susceptibility of the site to flooding; and stormwater storage needs.**

\* The plat and the Final Development Plan are designed to mitigate all potential impacts upon the environment.

**(7) The plat will be detrimental to the public health, safety or general welfare.**

\* The plan will not be detrimental to the public health, safety or general welfare as this is a reduction on total retail floor area which should have a decreased traffic generation and the reduction of an access near West 90<sup>th</sup> Street enhances the area.

## **RECOMMENDATION**

In Case 10858ABC-10, staff recommends approval of a rezoning the property from B-2 to B-2(PD) and a Preliminary and Final Development Plan for a 12,900 square foot retail store at 8936 and 8946 Lyndale Avenue South subject to the following conditions being satisfied prior to the issuance of grading, foundation or building permits:

- 1) A development agreement, including all conditions of approval, shall be executed by the applicant and the City and shall be properly recorded by the applicant with proof of recording provided to the Director of Community Development;
- 2) The property must be platted per Chapter 16 of the City Code and the plat must be filed with Hennepin County prior to the issuance of building permits (16.03, 16.05.01, 16.10)
- 3) The Grading, Drainage, Utility, Erosion Control and Traffic Control plans shall be revised for approval by the City Engineer;
- 4) Connection charges, if required, be satisfied;
- 5) A Stormwater Management Plan shall be provided which includes a maintenance plan to be signed by the property owner and filed of record with Hennepin County;
- 6) A Nine Mile Creek Watershed District Permit shall be provided;
- 7) A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) shall be provided if greater than one acre is disturbed;
- 8) An Erosion Control Bond shall be provided;
- 9) Sewer Availability Charges (SAC) shall be satisfied;

- 10) A Minnesota Pollution Control Agency (MPCA) Sanitary Sewer Extension or Modification Permit shall be obtained or notification from the MPCA that this permit is not required shall be submitted to the City;
- 11) A drive-thru by-pass lane shall be provided;

and subject to the following conditions:

- 12) All construction stockpiling, staging, and parking take place on-site and off of adjacent public streets and public rights-of-way;
- 13) All loading and unloading occur on site and off of public streets; and
- 14) The proposed full access on Lyndale Avenue South will be converted to right-in/right-out only movements by appropriate City action, such as extension of the median on Lyndale Avenue, if documented operation or safety issues occur in the future, or when reconstruction of the Lyndale Avenue / 90<sup>th</sup> Street intersection occurs;

and subject to the following Code Requirements:

- 1) 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);
- 2) 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);
- 3) Building shall 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);
- 4) Unused water services shall be properly abandoned. (11.15);
- 5) Electronic utility as-builts, per City of Bloomington requirements, shall be submitted to the Public Works Department prior to the issuance of the Certificate of Occupancy. (17.79(a));
- 6) A Tier 2 Transportation Demand Management (TDM) Plan shall be submitted prior to the issuance of permits. (21.301.09(b)(2));
- 7) Exterior building materials shall be approved by the Planning Manager (Sec. 19.63.08);
- 8) Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec 19.52);
- 9) All rooftop equipment be fully screened (Sec. 19.52.01);
- 10) Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
- 11) All trash and recyclable materials be screened and stored inside the principal building (Sec. 19.51);
- 12) Recyclable materials shall be separated and collected (Sec. 10.45);
- 13) Fire lanes be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3);
- 14) Parking lot and site security lighting shall satisfy the requirements of Section 21.301.05 of the City Code; and
- 15) Sign Design be in conformance with the requirements of Chapter 19, Article X of the City Code.

**RECOMMENDATION (FOR PRELIMINARY AND FINAL PLAT)**

In Case 10858D-10, staff recommends approval of a Preliminary and Final Plat of LYNDALÉ NINETY ADDITION located at 8936 and 8946 Lyndale Avenue South 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, shall be provided;
- 2) A Consent to Plat form is needed from any mortgage companies with property interest; and
- 3) A 10-foot sidewalk/bikeway easement shall be provided along all street frontages.

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**Re: CVS @ NWC Lyndale & 90<sup>th</sup>  
Development Review Application**

Dear Mr. Pease;

On behalf of the applicant, Velmeir Companies, we are submitting for subdivision of the existing three lots into one lot, rezoning of one of the lots to B-2 PD, and preliminary and final development plan approval.

The project consists of the removal of the existing Holiday Station store and the shopping center along Lyndale Avenue and the construction of a new 12,900 square foot CVS pharmacy with associated improvements on 1.58 acres. The project will have 58 parking stalls and two drive through windows.

There are three existing parcels, so we are planning to combine them all into one lot. One of the existing parcels is zoned B-2 and the other parcels are B-2 PUD. Therefore, in order to combine the lots, a re-zoning from B-2 to B-2 PUD is required. We have created a very pedestrian friendly site with numerous sidewalks and accesses to the site. We are re-constructing the public sidewalk along both Lyndale and 90<sup>th</sup> and providing a bike rack on-site. Our landscape plan includes 3' screening along both Lyndale and 90<sup>th</sup> as well as numerous shrubs and trees. It will be a very attractive site.

The design features are consistent on all four building sides. The chamfered main entry features a decorative trellis with a canopy. The exterior walls are divided in vertical plane by projecting piers at building corners and at every +40'feet and in horizontal plane with a brick base and soldier course band , EIFS in base color for the general bay area and in accent color for the pier body. On the two street elevations storefront windows are designed for providing natural light inside the retail area. The drive-thru canopy, and attached refuse area are matching building materials and style.

