



PLANNING COMMISSION SYNOPSIS

Thursday, May 26, 2016

CALL TO ORDER

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

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

COMMISSIONERS ABSENT: Spiess

STAFF PRESENT: Markegard, Centinario, O'Day

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

ITEM 1
6:02 p.m.

CASE: PL2016-53

APPLICANT: Bary and Janet Ingebrigtsen

LOCATION: 1500 E 83rd Street

REQUEST: Recreational Vehicle Permit to park and store a 23 foot Class II RV nine feet from the property line adjacent to 15th Avenue and a waiver to the screening requirement

PUBLIC HEARING DISCUSSION:

Markegard noted the applicant has requested a continuance to the July 7th Planning Commission meeting and has extended the agency action deadline to September 13th.

ACTION OF THE COMMISSION:

M/Willette, S/Fischer: At the request of the applicant, in Case PL2016-53, I move to continue consideration to the July 7th Planning Commission meeting.
Motion carried 6-0.

ITEM 2
6:05 p.m.

CASE:	PL2016-56
APPLICANT:	Amanda and Geoff Elfstrum
LOCATION:	9617 Wyoming Circle
REQUEST:	Variances to reduce the required front setback for an existing play apparatus/accessory structure from 30 feet to 6.5 feet, to reduce the required side setback from 15 feet to 14.7 feet, and to allow a play apparatus/accessory structure in the front yard

SPEAKING FOR THE APPLICANT:

Amanda Elfstrum, 9617 Wyoming Circle

SPEAKING FROM THE PUBLIC:

Minette Loula, 9600 Wyoming Terrace

PUBLIC HEARING DISCUSSION:

Centinario noted the request is for a variance to reduce the front setback from 30 feet to 6.5 feet, to reduce the side yard setback from 15 feet to 14.7 feet and to allow the existing play apparatus in the front yard. The subject property is surrounded by residential and is located at the end of a cul-de-sac. He showed an image of the approximate location of the play apparatus and noted it is an enclosed playhouse and attached play apparatus. He provided definitions of an accessory building, which includes playhouses, a front yard and a play apparatus. Centinario noted that, under the City Code definitions, the existing structure is both an enclosed playhouse/accessory structure and a play apparatus.

Centinario said the City Code prohibits a play apparatus in the front yard and requires it to be 15 feet from side and rear property lines. In addition, the City Code does not allow an accessory structure to be located any closer to the street than the home in side and rear yards adjacent to streets. He showed an image identifying the front yard and viable locations on the site to which the play apparatus/accessory structure could be moved.

Centinario said there are multiple considerations with this request including an encroachment into a drainage and utility easement, many neighbors are supportive of the proposed variances, and one neighbor opposes the proposed variances. Staff believes the variance does not meet four out of the six required findings. Regarding the specific City Code findings required to be made, the variance is contrary to the intent of the playhouse/accessory structure standards to maintain an open design along public streets and staff believes there is concern over precedent. The variance is not inconsistent with the Comprehensive Plan. Staff believes there are no identified practical difficulties, given there are fully Code compliant areas on site to which the playhouse/accessory structure could be relocated. The minimum standards for play equipment are reasonable and it could be located elsewhere on the property. The play apparatus has existed since 2012 in violation of the City Code. The variance will not alter the essential character of the neighborhood. Staff is recommending denial due to not being able to make the required findings listed in the City Code.

Willette asked about the location of the front yard.

Centinario said the front yard is defined as the yard between the front lot line and the home or the minimum setback for a principal home.

Willette asked about the orientation of the home.

Centinario said house orientation does not impact the definition of yards.

Fischer asked if the property owner can choose the front yard for corner lots.

Centinario stated the lot in question is not a corner lot, which is defined as a lot with two intersecting streets. The subject property is not considered a corner lot.

Goodrum asked about the playhouse/accessory structure requirements for a corner lot.

Centinario noted the requirements would be similar. A playhouse/accessory structure would not be permitted between the home and the street in a side yard adjacent to a street or a front yard adjacent to a street.

Amanda Elfstrum said she is requesting a temporary variance for the play structure. The home is located in a cul-de-sac with no through traffic. She said the permitted areas for the location of the play apparatus are impacted by slopes. She looked at all the possible locations and believed the proposed location is the most reasonable location on the property. The applicants assumed the playhouse/accessory structure location was in the rear or side yard. The structure is mostly screened by trees and is not visible from the street except from the east. A tree has been removed and the structure is visible from the neighbor's property. They plan to replant the tree to conceal the structure. The neighborhood children use the treehouse and it has become a gathering spot for young families. The play apparatus keeps children off the street, and allows the children to make friends. She showed an image of surrounding houses that frequent the play house. They are requesting a temporary variance for 4 years. They plan to replace the removed tree in 30 days and are willing to repaint the structure to match the principal home.

Batterson asked why a building permit was not pulled for a play structure.

