



PLANNING COMMISSION SYNOPSIS

November 19, 2015

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

COMMISSIONERS ABSENT: Spiess

STAFF PRESENT: Markegard, Pease, Centinario, Roberts, O'Day

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

ITEM 1

6:03 p.m.

CASE: 10524A-15

APPLICANT: Bloomington School District #271 (owner)
Jesus Celebration Center (user)

LOCATION: 8401 Palmer Avenue

REQUEST: Conditional Use Permit for a place of assembly in an elementary school

SPEAKING FOR THE APPLICANT:

Laurah Githinsi, 15514 Lilac Drive, Eden Prairie, MN 55347

PUBLIC HEARING DISCUSSION:

Pease presented the location of the Poplar Bridge Elementary School. He showed the locations of two parking lots, an asphalt surface play area and a bus pick-up and drop-off area. The play area and bus pick-up and drop-off area were not developed as code required parking. The applicant is requesting a conditional use permit for a 40-50 person congregation in an existing elementary school. Dependent upon staff review of required parking levels, they originally proposed areas for services in the cafeteria, gymnasium, kid safari room or teacher's lounge. Staff evaluated the two scenarios, one review for each proposed location. Scenario 1 considered the cafeteria use which requires 60 parking spaces, and scenario 2 considered the gymnasium use which requires 96 parking spaces. A total of 76 existing parking spaces are provided. Scenario 1 meets parking requirements. If the applicant moves the services to the gym, a parking study or additional parking would be required. Staff based the parking analysis on the current use. Although, if the school were to use the gymnasium for another use concurrently, there would be a parking challenge. Staff and the applicant agreed upon a non-concurrent use agreement for the parking and a condition is recommended for that agreement. Staff recommends approval of the conditional use permit for the cafeteria only.

Goodrum asked if both parties are OK with the conditions.

Pease said the applicant should verify that question.

Laurah Githinsi, Senior Pastor at Jesus Celebration Church, said they are aware of the parking challenge and are ok with services in the cafeteria. They will be conducting services on Saturday and Sunday only.

The public hearing was closed via a motion.

Nordstrom stated it is common for places of assembly to use schools for their services.

Nordstrom announced the item moves to City Council on December 7, 2015.

ACTIONS OF THE COMMISSION:

M/Willette, S/Fischer: To close the public hearing. Motion carried 6-0.

M/Batterson, S/Bennett: In Case 10524A-15, having been able to make the required findings, I move to recommend approval of a Conditional Use Permit to allow a place of assembly at Poplar Bridge Elementary School at 8401 Palmer Avenue South, subject to the 4 conditions and 2 Code requirements listed in the staff report.
Motion carried 6-0.

CONDITIONS OF APPROVAL RECOMMENDED TO THE CITY COUNCIL:

The Conditional Use Permit for a place of assembly at 8401 Palmer Avenue South (Case 10524A-15) is subject to the following conditions:

- 1) The place of assembly is limited to the cafeteria, teacher's lounge and kid safari room identified in the plans submitted for Case 10524A-15.
- 2) Sewer Availability Charge (SAC) must be determined and be satisfied.
- 3) Prior to occupancy, the sprinkler system, exit signage, and emergency lighting must be approved by the City of Bloomington Fire Marshal.
- 4) Concurrent use of Poplar Bridge Elementary School and Jesus Celebration Center that will cause a non-conforming parking scenario is not permitted.

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) Any signage must be in accordance with Chapter 19, Article X of the City Code;
- 2) All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).

ITEM 2

6:10 p.m.

CASE: 9334ABC-15**APPLICANT:** HOM Furniture (owner and user)**LOCATION:** 7800 and 7850 Dupont Avenue South**REQUEST:**

- 1) Rezone from I-3(PD), General Industry (Planned Development) to C-3(PD), Freeway Commercial Center (Planned Development);
- 2) Major revision to Preliminary Development Plan for a 57,349 square foot addition to an existing 106,111 square foot building; and
- 3) Final Development Plan for a 57,349 square foot addition to an existing 106,111 square foot building

SPEAKING FOR THE APPLICANT:Wayne Johansen, 545 138th Avenue NE**PUBLIC HEARING DISCUSSION:**

