



# PLANNING COMMISSION SYNOPSIS

Thursday, April 9, 2015

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**CALL TO ORDER**

Chairperson Nordstrom called the Planning Commission meeting to order at 6:00 p.m. in the Council Chambers of the Bloomington Civic Plaza.

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**COMMISSIONERS PRESENT:** Nordstrom, Willette, Spiess, Batterson, Fischer, Bennett, Goodrum

**COMMISSIONERS ABSENT:**

**STAFF PRESENT:** Markegard, Fields, Farnham, Heyman, Quale, Hiller

Chairperson Nordstrom led the attendees in the reciting of *The Pledge of Allegiance*.

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**ITEM 1**  
6:04 p.m.

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<b>CASE:</b>	8490ABCDE-15
<b>APPLICANT:</b>	Port Authority of the City of Bloomington (owner) South Loop Investments, LLC (user)
<b>LOCATION:</b>	8100 28 <sup>th</sup> Avenue
<b>REQUESTS:</b>	1. Rezoning from LX, Lindau Mixed Use to LX(PD), Lindau Mixed Use(Planned Development); 2) Preliminary Development Plan for Alpha B including a hotel, restaurant, retail building and parking structure; 3) Final Development Plan for a 5-story 148 room hotel and 326 space parking structure; and 4) Preliminary Plat and Final Plat of LINDAU LINK 2 <sup>nd</sup> ADDITION to subdivide one lot into four lots

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**SPEAKING FOR THE APPLICANT:**

David Peters, Terratron, Inc.  
Ryan Samsa, ESG Architects

**PUBLIC HEARING DISCUSSION:**

Fields identified the parcel location and explained the site is currently a vacant parcel. The application includes a rezoning from LX(AR-17), which is Lindau Mixed Use with an Airport Runway overlay district, to LX(AR-17)(PD), which adds the Planned Development (PD) Overlay District to the site. The PD overlay allows flexibility to development standards, including floor area ratio, setbacks, parking, etc. Fields explained the application also includes a preliminary and final development plan as well as preliminary and final plat.

Fields displayed a slide depicting the preliminary development plan for Alpha B. He explained the preliminary development plan consists of three phases. Phase I includes a five story, 148 room hotel and a four level, 326 space parking structure. Phase II includes a 9,500 square foot restaurant with 375 seats and a 2,000 square foot attached coffee shop. The second phase is expected to be constructed in 2015. Phase III is a 14,500 square foot retail building on the southwest portion of the property. The timeline for Phase III is undetermined at this time.

Fields displayed a site plan and explained the exterior features include 433 on-site parking spaces, 107 of which are surface parking spaces between the proposed uses. The project will also construct a 326 space parking structure. Fields stated all parking on the site is shared by all uses on the site.

Fields stated there are four outdoor gathering areas on the site. The hotel, restaurant, coffee shop are all proposing an outdoor seating area, and there is a public plaza proposed on the corner of Lindau Lane and 24<sup>th</sup> Avenue. He explained the applicant plans to follow similar design elements, including a public art feature, from the public plaza created with the Alpha A project to the north.

Fields displayed a slide depicting the first floor plan for the hotel. The five story, 80,550 square foot hotel will be positioned along Lindau Lane. He noted the hotel will have 148 rooms, fitness room, lounge areas, and a 67 seat dining area, plus 33 outdoor seats on the patio. He explained the area shaded in blue on the slide are back of house operations and will be talked about later when the exterior materials are discussed. Fields explained levels 2 through 5 are guestroom levels all very similar in design and layout.

Fields stated the proposed development meets many, but not all, of the code required development standards. As a Planned Development, code requirement deviations may be allowed, subject to City Council approval. He explained the degree of flexibility must be evaluated in terms of how well the overall proposal meets the intent of the zoning code and the extent to which the proposed flexibility is of public benefit.

