



PLANNING COMMISSION SYNOPSIS

Thursday, September 29, 2016

CALL TO ORDER

Chairperson Spiess called the Planning Commission meeting to order at 6:00 PM in the City Council Chambers of the Bloomington Civic Plaza.

COMMISSIONERS PRESENT: Spiess, Batterson, Bennett, Snyder

COMMISSIONERS ABSENT: Goodrum, Solberg, Swanson

STAFF PRESENT: Markegard, Johnson, O'Day

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

ITEM 1
6:03 p.m.

CASE: PL2016-147

APPLICANT: Peace Lutheran Church

LOCATION: 8600 E Bush Lake Road, 7101 and 7103 West 86th Street

REQUEST: Variance to reduce the side yard setback for building addition from 60 feet to 35; Conditional Use Permit for a place of assembly expansion and Final Site and Building Plans for a 2,950 square foot building addition and parking lot improvements

PUBLIC HEARING DISCUSSION:

Johnson provided the location of the property and surrounding uses. The church is proposing a building addition, which requires a variance for a reduced front setback along East Bush Lake Road. They are also proposing an amended conditional use permit and final site and building plans for the building expansion and parking lot improvements. The new parking lot would be located on an adjacent two-family lot owned by the church and the structure on that lot would be demolished as part of the parking expansion. Johnson discussed the site plan showing the building addition, existing parking lot, and the new parking lot. The existing parking lot has some legal non-conformities, some of which will be fixed with the improvements of the south and west lots. The eastern portion of the existing parking lot will not be disturbed and will remain legally non-conforming. The applicant is proposing a pedestrian corridor through the existing parking lot to facilitate pedestrian access from the new parking lot to the church. The new northwest parking lot includes 45 parking stalls to handle overflow parking. There are 16 proof of parking stalls within the new and existing parking lot.

Johnson stated the proposed building addition will include a new kitchen, offices, bathrooms, storage, trash and recycling space. Code requires 5 parking stalls with the added use. The building elevations show materials that match the existing church with fiber cement board. The fiber cement board is Code compliant in this zoning district (R-1), although coatings are not permitted. There are 92 existing parking stalls and they are proposing a total of 118 stalls with 16 proof of parking stalls. The building addition would require 5 additional parking stalls and

170 stalls for the total facility. In order to resolve the non-conformity and parking issues, the applicant is requesting a non-concurrent use condition of approval which would resolve the parking compliance issue. Staff recommends a condition that the sanctuary and parish hall not be used concurrently given the parking levels. The proposed landscape plan is Code compliant except that two additional parking island trees are required. Screening is required for the northwest parking lot for the sides abutting single family residential. The applicant was proposing evergreen plantings as screening, although two rows of evergreen plantings would then be required, which would create a loss of parking. Given the space constraints, staff recommends installing a fence along those sides to provide screening.

Johnson stated, the applicant is requesting a variance for a reduced front setback from 60 feet to 35 feet. There was a previous variance granted in 1980 that reduced the front setback to 30 feet. The as-built survey shows the building was actually constructed with a front setback of 34.8 feet. The requested variance is in line with the previous variance in 1980. In addition, the subject property has an irregular lot shape, providing strong findings for unique circumstances. Staff is recommending approval of all requests subject to the recommended conditions of approval.

Batterson asked if the new and existing parking lots will be connected.

Johnson stated there is a pedestrian access via the sidewalk and stairs from the new parking lot into the existing parking lot.

Batterson asked if there is vehicle connection.

Johnson noted there is a wooded embankment that presents some grading issues and it would be difficult to accommodate a connection.

Batterson noted the traffic flow and movement onto 86th Street would likely increase as a result of having no connection between the two lots.

Snyder asked about the handicap accessibility within the new parking lot.

Johnson stated the ADA compliance is met within the existing parking lot. Code does not require handicap accessibility from the new lot to the existing lot, but it was a suggestion raised by staff.

Batterson asked if the abutting single-family residential neighborhood has been notified of the recommended fence.

Johnson stated the applicant has reached out to the neighborhood. The fence could be installed within the five foot setback. The required screening of two rows of evergreen would result in a loss of parking. Therefore, staff recommended the fence.