Pease presented the location of HOM Furniture, which is proposing a large expansion. The proposal includes a roof lift for a second floor, an addition to the entrance, façade improvements and landscaping. Golf Galaxy currently has a lease for part of the building and is working with the property to come up with a relocation plan. The existing zoning is I-3 and I-3(PD) General Industry(Planned Development) and will be rezoned to C-3(PD), Freeway Commercial Center(Planned Development). Reuse of the expanded site would be rather difficult, but HOM Furniture does not anticipate leaving soon. Code complying landscaping would be difficult on the site. The Code does not allow more than 25% of perimeter trees as ornamental trees. Staff supports the landscaping deviation due to the difficulty of landscaping on-site. Parking is the primary concern. The existing parking lot is proposed to remain with minimal modifications. A recent privately initiated Code amendment reduced the required parking. With the change, 253 parking spaces are required and 255 parking spaces are proposed which is code compliant. If I-494 expanded to encroach on the site, on-site parking would be below the code requirement. Most of the requested deviations are existing conditions that were granted through variances. The deviations include: building setbacks, parking setbacks, drive aisle widths, freestanding sign setback, landscape yards, perimeter landscape material, parking island widths. The new deviations include building setback and perimeter landscape material. Staff is recommending approval.

Goodrum asked if there is a building attached to the west side of the primary building and asked if there will be an impact with the proposed second level addition.

Pease said the building may not be attached; rather it may be the two buildings touch each other. For that reason, HOM will have to provide a two hour firewall for the new expansion.

The applicant prefers to find an alternative location for the user of the adjacent building but for now, the proposal is to provide a two hour firewall.

Goodrum asked if the property to the west is in support of the proposed expansion.

Pease said the applicant should address that question.

Batterson noted there is a small parcel to the west that would still be zoned I-3, General Industry and asked if that parcel is owned by the adjacent properties.

Pease said it is owned by a separate party and would remain unless they worked something out with the adjoining property owner.

Fischer asked if the applicant can donate trees or add green space to help with the landscaping deviation.

Pease said there is a cash-in-lieu-of provision in the City Code. Staff recommends adding as much greenery on site before exploring the cash-in-lieu-of option and that the number of trees meets Code requirements.

Wayne Johansen, HOM Furniture, stated they are in agreement with the adjoining property owner. The roof lift would increase the existing roof and placing greenspace on the existing roof would not be possible. He stated they meet the code requirement for landscaping. He thanked staff for their guidance.

Fischer asked if they will shut down during construction.

Johansen said they plan to be open. The proposal will raise the floors to level it out to become one structure.

The public hearing was closed via a motion.

Willette stated it will be nice to have it all on one level that is handicapped accessible.

Batterson commended the applicant for giving a large building a nice, updated look and staff for working with the applicant on a parking code amendment. It is a prime example of how applicant and staff work together.

Nordstrom said HOM Furniture is not a navigable building. The proposal will be a good reconfiguration.

Nordstrom announced the item moves to City Council on December 21, 2015.

ACTIONS OF THE COMMISSION:

M/Fischer, S/Bennett: To close the public hearing. Motion carried 6-0.

M/Batterson, S/Willette: In Case 09334A-15, I move to recommend approval of the rezoning of 7800 and 7850 Dupont Avenue from I-3 and I-3(PD) to C-3(PD).
Motion carried 6-0.

M/Batterson, S/Willette: In Case 09334BC-15, having been able to make the required findings, I move to recommend approval of the Preliminary and Final Development Plan for a 163,460 square-foot furniture store, subject to the conditions and Code requirements listed in the staff report.
Motion carried 6-0.

RECOMMENDED CONDITIONS OF APPROVAL TO THE CITY COUNCIL:

The Preliminary and Final Development Plan for a 163,460 square-foot furniture store (Case 09334BC-15) are subject to the following conditions being satisfied prior to issuance of grading, stormwater, 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) A Stormwater Management Plan which meets the requirements of the City's Comprehensive Surface Water Management Plan must be provided that includes a maintenance plan to be signed by the property owner of record and filed with Hennepin County;
- 4) A Nine Mile Creek Watershed District Permit must be provided;
- 5) An Erosion Control Bond must be provided;
- 6) Sewer Availability Charges (SAC) must be satisfied;
- 7) As proposed by the applicant, the two existing freestanding signs along Clover Drive must be removed and replaced with one new freestanding sign;
- 8) A phasing plan showing appropriate access at all times during construction must be approved by the Fire Marshal;
- 9) The applicant must execute an agreement to relocate any future freestanding sign located along Clover Drive at no cost to the public in the event it encroaches into right-of-way needed for future Interstate 494 expansion.

and subject to the following ongoing conditions:

- 10) All construction stockpiling, staging, and parking take place on-site and off of adjacent public streets and public rights-of-way. Emergency service access must not be impeded throughout the construction process;
- 11) All pickup, drop-off, loading and unloading occur on site and off of public streets; and
- 12) Alterations to utilities be at the developer's expense;

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) Prior to the issuance of a building permit:

- a. Parking lot lighting plans must satisfy the requirements of Section 21.301.07 of the City Code;
 - b. Exterior building materials must be approved by the Planning Manager (Section 19.63.08);
 - c. Landscape plan must be approved by the Planning Manager and landscape surety filed (Section 19.52);
 - d. Building plans must include an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Section 903, MN Rules Chapter 1306; MN State Fire Code Section 903);
 - e. Property must be replatted (Chapter 22);
- 2) Prior to the issuance of the Certificate of Occupancy:
- a. Unused water services must be properly abandoned. (Section 11.15);
 - b. Poured-in-place concrete curbs must be provided on the perimeter of new or revised parking lots and traffic islands (Section 19.64);
 - c. Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Section 503.3);
- 3) All rooftop equipment must be fully screened (Section 19.52.01);
- 4) All trash and recyclable materials must be stored inside the principal building (Section 19.51);
- 5) Recyclable materials must be separated and collected (Section 10.45);
- 6) Development must comply with the Minnesota State Accessibility Code;
- 7) Sign design, with exception of the deviations noted above, must be in conformance with the requirements of Chapter 19, Article X of the City Code;

ITEM 3

6:29 p.m.

CASE:	10966ABC-15
APPLICANT:	Metropolitan Airports Commission (owner) The Orlean Company (developer)
LOCATION:	8001 28 th Avenue
REQUEST:	<ol style="list-style-type: none"> 1) Rezone from CO-1(PD)(AR-17), Commercial Office (Planned Development)(Airport Runway) to LX (PD)(AR-17), Lindau Mixed Use (Planned Development)(Airport Runway); 2) Major revision to Preliminary Development Plan for a 164 room, five story hotel with hotel restaurant and banquet space, and a separate 7,400 square foot restaurant/coffee shop; and 3) Final Development Plan for a 64 room, five story hotel with hotel restaurant and banquet space

SPEAKING FOR THE APPLICANT:

Stu Friedman, Birchwood, OH

PUBLIC HEARING DISCUSSION:

Centinario presented the location of the proposed hotel and the surrounding areas. The site is in the middle of the South Loop District. He displayed photos of the existing conditions. The parking area immediately to the south is owned by Metro Transit. The South Loop District Plan recommends revised zoning in the area, which is LX(PD)(AR-17), Lindau Mixed Use(Planned Development)(Airport Runway). He compared the existing zoning of CO-1(PD)(AR-17), Commercial Office (Planned Development)(Airport Runway) to the proposed zoning of LX (PD)(AR-17), Lindau Mixed Use (Planned Development)(Airport Runway). He presented the massing for the building. Using mixed-use design standards in the zoning code, 28th Avenue South is a primary street and East American Blvd is a secondary street. The design focus is predominantly along 28th Avenue South. He showed the building elevations which include materials such as glass, stone masonry and metal panels. The applicant has stated they will meet or exceed the metal materials standards. He presented the site plan and zoomed in on the footprint of the hotel. The proposed hotel will be part of Phase I. Phase II would include a restaurant and a corridor connecting the restaurant and hotel. There is a connection to the 28th Avenue South sidewalk. They are proposing a driveway connection to the Metro Transit parking lot that gives the site multiple access points. Metro Transit consented to the application. There are minor changes that staff is recommending. East American Blvd has a 30% frontage requirement and the applicant will need to expand their building footprint. The landscaping plan meets code requirements for plant material, but more is needed to define public right-of-way and development edges. The Lindau Mixed Use Zoning District calls for vertical elements that frame the right-of-way. He showed a photograph of the street frontage. In the LX Zoning

District, there are maximum setback requirements. The applicant is proposing a 40 foot setback because a 40 foot underground utility easement already exists along East American Blvd. For that reason, Staff supports the setback deviation. He showed the floor plan which consists of a restaurant, banquet space, indoor pool, fitness facility, and lobby area. Typically, Bloomington allows a percentage of restaurant and meeting/banquet parking to be reduced due to “internal capture.” Internal capture is the concept where some of the restaurant and banquet/meeting area customers will also be hotel guests, and therefore would not increase overall parking demand for the facility. The City’s approach for past reviews has assumed that 25 percent of the Code required parking need for the banquet facility and 33 percent of the parking need for the restaurant *within the hotel* would be satisfied through internal capture. For the future restaurant outside the hotel, staff does not want to apply internal capture until a plan is brought forward. The overall site parking deviation is 13.8% with only 80 seats proposed, although staff believes a future restaurant of this size would propose much more than 80 seats. Staff is recommending approval for a restaurant up to 91 seats (15% parking reduction). Additional seats would require approval of a parking study justifying a further parking deviation.