Fields stated the development is requesting planned development flexibility. He explained for buildings with a primary elevation fronting on a public or private street, at least 50 percent of the ground level façade must consist of transparent windows. The hotel's proposed primary façade contains 36 percent transparent windows along Lindau Lane, due to the "back of house operations" located in these areas. In addition, the code limits blank facades to 20 feet in length. The north elevation has blank facades up to 36 feet in length and uses different exterior materials to break up the façade. Staff notes there is an office/administration area where metal panels are proposed to be used that may be better served by glass if the Commission agrees.

Fields stated if less than 50 percent of the ground level façade is comprised of windows or entrances, the applicant can use wall design, display boxes, or permanent art to meet the code requirements. The applicant is using wall design and public art to achieve this exception. Through wall design, the development uses variation in material, pattern, color, and uses translucent glazing that provides the illusion of windows. Art features consisting of planters and metal screens will be provided along the north elevation. He stated staff believes this meets the intent for the exceptions to the transparent window requirement for the north elevation along Lindau Lane.

Fields stated the secondary elevation fronting on a public or private street, must have at least 25 percent of the ground level façade as transparent windows. The east elevation has no windows due to the "back of house operations" located in these areas, while the west side has 100% windows. In addition, the code limits blank facades to 20 feet in length. He explained the east and west sides have blank facades greater than 20 feet in length (about 29 feet).

Fields stated staff supports the deviations from Code as the site poses challenges for providing ground-level transparency on three sides, and the applicant is meeting the intent of the code by having ground-level transparency, artful screens, and planters on the primary street frontage and facing the public plaza.

Fields stated the parking structure is located on the corner of 26<sup>th</sup> Avenue and 82<sup>nd</sup> Street (southeast corner) and is subject to the same structure design standards as the primary buildings, which requires 25

percent transparency and limits blank facades to 20 feet in length. The applicant is requesting Planned Development flexibility from these design standards. Fields displayed elevation drawings showing the various facades of the parking ramp and explained the exterior materials being used include: perforated metal panels, prefinished block, metal panels and precast concrete. He stated staff believes the applicant meets the intent of the ordinance by breaking up the massing with alternate materials and color. He explained landscaping will also be incorporated around the parking structure to help break up the façade along the public streets.

Fields stated the LX district requires a minimum 10-foot and maximum 20-foot setback along streets and at least 75 percent of any building façade with street frontage must not exceed the listed maximum setback requirement. The parking structure is located on the corner of 26<sup>th</sup> Avenue and 82<sup>nd</sup> Street and meets the minimum and maximum setback requirements. However, setback deviations are requested for the hotel. Fields stated portions of the hotel building exceed the maximum 20-foot setback along Lindau Lane, 26<sup>th</sup> Avenue, and 24<sup>th</sup> Avenue. Locating the hotel closer to Lindau Lane may trigger the need for a deviation from the Pedestrian Street Stepback Standard or encroach in public easements. He stated staff believes the applicant is meeting the purpose and intent of the setback requirement as the corners of the hotel structure are within the required setback area, and it is the curvature of Lindau Lane that makes it difficult to construct building that meets the maximum setback requirements.

Fields explained the City Code requires a minimum 20-foot setback for parking areas along streets. Two spaces on the east side of the surface parking lot are located approximately 15 feet from the property line. Staff believes the plan meets the purpose and intent of the ordinance since the two surface parking stalls are at approximately the same setback as the parking structure on the southwest corner of the site. He stated if the Commission or Council does not want to support this deviation, you could request that the applicant remove the parking and ask for an additional parking deviation.

Fields stated the LX zoning district requires a Floor Area Ratio (FAR) of 0.70 or greater. The FAR may be decreased to 0.50 provided the development meets certain criteria for setbacks, building height, design, and parking. Since the applicant is asking for flexibility to the building design standards and setbacks, the development does not meet the criteria to automatically be allowed to decrease the FAR to 0.5 therefore the applicant is requesting a FAR deviation from 0.70 to 0.55. Staff believes the proposal meets the City Code purpose and intent and supports a FAR decrease to 0.55.