Elfstrum noted they were not aware a permit was needed.

In regards to the definition of corner lots, Nordstrom asked how a nearby lot at the northwest corner of Virginia Avenue and 96th St. that appears on a map used by the applicant would be classified.

Markegard stated the lot at the northwest corner of Virginia Avenue and 96th St. is a corner lot and pointed out that accessory structures are not allowed between the house and the street in side or front yards adjacent to a street.

Minette Loula said she supported the proposed play apparatus. She has two children that utilize the play house. She said neighborhood aesthetics are important but can be subjective.

Community involvement and support outweighs neighborhood aesthetics. She urged the Planning Commission to recommend approval of the proposed variance.

The public hearing was closed via a motion.

Goodrum stated he has a treehouse in his rear yard. He would like to protect both the property rights of the property owner and of the neighbors. He visited the site and he understood the neighbor opposition because the structure is visible from the neighboring property. When the Planning Commission recommends approval on variances, there should be unique situations.

Batterson enjoys treehouses, although there are setback requirements that must be met. He will not be supportive of the proposed variance because it is located within a front yard.

Bennett appreciated the neighborhood community. She agreed the structure is well screened, but it is visible from the complainant's yard. The required findings cannot be met. She will not be supportive of the variance.

Fischer said if they are willing to completely screen and repaint the structure, he will be supportive of the variance.

After the motion to recommend denial failed on a 3-3 vote, Markegard noted for the applicant that the item will be proceed to the City Council without a recommendation from the Planning Commission.

ACTIONS OF THE COMMISSION:

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

M/Batterson, S/Bennett: In Case PL2016-56, having been unable to make the required findings, I move to recommend City Council adopt a resolution of denial for the variances to allow a play apparatus/accessory structure in the front yard located at 9617 Wyoming Circle. Motion tied 3-3, with Batterson, Willette and Bennett voting in favor of the motion to recommend denial and Nordstrom, Goodrum and Fischer voting against the motion to recommend denial.

ITEM 3
6:44 p.m.

CASE:	Case PL2016-63
APPLICANT:	RJ Ryan Construction Inc
LOCATION:	4401 American Boulevard West
REQUEST:	Conditional Use Permit for a 229,634 square foot five-story replacement automobile repair/service facility with administrative offices; Revision to the Preliminary Development Plan; and Major Revision to the Final Development Plan

SPEAKING FOR THE APPLICANT:

Jack Grotkin, Ryan Construction, 1100 Mendota Highway

PUBLIC HEARING DISCUSSION:

Centinario provided the subject location of the property. The southern third of the property is undevelopable, zoned residential and is not part of this request. Surrounding land uses include restaurant, office, single family homes and a multi-family residential development. The approximate distance between the car dealership and the residential area to the south is 300 feet. The proposed plan is to demolish the existing facility after the new proposed structure is completed. The north portion of the building will be used for display, office and sales with the first level for service and levels three through five for inventory. The building materials include a mix of glass and metal aluminum panels. There is a special review for the metal panels to ensure the material is durable. Staff is concerned about the lighting plan due to the close proximity to the multi-family development. There are Code requirements that limit the lighting levels at property lines. The applicant is proposing tinted glass windows on the south façade of the ramp to reduce the lighting levels. The parking requirements for the employee and visitor parking include 72 stalls and service parking includes 147 stalls. The landscape plan includes trees on all parking islands. The southern area of the property is already wooded. Staff recommended planting additional trees in the southwest corner in order to screen the property from the adjacent multi-family residential area. There are no requested deviations from the City Code. The Code requires a car dealership to go through the Planned Development process to allow more review.

Batterson asked if there are renderings of the view from the single family homes.

Centinario stated no renderings of that view were submitted.

Fischer asked about the proposed lighting plan.

Centinario stated a dimmer and motion sensor lights are recommended. The lighting plan must follow State energy code requirements.

Fischer asked about the inventory plan.

Centinario showed the inventory plan. He said the configuration and dimension of the inventory stalls do not have to follow requirements for typical parking stalls.

Goodrum asked by how many trees are they short.

Centinario said a couple dozen.

Goodrum inquired about the relocation of the car wash.

Centinario said the car wash in the rear was a concern. After the Development Review Committee meeting, there was no further discussion about relocation of the car wash. As a condition, there must be a review of the noise and the car wash doors must be closed.

Jack Grotkin, on behalf of Walser, noted the car wash will be a tunnel car wash with the doors closed. They will do a tree inventory to evaluate the existing tree life. The lights will be turned off or dimmed. He noted the proposed exterior materials are similar to Motor Works in Bloomington. He has sent letters to surrounding properties offering meetings to discuss the proposed plan.

The public hearing was closed via a motion.

Fischer said the proposal is the type of car dealership the City would like to see.

Goodrum said he would support flexibility under the Planned Development process in the event that trees could not be placed in a manner that made sense and were overcrowded.

