



PLANNING COMMISSION SYNOPSIS

Thursday, June 16, 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, Spiess, Batterson, Bennett, Goodrum

COMMISSIONERS ABSENT: Fischer

STAFF PRESENT: Markegard, Centinario, Johnson, O'Day

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

ITEM 1

6:02 p.m.

CASE: PL2016-85

APPLICANT: South Loop Investments, LLC

LOCATION: 8100 and 8150 26th Avenue and 2400 and 2500 East 82nd Street

REQUEST: Final Development Plan for a 8,040 square foot, 271 indoor and 80 outdoor seat restaurant and a 3,416 square foot retail building within the Alpha B development located at 8100 26th Avenue South

SPEAKING FOR THE APPLICANT:

David Peters, 8 Eagle Court, Park City, Utah 84060

PUBLIC HEARING DISCUSSION:

Centinario stated the application is for a Final Development Plan within the Alpha B planned development located in the City's South Loop District. He displayed the subject location for the site and noted the surrounding uses. Phase I of the planned development includes a hotel and parking structure and is currently under construction. Phase II includes the proposed restaurant and retail building and Phase III will include an additional retail building. The Preliminary Development Plan sets the intensity of the site and acts as a guide for Final Development Plans. The footprint and location of the building proposed in the Final Development Plan are consistent with the Preliminary Development Plan although an additional tenant space was added in the Final Development Plan. The landscape plan includes a mix of trees and shrub. The landscape plan within Phase II identifies a shortage of 3 trees on the restaurant parcel, although, as a whole, the landscape plan within the entire planned development exceeds the code requirements.

The east, north and south building elevations would consist of brick, glass, and metal panels. Within the LX District, there are transparency requirements along primary and secondary streets. 24th Avenue is a primary street and would require 50 percent window transparency to the ground level of a building façade between two feet and ten feet. The west elevation does not meet those requirements. The Code identifies exceptions when the back of house faces a street that must include two of the following three elements: wall, design, display boxes and permanent art. Staff believes the applicant fulfills one element but the application will require revisions to comply with the other element. Fresh Thyme is an example of a building along a public street that has used public art to provide more visual interest along a street.

The total parking requirement includes 426 parking stalls and the proposed parking includes 425 parking stalls. The City Council approved a slight deviation and the applicant may reduce seats to meet the parking requirement. Staff would like to include an additional recommended condition related to the west elevation.

Batterson asked if the applicant has to use three of the element substitutions.

Centinario said they must utilize two of the three elements.

David Peters noted the tenant was difficult to secure but they are excited about the quality of the operator. The applicant used Shae Design to create a prairie style aesthetic that is complementary to the AC Marriot design. He has noticed more pedestrian movement since development has taken place. The west elevation has some geometric challenges but he appreciates the ability to compromise on one or two sides. He provided Townplace Suites as an example that has used artistic elements. He is hesitant to over-utilize the elements but understands the code exception.

Willette asked if they will be applying for a liquor license.

Peters said they intend to apply for a liquor license. They are anticipating the price levels to be accommodating to the users of the area.

Willette asked if there will be music on the patio.

Peters stated that hotel guests have expressed concern over loud outdoor music. They intend to have light music on the patio and will be considerate of the surrounding hotel guests.

Willette noted the number of restaurants recently opening and looks forward to the addition of a new restaurant.

Peters said there are limited restaurant options in the South Loop district.

The public hearing was closed via a motion.

Spiess stated there is a need for a restaurant in the area. She has also noticed a difference in pedestrian movement since development has taken place.

Batterson hoped that the additions can be integral to the building but overall, he was pleased with the design.

Goodrum asked if the motion includes the added condition.

Spiess noted her motion included the added condition.

Nordstrom stated the item moves to City Council on June 27th, 2016.

ACTIONS OF THE COMMISSION:

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

M/Spiess, S/Bennett: In Case PL2016-85, having been able to make the required findings, I move to recommend City Council approval of a Final Development Plan for a 8,040 square foot, 271 indoor and 80 outdoor seat restaurant and a 3,416 square foot retail building within the Alpha B planned

development located at 8100 26th Avenue South, subject to the revised conditions and Code requirements listed by staff.