Fields stated the applicant is seeking a reduction of three parking spaces from the City Code required 436 parking spaces. The project is close to transit and plans to have airport shuttle service. Also, shared parking and captured audiences within the Planned Development would further reduce the overall parking demand. The deviation requested is less than 1%.

Fields stated the City Code also establishes Building Step Back Standards to avoid a “canyon effect” from tall buildings in pedestrian areas identified in the comprehensive plan as “Pedestrian Street Segments.” Lindau Lane is designated as a Pedestrian Street Segment. The height of a new building adjacent to a pedestrian street is subject to how close it is to the centerline of the road. The building height is limited to the distance away from the road centerline at a 1 to 1 ratio. The Code does allow up to 25% of an individual block face to exceed the Pedestrian Street Step Back Standard, thus allowing roughly 101 feet of the building face to encroach into the step back area. The north side of the hotel has 18% or 73 feet within the step back area, which meets code requirements.

Fields stated the City Code requires one tree for every 2,500 square feet and one shrub for every 1,000 square feet of developable landscape area. The development requires 79 trees and 196 shrubs. The development exceeds the City Code requirement; providing over 117 trees and over 950 shrubs.

Fields stated the applicant has applied for a Preliminary and Final Plat of LINDAU LINK 2<sup>ND</sup> ADDITION to subdivide one lot into four lots. The LX zoning district does not have a minimum lot size requirement and all of the proposed parcels meet the 100 foot minimum width requirement.

Fields explained the plans show a variety of wall and freestanding signage, some of which does not meet City Code requirements. For instance, the City Code prohibits rooftop signage and the freestanding sign along 26<sup>th</sup> Street does not meet the required setback, and Code doesn't allow signage on the parking structure. The City and the applicant have been discussing signage options, and the applicant may apply for a Code amendment to allow a master sign plan approach. This will come as a separate application in the future.

Fields stated staff is recommending approval of the rezoning, preliminary and final development plans, and the preliminary and final plat subject to the conditions of approval and Code requirements listed in the staff report. He stated he is available for questions and comments from the Commission and noted the applicant is also present.

Goodrum asked staff if there is an example within the City of a parking structure that meets the glazing requirements. Markegard explained that this structure would be the first parking structure under the new Codes. Goodrum asked for clarification from staff that the proposed exterior building materials meet Code. Fields explained that aside from verifying some specific requirements for the proposed metals (i.e. 30 year minimum warranty) the materials being proposed are believed to be Code complying.

Batterson asked for clarification on the glazing requirements and asked staff to comment. Fields explained there are metal panels, windows, metal glazing panels behind glass, and obscure glass. Fields suggested that perhaps the applicant can add some comments when they make their presentation.

David Peters introduced himself and explained he has been before the Commission for the Alpha A approvals and is pleased to announce the project is on schedule and on budget. He stated they are excited to see the Alpha A project coming to fruition and envisioning how some of the elements may fit into this development project. He stated they are wanting to stress test how some of those elements get installed and how they look and feel and how it relates to the public plaza. He stated they have been working with the Port Authority to develop how the Alpha B plaza can have some signage and be used as a gateway of sorts into the South Loop corridor incorporating public art and other hardscapes. He introduced Ryan Samsa from ESG to comment on the exterior materials being used on the parking ramp.

Ryan Samsa introduced himself and commented on the glazing materials. He stated besides the clear glass, there are two other materials being used: translucent glass and opaque metal panels that give the illusion of glass.

Batterson asked Samsa if the metal panels giving the illusion of glass are used in conjunction with glass panels or if the metal panels do not use glass at all. Samsa confirmed the metal panels do not use glass at all.

