



Thursday, August 6, 2015

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.

COMMISSIONERS PRESENT: Nordstrom, Willette, Spiess, Bennett, Goodrum

COMMISSIONERS ABSENT: Batterson, Fischer

STAFF PRESENT: Pease, Johnson, O'Day

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

Item 1

6:03 p.m.

CASE: 9903AB-15

APPLICANT: Minnesota Valley Chapter Izaak Walton League of America (user and owner)

LOCATION: 6601 Auto Club Road

REQUESTS: Preliminary and Final Plat to subdivide one lot into one lot and one outlot

SPEAKING FOR THE APPLICANT:

Stan Danielson, 1707 E 87th Street, Bloomington, MN 55425

PUBLIC HEARING DISCUSSION:

Pease introduced Nick Johnson, planner, to the Planning Commission.

Johnson presented the staff report. This application subdivides one lot into one lot and one outlot at 6601 Auto Club Road. He presented an aerial photo and described the 30 acre parcel has a clubhouse on the northern portion of the property with wetlands and the Minnesota River bluff to the south. The proposed subdivision provides a 6.82 acre lot and a 23.6 acre outlot. The northern lot would continue to be used for recreational activities while the outlot is intended to be sold to Minnesota Valley Trust. No construction or development activity is proposed as part of this application. The land use will continue as previously used. The final plat provides the necessary easements as recommended by the Engineering Department. Additional right-of-way needs in the northwest corner of the northerly parcel are dedicated on the Plat. The Engineering Department requests a ten foot bikeway easement in case of future bikeway improvements. Johnson summarized the application findings. Staff recommends approval of a Type III approval. He also highlighted the recommended conditions.

Willette asked if the building will continue to be used and questioned the bird collection in the basement.

Johnson confirmed the MN Izaak Walton League will be using the northern portion of the property, which includes the building, as their headquarters.

Danielson provided background regarding the stuffed bird collection in the existing building. He confirmed the building will continue to be used for various activities and meetings. The space is open to the public and is donation based only.

Pease asked the applicant to describe volunteer opportunities within the organization.

Danielson described the Izaak Walton League history and other leagues across the country.

Bennett asked for clarification on the difference in spelling between the applicant name and the plat name.

Pease noted the plat in the materials did have the name misspelled. A revised survey was recently provided after distribution of the agenda packet.

The public hearing was closed via a motion.

Spieß stated this is a reasonable use of the land.

ACTIONS OF THE COMMISSION:

M/Spieß, S/Bennett: To close the public hearing. Motion carried 5-0.

M/Spieß, S/Willette In Case 9903AB-15, having been able to make the required findings, I move to recommend that the City Council adoption of a resolution approving the preliminary and final plats for the Minnesota Valley Izaak Walton League subject to the four conditions listed in the staff report. Motion carried 5-0.

CONDITIONS OF APPROVAL RECOMMENDED BY THE COMMISSION:

The Preliminary and Final Plat for MN VALLEY ISAAK WALTON LEAGUE (Case 9906AB-15) is subject to the following conditions of approval prior to the plat being recorded:

1. A title opinion or title commitment that accurately reflects the state of the title of the property being platted, dated within 6 months of requesting City signatures, must be provided.
2. Consent to plat forms are needed from any parties with property interest.
3. Drainage and Utility easements must be dedicated on the final plat as follows:
 - a. 5 feet along all internal property lines; and
 - b. 10 feet along all street frontages.
4. A 10-foot sidewalk/bikeway easement must be provided by document and recorded with the plat.

Item 2
6:20 p.m.

CASE: 10961AB-15
APPLICANT: Kathryn Ann Hale (owner and user)
LOCATION: 8201 Pillsbury Avenue
REQUESTS: Variance to increase height of fence from 4 feet to 6 feet and opacity from 50 percent to 100 percent

SPEAKING FOR THE APPLICANT:

Kathryn Ann Hale, 8201 Pillsbury Avenue, Bloomington, MN 55420

PUBLIC HEARING DISCUSSION:

Pease presented the staff report. He described the location and the uses for the surrounding areas. The fence ordinance, which was adopted in 2008, does not allow a privacy fence along a public street unless adjacent to an arterial. He stated the applicant believed she built the fence per code with the setback from the sidewalk and provided the clear view triangle at the alley. He displayed an image of the fence and noted special circumstances with this particular property support the variance. West 82nd Street has a high volume of truck traffic and a traffic count of 3,500 ADT. The area where the fence is located is regulated as a front yard, known as a side yard adjoining a street. Pease noted this is the second fence variance request where there are higher traffic volumes, no other front yards along the same block and only includes the rear portion of the dwelling since the ordinance change. Pease asked the Commission for input on amending the code for a situation where a variance is routinely supported or go through the variance process for future fence applications with similar characteristics.