The CVS store will be a 24 hour store. The drive through and pharmacy will be open from 7am to 10 pm. There are three accesses into the site, a full access off of Lyndale, a right in/right out off of 90<sup>th</sup> Street and a full access off of Aldrich Avenue. We have provided truck turning movements and paths to City staff for review.

The lighting plan is intended to meet the City Code. The calculation summary and the LPD Area Summary are both labeled on the plan.

We are also applying for the vacation of existing public easements through the site. We have provided exhibits and legal descriptions for these vacations.

We respectfully request that this project be heard at the June 24<sup>th</sup> Planning Commission meeting. If you have any questions or need additional information, give me or Kevin McGhee a call.

Sincerely,

LOUCKS ASSOCIATES

A handwritten signature in black ink, appearing to read "Vicki J. VanDell". The signature is written in a cursive, flowing style.

Vicki J. VanDell – P.E.  
Project Engineer

Cc: Velmeir Companies – Kevin McGhee

- Julie Farnham – Airport zoning was brought up and asked if they would be using tower cranes. If the cranes exceed the 991 mean sea elevation a variance will be required from the FAA (Board of Appeals).
- Applicant - explained they need to start construction in 2010 to satisfy the bonding requirements.
- Application submittal - June 16, Planning Commission - July 22, City Council- August 2 is the proposed meeting timeline.
- Talked again about height requirements and possible need for a variance for height of the tower crane (MAC) and airport zoning permit (City).

<b>Item 2</b> 9:30 a.m. 25.12 tape	<b>Project Name:</b> <b>Formal/Informal</b> <b>Case:</b> <b>Application Type:</b>  <b>Site Address:</b> <b>Plat Name:</b> <b>Replat/Park Ded.?</b> <b>Proposal:</b>  <b>Contact Name:</b> <b>Phone/Fax:</b> <b>Staff Planner:</b> <b>Extension:</b> <b>PC Hearing Date:</b> <b>CC Hearing Date:</b> <b>Process:</b>  <b>Reviews:</b>  <b>Comments:</b>	<b>Project Name</b> Formal 10858ABCD-10 Rezoning Preliminary and Final Development Plan Subdivision 8936/8946 Lyndale Avenue South Christy and Battig Addition / Tom Thumb Second Addition Yes Remove the existing three buildings and construct a 12,900 square foot CVS retail store Kevin McGhee 612-308-3560 Londell Pease, Planner -- lpease@ci.bloomington.mn.us Extension 8926 June 24, 2010 July 26, 2010 (anticipated) Subdivision Rezoning (One lot zoned B-2 (PD) the other B-2) Preliminary and Final Development Plan DRC Planning Commission City Council Watershed District The applicant proposes removing the existing Holiday Station and small shopping center located at 8936 and 8946 Lyndale Avenue and construct a CVS Pharmacy and retail store. The store would use the existing access location on West 90 <sup>th</sup> Street, Lyndale Avenue and Aldrich Avenue and have 58 parking stalls. A drive through service is located at the northwest corner of the building.
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## Guests Present

Kevin McGhee – Velmeir

[kmcghee@velmeir.com](mailto:kmcghee@velmeir.com)

Vicki VanDell – Loucks Associates

[vvandell@loucksassociates.com](mailto:vvandell@loucksassociates.com)

## Discussion/Comments:

- Bob Hawbaker (Planning) – Reviewed the proposal (see comments above), noting the redeveloped site would be several thousand square feet less of retail space. On the revised site plan the southerly driveway on Lyndale Avenue is eliminated, circulation created all around the building including a dual lane drive up window on the northwest corner. 90<sup>th</sup> street driveway will be reconfigured for right-in and right-out only. Aldrich will have full movement access.
- Kevin McGhee (Velmeir) – Still working with staff on the stacking of vehicles for the drive-up window.
- Randy Quale (Park and Recreation) – No one present
- Kent Smith (Assessing) – Calculated Park Dedication on the information he had and added it would be unlikely to have park dedication fees.
- Environmental Health – No one present. Contact Erik Solie (952-563-8978) with questions.
- Building and Inspection – No one present. Contact Duke Johnson (952-563-8959) with questions.
- Joe Berg (Fire Prevention) – No comments
- Niki Pierson (Police) – No additional concerns other than those noted at the informal DRC meeting (5/4/10).
- Jennifer Desrude (Engineering/Recycling) – Distributed the Public Works comments- noting platting and development have separate comment sheets.
  - Asked the applicant if they had a chance to fill out the TDM checklist, the applicant stated not yet.
  - Regarding notes on the plans – use City standard notes.
  - Provide auto turn drawings. Bob Hawbaker noted they are scanned and in the computer file.
  - Escrow payment should be received today (6/1/10).
  - There could be a timing issue as the traffic study takes ten days, which does not allow enough time for staff to make recommendations to Planning Commission.
  - Plan shows a median but it does not look accurate. Applicant will clean up the plans.
  - Check walkway around the building – make sure there is 5 foot of unobstructed space. Vehicle hangover may need to be looked at.
  - Aldrich driveway – the sidewalk section through the driveway will need to be 8” concrete.
  - Storm Water Management Plan – Desrude thought City staff has already approved this.
- Utilities – No one present. – See Public Works comments.
  - Minnesota Pollution Control Sanitary Sewer Extension Permit – MPCA will determine if a permit is necessary (note that this review may take 6 weeks).
- Niki Pierson – Questioned that during construction, what access/driveways will be used/opened or closed. McGhee noted that once demolition is completed they will have a better idea and added they would like to keep away from Aldrich as much as possible. He noted they could submit a construction traffic plan. Desrude added that would be required prior to the issuance of permits.
- Concern noted about keeping the drive-through visibility open for safety, yet keeping it screened enough from residential areas.