Batterson agreed with Fischer's comment and noted it is a nice improvement.

Nordstrom stated the item will move to City Council on June 6th.

ACTIONS OF THE COMMISSION:

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

M/Batterson, S/Willette: In Case PL2016-63, having been able to make the required findings, I move to recommend City Council adopt a resolution approving a major revision to the preliminary and final development plan for a Class I and II motor vehicle sales facility at 4401 American Blvd. W. and a conditional use permit for a 229,634 square foot five-story replacement Class I and II motor vehicle sales/repair/service facility with administrative offices, subject to the conditions and Code requirements included in the packet.
Motion carried 6-0

RECOMMENDED CONDITIONS TO THE CITY COUNCIL:

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Permit 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. Prior to Permit The Grading, Drainage, Utility, and Erosion Control plans must be approved by the City Engineer.
3. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
4. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
5. Prior to Permit A minimum of four bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
6. Prior to Permit An erosion control surety must be provided (16.05(b)).
7. Prior to Permit Landscaping and screening plan must be amended to demonstrate Code compliance and must be approved by the Planning Manager. Landscape surety must be filed (Sec 19.52).
8. Prior to Permit Parking lot and site security lighting plans must be revised to satisfy the requirements of Section 21.301.07 of the City Code and to minimize impacts on the adjacent residential uses.
9. Prior to Permit All rooftop equipment must be fully screened (Sec. 19.52.01).
10. 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).
11. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
12. Prior to Permit A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division.
13. Prior to Permit Tier 2 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
14. 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).
15. Prior to Permit Storm Water Management Plan must be provided that demonstrates compliance with the City's Comprehensive Surface Water Management Plan and includes reestablishment of the raingardens that are being filled in with the requested second access. A maintenance plan must be signed by the property owners and must be filed of record with Hennepin County.
16. Prior to Permit A sight distance analysis for the requested second driveway along the east side of the property, demonstrating compliance with AASHTO standards, must be approved by the City Engineer.
17. Prior to Permit A staging plan demonstrating Code compliance throughout the construction and demolition process must be approved by the Planning Manager. Customer use of the existing building must cease in conjunction with customer use of the new building.
18. Prior to Permit Plans must be revised to show parking islands in compliance with City Code requirements (21.301.06).
19. Prior to Permit Plans must be revised to show a Code compliant indoor trash storage area (19.51).

20. Prior to Permit Low noise car wash equipment must be used as approved by the Environmental Health Manager prior to issuance of a building permit.
21. 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.
22. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
23. Prior to C/O Screening for the adjacent residential use to the southwest as required by City Code Section 21.302.01 (c) (2) (C) must be installed.
24. Ongoing The preliminary and final development plan must be as shown on the approved plans in Case File #PL2016-63.
25. Ongoing All loading and unloading must occur on site and off public streets.
26. Ongoing Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands (Sec 19.64).
27. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
28. Ongoing Recyclable materials must be separated and collected (Sec. 10.45).
29. Ongoing Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
30. Ongoing All pickup and drop-off must occur on site and off public streets.
31. Ongoing Signs must be in conformance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.
32. Ongoing Development must comply with the Minnesota State Accessibility Code (Chapter 1341).
33. Ongoing Car wash overhead doors must be closed whenever car wash is in operation.
Low noise car wash equipment must be used as approved by the Environmental Health Manager prior to issuance of a building permit.
34. Ongoing Development must comply with the Minnesota State Accessibility Code.
35. Ongoing Alterations to utilities must be at the developer's expense.
36. Ongoing A minimum 72 and 147 parking stalls must be available for customer and employee parking and service parking, respectively. Parking areas for customer and employee and service uses must be identified on site plan.

ITEM 4
6:03 p.m.

APPLICANT: City of Bloomington

REQUEST: Consider approval of draft Planning Commission meeting synopsis of April 7, 2016

ACTIONS OF THE COMMISSION:

M/Willette, S/Fischer: I move to recommend approval of the draft Planning Commission meeting synopsis of 4/7/16 as presented.

Motion carried 5-0.

ITEM 5
7:08 p.m.

APPLICANT: City of Bloomington**REQUEST:** Introduction - Elizabeth Tolzmann, Assistant City Manager

Elizabeth Tolzmann, Assistant City Manager, discussed her background and thanked the Commission for their time and service. She said her role is to focus on both community engagement and organizational improvement initiatives. She is currently working on a team creating an advisory commission for the upcoming Comprehensive Plan. She is also working with the Creative Placemaking Director on South Loop initiatives and with the Bloomington School District on access to post-secondary education for youth. She described her organizational initiatives that include inclusion in the workforce and additional training and leadership opportunities.

The meeting adjourned at 7:17 p.m.

Prepared By: EO **Reviewed By:** GM

Approved By Planning Commission: June 16, 2016