

## GENERAL INFORMATION

Applicant: City of Bloomington

Request: Amend City Code Sections 19.38.11 and 19.38.12 to exempt public and public utility structures from the development prohibition below the 760-foot elevation within the Bluff Protection and Bluff Development Overlay District.

## HISTORY

City Council Action: 12/27/1982 – Approved an ordinance adopting the Bluff Development Overlay Districts (Case #PD-1451).

## CHRONOLOGY

Planning Commission	06/16/2016	Planning Commission recommended approval of the proposed ordinance
Council	06/27/2016	Public Hearing Scheduled

## PROPOSAL

The City of Bloomington is proposing to amend the Bluff Protection (BP-1) and Bluff Development (BP-2) Overlay District standards to exempt public structures from the development prohibition below the 760-foot elevation. The exemption would also include public utility structures.

## ANALYSIS

The City has investigated opportunities for trailhead and other recreational improvements at various locations within the BP-1 and BP-2 overlay districts in the past. For example, the City has explored the installation of pavilion and restroom facilities at trailhead locations, including Bloomington Ferry Bridge. However, these structures would currently not be permitted due to the development prohibition of structures below the 760-foot elevation within both the BP-1 and BP-2 Overlay Districts. Amending these sections of the City Code to allow public structures below the 760-foot elevation would allow for the trailhead improvements to include bathroom facilities or other public structures that serve a public recreational purpose. US Fish and Wildlife has also reported interest in constructing a public recreational facility within the bluff overlay district near the MN Valley Wildlife Refuge.

In addition to the structures being discussed as part of the trailhead improvements, staff is also recommending that public utility structures be exempt from the development prohibition. There are a number of public utilities that are currently located within the BP-1 and BP-2 Overlay Districts. Public utilities located in the bluff overlay district include sanitary sewer, gas and electrical. It is highly likely that small utility structures will be needed to support the function of these utilities to maintain adequate service in the future. Examples of public utility structures include lift or booster stations, switching stations, and other structures needed to transmit or store public utilities. In fact, staff recently received an application for a utility structure within the BP-1 overlay district from Centerpoint Energy. Staff recommends that the proposed exemption from the development prohibition for public structures within the bluff overlays apply to utility structures as well in order to address future needs of utility providers.

The Planning Commission held a public hearing for the proposed ordinance at their June 16<sup>th</sup> meeting. No one spoke at the public hearing. The Planning Commission had limited discussion on what structures may be appropriate for bluff areas and adopted a motion to recommend approval of the proposed ordinance as presented.

### **RECOMMENDATION**

Planning Commission and staff recommend the following motion:

In Case PL2016-91, I move to approve an ordinance amending Sections 19.38.11 and 19.38.12 of the City Code to create an exemption from the development prohibition below the 760-foot elevation for public and public utility structures in the Bluff Protection and Bluff Development Overlay Districts.