The applicant thanked Mr. Johnson.

The public hearing was closed via a motion.

Batterson raised concerns about the new parking lot proposal. Three stalls could be taken out of the new parking lot to create a vehicle connection between the lots. Those lost spaces could be made up by taking out the vehicle approach to the street.

Spiess noted the item moves to City Council on October 24, 2016.

ACTIONS OF THE COMMISSION:

M/Batterson, S/Bennett: To close the public hearing. Motion carried 4-0.

M/Batterson, S/Bennett: In Case PL2016-147, having been able to make the required findings, I move to recommend approval of a variance to reduce the front yard setback of a place of assembly addition at 8600 East Bush Lake Road from 60 feet to 35 feet, subject to the conditions and Code requirements attached to the staff report.
Motion carried 4-0.

M/Bennett, S/Snyder: In Case PL2016-147, having been able to make the required findings, I move to recommend approval of a Conditional Use Permit amendment and Final Site and Building Plans for a place of assembly addition and parking lot improvements at 8600 East Bush Lake Road, subject to the conditions and Code requirements attached to the staff report.
Motion carried 3-1. Batterson opposing.

RECOMMENDED CONDITIONS OF APPROVAL:

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| 1. | Prior to Permit | A Proof of Parking Agreement for 16 spaces must be approved and filed with Hennepin County. |
| 2. | Prior to Permit | Sewer Availability Charges (SAC) must be satisfied. |
| 3. | Prior to Permit | Signed copies of a private common parking/access agreement and a private common utility easement/agreement must be provided to the City and filed with Hennepin County and proof of filing provided to the Engineering Division. |
| 4. | Prior to Permit | Storm Water Management Plan must be provided that demonstrates compliance with the City's Comprehensive Surface Water Management Plan. A maintenance plan must be signed by the property owners and must be filed of record with Hennepin County. |
| 5. | Prior to Permit | The Grading, Drainage, Utility, Erosion Control, Access, Circulation, Parking and Traffic plans must be approved by the City Engineer. |
| 6. | Prior to Permit | A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division. |
| 7. | Prior to Permit | A sidewalk must be provided to link the primary entrance of each building on site with the public sidewalk network. |
| 8. | Prior to Permit | A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) must be provided if greater than one acre is disturbed (State of MN and Federal regulation). |
| 9. | Prior to Permit | An erosion control surety must be provided (16.05(b)). |
| 10. | Prior to Permit | 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 City (State of MN).
11. Prior to Permit Civil plans must be revised to remove one parking stall located in the southeast portion of the existing parking lot to comply with Section 19.63(a)(9) of the City Code.
 12. Prior to Permit 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, Minnesota State Fire Code Sec. 508).
 13. Prior to Permit Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
 14. Prior to Permit Tier 2 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
 15. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52).
 16. Prior to Permit Parking lot and site security lighting plans must be provided and approved to satisfy the requirements of Section 21.301.07 of the City Code.
 17. Prior to Permit A tax parcel combination of the subject properties must be completed to obtain legal zoning lot status.
 18. Prior to C/O A Site Development Agreement incorporating 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.
 19. Prior to C/O The developer must submit electronic utility as-builts to the Public Works Department prior to the issuance of the Certificate of Occupancy.
 20. Prior to C/O 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).
 21. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
 22. Ongoing The variance and building/site improvements are limited to those as shown on the approved plans in Case File #PL2016-147.
 23. Ongoing Due to limited on-site parking, the Parish Hall (multi-purpose room) must not be used when the Sanctuary is in use.
 24. Ongoing Five foot high, year-round perimeter screening must be provided along the western and southern property boundaries of the new parking lot as approved by the Planning Manager (Sec 19.52).
 25. Ongoing Development must comply with the Minnesota State Accessibility Code.
 26. Ongoing Alterations to utilities must be at the developer's expense.
 27. Ongoing If the kitchen is used to serve any licensed activity, such as school, preschool or daycare, it must comply with current food code requirements.
 28. Ongoing All construction stockpiling, staging, loading, unloading and parking must take place on-site and off adjacent public streets and public rights-of-way.
 29. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).