Nordstrom asked the applicant representatives to comment on the rationale to use non-transparent glass in the administration office areas as well as the back of house areas. Ryan stated some thought has been given to using clear glass in the administration area. Peters added the translucent glass use for the back of house areas is to not call attention to back of house areas, but to allow natural light and a pedestrian level street atmosphere.

The public hearing was closed via a motion.

Fischer stated he is in support of the application flexibility requests and likes that the applicant and staff have worked together and he likes that a new hotel concept is coming to Minnesota. He stated he believes the development will be a nice addition to the area.

Spiess stated she agrees with Commission Fischer's comments and is also in support of the requests.

Goodrum stated he is also in support of the applicant requests and would like to see the increased use of windows/glass in the administration office portion of the hotel. He stated he agrees with Commissioner Fischer in that this development would be a great addition to the area and he is happy to see how the applicant has worked closely with staff.

Batterson stated he likes the design as well and the new hotel concept being added near the Mall of America. He stated he appreciates the flexibility being given to the applicant and for the most part has no issue with the flexibility being asked for. He stated the density is a little low, but with the three buildings it is difficult to achieve. He stated the biggest issue he has is with the glazing facing the street. He stated he would like to see a little more use of glass on the east side where all metal panels are being proposed. He stated he is in support of the applicant requests.

Nordstrom stated these items will be heard at the May 4, 2015 City Council meeting.

#### **ACTIONS OF THE COMMISSION:**

**M/Spiess, S/Willette:** To close the public hearing. Motion carried 7-0.

**M/Spiess, S/Fischer:** In Case 8490A-15, I move to recommend approval of a rezoning from LX(AR-17), Lindau Mixed Use (Airport Runway) to LX(AR-17)(PD), Lindau Mixed Use (Airport Runway)(Planned Development) at 8100 28<sup>th</sup> Avenue. Motion carried 7-0.

**M/Spiess, S/Goodrum:** In Case 8490BC-15, having been able to make the required findings, I move to recommend approval of a Preliminary Development Plan for Alpha B, and a Final Development Plan for a five story, 148 room hotel and four level, 326 space parking structure located at 8100 26<sup>th</sup> Avenue South subject to the conditions of approval and Code requirements listed in the staff report. Motion carried 7-0.

**M/Spiess, S/Fischer:** In Case 8490DE-15, having been able to make the required findings, I move to recommend approval of a Preliminary and Final Plat of LINDAU LINK 2<sup>ND</sup> ADDITION located at 8100 26<sup>th</sup> Avenue South subject to the conditions of approval and Code requirements listed in the staff report. Motion carried 7-0.

#### **CONDITIONS OF APPROVAL RECOMMENDED BY THE COMMISSION:**

##### **Recommended Conditions of Approval (Preliminary and Final Development Plan)**

The Preliminary and Final Development Plan located at 8100 26<sup>th</sup> Avenue South (Case 8490BC-15) is subject to the following conditions being satisfied prior to Grading, Footing, and Foundation or Building Permits:

- 1) A site development agreement, including all conditions of approval, must be executed by the applicant and the City and must be properly recorded by the applicant with proof of recording provided to the Director of Community Development.

