



August 6, 2013

Kurt Hagen
MOAC Mall Holdings, LLC
60 East Broadway
Bloomington, MN 55425

Dan Lessor
Mortenson Development
700 Meadow Lane North
Minneapolis, MN 55422

RE: Case 8235C-13
2101 Lindau Lane

Gentlemen:

At its regular meeting of August 5, 2013, the City Council approved the Final Development Plan for Mall of America Phase IC, hotel and retail expansion, located at 2101 Lindau Lane and 8000 and 7900 24th Avenue subject to the following conditions being met prior to the issuance of a building permit:

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. A Proof of Parking plan for 328 parking stalls approved by the Planning Manager must be recorded with the Development Agreement;
3. Legal rights to 328 off-site parking spaces shall be submitted and approved by the Planning Manager and recorded with the Development Agreement along with the Proof of Parking Plan as a backup in the event the legal right to 328 off-site spaces no longer exists;
4. Given that a platting variance was granted on the associated plat to defer payment of Park Dedication to the time of building permit issuance, Park Dedication of \$225,387 for the hotel and retail portion of Phase IC development shall be paid. Park Dedication for the office portion of Phase IC is deferred to the issuance of a building permit for that portion;
5. A Tier 1 Transportation Demand Management (TDM) Plan shall be submitted prior to the issuance of permits (21.301.09);

6. The applicant shall execute an Operation and Maintenance Agreement with the City for all private facilities in the public right-of-way and for any public infrastructure that is attached, incorporated, or part of private facilities located within public right-of-way. This agreement shall include, but not be limited to:
 - a. Lighting, traffic control devices, and ITS devices attached to private structures
 - b. Air quality improvements including venting of areas under private structures
 - c. Public safety improvements
 - d. Anti-icing system or program
 - e. Liability considerations
 - f. Public right-of-way encroachment considerations
 - g. General maintenance program
 - h. Security camera equipment and appurtenances
7. Sanitary sewer service/main located in the 30' easement north of Lindau Lane, which is a private line, must be operated and maintained by MOA;
8. A Construction Management Plan shall be submitted for review and approval by the City Engineer. Plan elements shall include, but not be limited to:
 - a. Temporary parking plan
 - b. Temporary security/inspection area
 - c. Construction staging area
 - d. Traffic control and pedestrian and bicycle circulation plans for encroachments in public streets and sidewalks
 - e. Detour plan specifying alternative traffic routes during road closures or construction;
9. A Security Plan including, but not limited to, design, structural, operational, internal security, traffic plans and communications elements must be approved by the Bloomington Police Chief and Fire Chief;
10. The Grading, Drainage, Utility, and Erosion Control plans shall be revised for approval by the City Engineer;
11. A Storm Water Management Maintenance plan/agreement shall be signed by the property owner and filed of record with Hennepin County;
12. A Minnesota Department of Health (MDH) approval shall be obtained for water service extension and a copy submitted to the Engineering Division or documentation provided from MDH that no such approval is needed for this project;
13. A Minnesota Pollution Control Agency (MPCA) Sanitary Sewer Extension or Modification Permit shall be obtained and a copy submitted to the Engineering Division or documentation provided from MPCA that no such permit is needed for this project.
14. Sewer Availability Charges (SACs) for the Phase IC development shall be paid;
15. A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) shall be provided since greater than one acre will be disturbed;

16. A grease interceptor plan shall be approved by the Utilities Division and a grease interceptor maintenance schedule/plan that is signed by the property owner shall be filed with the Utilities Division;
17. An Airport Zoning Permit must be issued by the Community Development Director. Note that approval of the tower cranes will require issuance of a temporary variance by the MSP Board of Adjustments;

And subject to the following conditions:

18. Upon completion of Phase IC, not including the office component, the MOA site requires a minimum supply of 15,287 parking spaces on land controlled by the applicant. Of those required spaces, a maximum of 1,987 parking spaces can be located off-site;
19. The required parking supply includes an effective supply factor of 5 percent. In the event the applicant applies technologies to reduce the needed effective supply factor, the Issuing Authority may reduce the effective supply factor accordingly;
20. Per the 2008 Public Improvements Agreement between MOAC and the City of Bloomington, 18 percent of the onsite ITS/Wayfinding system shall be installed. The on-site ITS/Wayfinding system shall be comprised of dynamic electronic signing directing incoming and exiting MOA traffic for the Phase I site;
21. Park Dedication for the office portion of Phase IC is deferred until issuance of a building permit for the office component; and
22. The development shall be consistent with the ten principles outlined in the *Urban Design Guideline Plan* approved in Case 10730B-13;

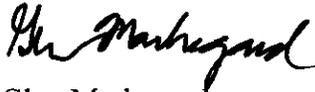
And subject to the following City Code Requirements:

1. 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)).
2. Landscape plan be approved by the Planning Manager and landscape surety be filed (Sec 19.52);
3. Erosion control measures be in place and surety be filed;
4. All rooftop equipment be fully screened (Sec. 19.52.01);
5. All trash and recyclable materials be stored and screened inside the principal building(s). (Sec. 19.51);
6. Fire lanes be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3);
7. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, Minnesota State Fire Code Sec. 508);

8. Food service plans be approved by the Environmental Services Division (City Code Sec. 14.360);
9. Parking ramp, lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
10. Exterior materials and finish of all buildings must be approved by the Planning Manager and shall be in conformance with the applicable requirements of Section 19.63.08 of the City Code.
11. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code;
12. A uniform sign design be submitted for approval by the Planning Manager;
and
13. All signage be in accordance with the approved Uniform Sign Design (Sec. 19.109).

Should you have any questions regarding this action, please contact Dennis Fields, Planner at (952) 563-8925.

Sincerely,



Glen Markegard,
Planning Manager