Willette asked if the existing fence is in the front yard or the side yard.

Pease said by definition, anything adjoining a street is regulated as a front yard. Technically, it is a side yard adjoining a street.

Hale stated Pillsbury Avenue is an active road that leads to 82nd Street. There are many industrial uses surround the property which cause a lot of noise. Hale loves the fence.

Nordstrom said he has a side yard on Normandale Boulevard and also has a fence. The fence went up in 1980. He understood that traffic is an issue.

Hale asked the Commission to approve the item or she has to move the fence as she has a larger dog.

The public hearing was closed via a motion.

Bennett stated she does not like dealing with variances when a Code change is a better solution and appreciates the applicant looking through the Code prior to installation.

Goodrum agreed the variances open a can of possibilities for future requests. He stated a Code change is suggested as opposed to routine variances. He asked if the findings are unique enough to separate other potential applications on 82nd Street.

Pease believed the Commission should grant this variance but suggested the Commission review a Code amendment in the Miscellaneous Issues ordinance. Pease stated if the applicant didn't have the conflicting uses across the street, the higher traffic volumes or truck traffic on Pillsbury Avenue, there would be a different recommendation.

Spiess agreed with the other Commissioners that this should be evaluated by staff.

Nordstrom stated that granting variances routinely opens the possibility for a Code revision. Nordstrom would make the recommendation for a future review of the Code.

Nordstrom said the item goes to the City Council on August 24, 2015.

ACTIONS OF THE COMMISSION:

M/Spiess, S/Willette: To close the public hearing. Motion carried 5-0.

City of Bloomington
Planning Commission Synopsis

August 6, 2015

M/Spiess, S/Bennett In Case 10961AB-15, I move the Planning Commission to recommend approval of variances to increase fence height from four feet to six feet and opacity from 50 percent to 100 percent at 8201 Pillsbury Avenue South subject to the two conditions listed in the staff report. Motion carried 5-0.

CONDITIONS OF APPROVAL RECOMMENDED BY THE COMMISSION:

- 1) The fence must be located as shown on plans in Case File 10961AB-15.
- 2) The fence height and opacity variances are only applicable to encroachments along West 82nd Street shown on plans in Case File 10961AB-15.

Item 3
6:37 p.m.

CASE: 3400A-15
APPLICANT: Verizon Wireless (user)
 Redemption Lutheran Church and School (owner)
LOCATION: 927 E Old Shakopee Road
REQUESTS: Final site and building plans to construct a 65 foot Bell tower with screened Verizon antennas

PUBLIC HEARING DISCUSSION:

Pease said staff is working with the Applicant on the final design prior to coming back to the Commission. The applicant requested a continuance.

Nordstrom said the item will move to Planning Commission on August 27, 2015.

ACTIONS OF THE COMMISSION:

M/Spiess, S/Willette In Case 3400A-15, I move to continue the item to the August 27, 2015 Planning Commission meeting. Motion carried 5-0.

ITEM 4
6:38 p.m.

APPLICANT: City of Bloomington
REQUEST: Appointment of Planning Commission member to Hyland Greens Task Force

DISCUSSION:

Pease explained the Hyland Greens task force seeks a Planning Commission representative as they evaluate the future use of Hyland Greens. He said it doesn't mean the land will be developed, rather, they are asking for input on options.

Willette said he has already submitted the application as a Planning Commissioner.

Pease said it is beneficial to appoint an alternate.

Spiess said she would be interested in serving as the alternate

ACTIONS OF THE COMMISSION:

Spieß nominated Commissioner Willette to serve as the Planning Commission representative and Willette nominated Commissioner Spieß as an alternate. Motion carried 5-0.

Item 5
6:42 p.m.

CASE: City of Bloomington

REQUESTS: Consider approval of draft Planning Commission meeting synopses:

- 5/14/15
 - 5/21/15
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ACTIONS OF THE COMMISSION:

M/Spieß, S/Willette: I move to approve the synopsis of the 5/14/15 Planning Commission meeting as presented. Motion carried 5-0.

M/Spieß, S/Bennett: I move to approve the synopsis of the 5/21/15 Planning Commission meeting as presented. Motion carried 5-0.

The meeting adjourned at 6:43 p.m.

Prepared By: EO **Reviewed By:** LP, NJ

Approved By Planning Commission: 8/27/15