- 2) The Grading, Drainage, Utility, Erosion Control, Traffic Control, access, circulation and parking plans must be approved by the City Engineer.
- 3) Permits and agreements for construction and streetscape in Hennepin County right-of-way (24<sup>th</sup> Avenue S) must be obtained and copies submitted to the Engineering Division.
- 4) A stormwater maintenance plan must be signed by the property owner and filed with Hennepin County, with proof of recording submitted to the Engineering Division.
- 5) A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) must be provided since greater than one acre will be disturbed.
- 6) An Erosion Control Bond must be provided.
- 7) Sewer Availability Charges (SAC) must be satisfied.
- 8) A Minnesota Pollution Control Agency (MPCA) Sanitary Sewer Extension or Modification Permit must be obtained or notification from MPCA that this permit is not required must be submitted to the Engineering Division.
- 9) A Minnesota Department of Health (MDH) watermain review and approval must be obtained or notification from MDH that this permit is not required must be submitted to the Engineering Division.
- 10) An external grease interceptor must be provided for the restaurant and food preparation uses on the site. A Maintenance Schedule/Plan for the grease interceptor must be signed by the property owner and filed with the Utilities Division prior to issuance of a utility permit to connect with the sanitary sewer system.
- 11) Plans submitted for building permits must include documentation that unit construction and building materials will provide a minimum composite Sound Transmission Class (STC) 45 dB rating for exterior noise protection to dwelling units and interior common spaces.
- 12) Execute Plaza easement and Maintenance agreement with the City.
- 13) A detailed plan for the design of the Public Plaza must be submitted for approval by the Community Development Director.
- 14) The applicant must provide plans showing turning radius movements for the appropriate emergency vehicle through the site, in both directions, to be approved by the Fire Marshall.
- 15) Sidewalks must be revised to meet City Code and South Loop standards.
- 16) A private common driveway/access/parking/utilities/stormwater management agreement must be recorded at Hennepin County and proof of filing provided to the Engineering Division.

And subject to the following conditions:

- 17) All construction stockpiling, staging, and parking must take place on-site and off adjacent public streets and public rights-of-way.
- 18) All loading and unloading must occur on site and off public streets.
- 19) Development must comply with the Minnesota State Accessibility Code.
- 20) Alterations to utilities must be at the developer's expense.
- 21) Structures and art elements need to be located outside of the easements.

And, while the use and improvements must comply with all applicable local, state and federal codes, the applicant should pay particular attention to the following Code requirements:

- 1) The property must be platted per Chapter 22 of the City Code and the approved final plat must be filed with Hennepin County prior to the issuance of footing and foundation or building permits (22.03(a)(2)).
- 2) Electronic utility as-builts, per City of Bloomington requirements, must be submitted to the Public Works Department prior to the issuance of the Certificate of Occupancy (17.79(a)).
- 3) A Tier 1 Transportation Demand Management (TDM) Plan must be submitted prior to the issuance of permits and approved by the City Engineer (21.301.09(b)(2)).

- 4) 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).
- 5) Utility plan showing location of existing and proposed water main and fire hydrant locations must be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, MN State Fire Code Sec. 508).
- 6) Unused water services must be properly abandoned (11.15).
- 7) Discharge of sanitary effluent containing fats, oil, grease, or wax in excess of 100mg/L is prohibited (11.31(6)(B)).
- 8) Building must be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903).
- 9) Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
- 10) Landscape plan must be approved by the Planning Manager and landscape surety be filed (Sec 19.52).
- 11) All rooftop equipment must be fully screened (Sec. 19.52.01).
- 12) Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands (Sec 19.64).
- 13) All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
- 14) Recyclable materials must be separated and collected (Sec. 10.45).
- 15) Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
- 16) Parking lot and site security lighting must satisfy the requirements of Section 21.301.07 of the City Code.
- 17) An Airport Zoning Permit must be approved by the Community Development Director for any crane or structure on site that exceeds 60 feet in height above existing grade (MSP Airport Zoning Ordinance Section VIII (A)).
- 18) Sign Design must be in conformance with the requirements of Chapter 19, Article X of the City Code.

**Recommended Conditions of Approval (Preliminary and Final Plat)**

The Preliminary and Final Plat (Case 8490DE-15) is subject to the following conditions being satisfied prior to Grading, Footing, and Foundation or Building Permits:

- 1) Park dedication must be paid in cash prior to the issuance of building permits.
- 2) A title opinion or title commitment that accurately reflects the state of the title of the property being platted, dated within the past 6 months, must be provided.
- 3) Drainage and utility easements must be provided as approved by the City Engineer.
- 4) Sidewalk/bikeway easements must be provided along all street frontages as approved by the City Engineer.

And subject to the following Code requirement:

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