Stu Friedman said the site holds approximately 164 rooms and 4,000 square feet of banquet space. He does not know what Phase II will look like but will work with the City to come up with a plan that works for all parties. They are aware of the parking challenges and Metro Transit is open to a parking or access easement agreement. They will continue to research additional parking.

Fischer asked if the market in the South Loop is strong enough to suit the planned hotel supply.

Friedman said the Mall of America will draw in activity to the hotels. The hotel investment is very specific in the South Loop District. The banquet space will drive the demand as well.

Goodrum stated he does not like the Phase II space left vacant and asked how the applicant will use landscaping to screen the open space.

Friedman noted they are willing to make landscaping revisions. Part of the landscaping plan is heavily influenced by the underground easement. They are open to enhancing the landscaping. With regards to timing, they would like to break ground in early spring of 2016, with the hotel opening in the spring of 2017. The publicity of Phase I will help kick off marketing for Phase II. He assured the Planning Commission that there will be a Phase II.

Nordstrom was amazed that Bloomington has more hotels than Minneapolis and St. Paul combined. Transportation access and the uniqueness of the South Loop district are major factors.

Friedman is happy to be part of the community.

The public hearing was closed via a motion.

Goodrum welcomed another hotel in the area. He would like to see another parking analysis done for Phase II in case there are parking issues. He was nervous about applying the internal capture reductions to Phase II.

He asked if there is a way to add landscaping to the northwest corner to block open space.

Centinario said the applicant is exceeding the code requirement for trees and shrubs, but they can shift and/or add plantings to fill in that corner.

Goodrum asked if the landscaping plan must be approved by staff.

Centinario said the landscape plan must be approved by the Planning Manager and will consider the Commission's guidance. The landscape plan must be approved before the applicant can obtain building permits.

Nordstrom announced the item moves to the City Council on December 21, 2015.

ACTIONS OF THE COMMISSION:

M/Willette, S/Fischer: To close the public hearing. Motion carried 6-0.

M/Fischer, S/Bennett: In Case 10966A-15, I move to recommend City Council adoption of an ordinance rezoning 8001 28th Avenue South from CO-1(PD)(AR-17), Commercial Office (Planned Development)(Airport Runway) to LX(PD)(AR-17), Lindau Mixed Use (Planned Development)(Airport Runway) subject to the conditions listed in the staff report. Motion carried 6-0.

M/Fischer, S/Goodrum: In Case 10966BC-15, having been able to make the required findings, I move to recommend City Council approval of a major revision to the Preliminary Development Plan for a 164 room, five story hotel with hotel restaurant and banquet space, and separate attached 7,400 square foot restaurant/coffee shop (Case 10966B-15) and a Final Development Plan for a 164 room, five story hotel with hotel restaurant and banquet space (Case 10966C-15) subject to the conditions listed in the staff report. Motion carried 6-0.

RECOMMENDED CONDITIONS OF APPROVAL TO THE CITY COUNCIL:

The following conditions must be satisfied prior to the issuance of development-related 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) A Stormwater Management Plan that meets the requirements of the City's Comprehensive Surface Water Management Plan and 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.
- 4) 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.

- 5) An Erosion Control Bond must be provided.
- 6) Sewer Availability Charges (SAC) must be satisfied.
- 7) 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.
- 8) A Minnesota Department of Health (MDH) watermain review and approval must be obtained or notification from MDH this permit is not required must be submitted to the Engineering Division.
- 9) 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.
- 10) Plans submitted for building permits must include documentation that construction will provide a Sound Transmission Class (STC) rating of at least 53 for the exterior wall and roof assemblies, STC rating of at least 38 for guest room windows and an STC rating of at least 30 for HVAC equipment and vents passing through guest room walls to the building exterior.
- 11) 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.
- 12) Prior to issuance of a building permit, the applicant must provide a construction staging plan to demonstrate future construction may be accommodated once the hotel is operational.
- 13) Sidewalks must be revised to meet City Code and South Loop standards.
- 14) A private common driveway/access agreement with Metro Transit must be recorded at Hennepin County and proof of filing provided to the Engineering Division.

And subject to the following ongoing conditions:

- 15) All construction stockpiling, staging, and parking must take place on-site and off adjacent public streets and public rights-of-way.
- 16) All loading and unloading must occur on site and off public streets.
- 17) Development must comply with the Minnesota State Accessibility Code.
- 18) Alterations to utilities must be at the developer's expense.
- 19) Structures and art elements need to be located outside of the easements.
- 20) The number of seats in the Phase II restaurant is limited to 91 unless the Traffic Engineer determines a higher number of seats can be accommodated without creating overflow parking conditions as documented by an independent traffic study paid for by the applicant.

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) 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)).
- 2) 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)).

**Approved By Planning
Commission:**