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 Landscape plan must be approved by the Planning Manager (Sec 19.52).
6. Prior to Permit Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands (Sec 19.64).
7. Prior to Permit All rooftop equipment must be fully screened (Sec. 19.52.01).
8. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
9. 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.
10. Prior to Permit Parking lot and site security lighting must satisfy the requirements of Section 21.301.07 of the City Code.
11. Prior to Permit An external grease interceptor must be provided if the proposed tenant will have food preparation and service that will produce fats, oils, grease, or wax in excess of 100 mg/L. The external grease interceptor design must be approved by the Utilities Engineer. A grease interceptor maintenance agreement must be filed with the Utilities Division, if an external grease interceptor is installed.
12. Prior to Permit A Construction Management Plan must be submitted for review and approval by the City
13. Prior to Permit Project Phasing Plan be submitted and approved.
14. Prior to Permit An Airport Zoning Permit must be approved by the Community Development Director for any crane or structure on site that exceeds 60 feet in height above existing grade (MSP Airport Zoning Ordinance Section VIII (A)).
15. Prior to Permit The west building elevation must be amended to meet Code requirements in Section 21.301.03, subject to approval by the Planning Manager.
16. Prior to C/O Tier (1 or 2) Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
17. Ongoing The Final Development Plan must be as shown on the approved plans in Case File #2016-85.
18. Ongoing All construction stockpiling, staging, and parking must take place on-site and off adjacent public streets and public rights-of-way.
19. Ongoing All loading and unloading must occur on site and off public streets.
20. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
21. Ongoing Recyclable materials must be separated and collected (Sec. 10.45).
22. Ongoing Development must comply with the Minnesota State Accessibility Code (Chapter 1341).

23. Ongoing Alterations to utilities must be at the developer's expense.

ITEM 2
6:24 p.m.

CASE:	PL2016-86
APPLICANT:	South Loop Investments, LLC
LOCATION:	8100 and 8150 26 th Avenue and 2400 and 2500 East 82 nd Street
REQUEST:	Master Sign Plan for the Alpha B planned development

SPEAKING FOR THE APPLICANT:

David Peters, 8 Eagle Court, Park City, Utah 84060

PUBLIC HEARING DISCUSSION:

Centinario stated the proposed Master Sign Plan is for the Alpha B planned development. The applicant designed the signage plan for Phases I and II that include both freestanding and wall signs. The majority of the signs detailed in the plan meet code requirements. Three freestanding ground signs are proposed, each are 42 square feet, 8 feet tall and meet setback requirements. The sign along 82nd Street may be in the clear view triangle but staff will review that issue through the sign permit review. The wall signs on the east, west and south elevations are under the maximum allowable size identified in City Code. The sign proposed on the parking structure is also smaller than the maximum allowable size identified in city code. The proposed directional and incidental signs are code compliant. The AC Marriott hotel requests a rooftop cube sign which is not permitted in the City Code. The intent is the sign is an extension of the roof but it is considered a rooftop sign under the Code. The applicant will be requesting flexibility with the proposed rooftop sign. The east elevation includes a cabinet sign and the west elevation includes a channel sign. The City Code only allows one sign construction type on a building. The applicant is also requesting flexibility with that code requirement. There are findings that must be met and staff believes the proposed Master Sign Plan meets the required findings. Staff believes the proposed signs are cohesive and will add to the character of this development and the South Loop.

Batterson asked about the material of the freestanding sign.

Centinario stated the shell would be steel or aluminum and the sign panels would be a hard, translucent vinyl.

Peters noted the intent is to not cover the west elevation with signage.

The public hearing was closed via a motion.

Spies understood the need to be flexible with brand recognition. She would like to give flexibility to the applicant.

Batterson said the Master Sign Plan is a great way to review signage and to establish a brand.

Goodrum stated he is an advocate for the Master Sign Plan process but does not want to set precedent with the rooftop signs. Goodrum did not believe the proposal demonstrated it is unique enough to warrant flexibility. He will not be supportive of the sign plan.

Nordstrom stated the item will move to City Council on June 27th, 2016.

ACTIONS OF THE COMMISSION:

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

M/Spiess, S/Willette: In Case PL2016-86, having been able to make the required findings, I move to recommend City Council approval of a Master Sign Plan for the Alpha B planned development at 8100 and 8150 26th Avenue South and 2500 E 82nd Street, subject to the conditions and Code requirements attached to the staff report.

Motion carried 5-1. Goodrum opposing.

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 master sign development agreement, including all conditions of approval, shall be executed by the applicant and the City and shall be properly recorded by the applicant with proof of recording provided to the Director of Community Development.
2. Ongoing Signs must be limited to the type, function, location and maximum size described in the approved Master Sign Plan and accompanying table in Case 2016-86.
3. Ongoing Signs must be made of durable, weather resistant material to withstand the exposure to the elements.
4. Ongoing Major revisions to this Master Sign Plan shall be subject to the requirements of 21.501.06.
5. Ongoing Sign construction and installation must be consistent with the manufacturer standards.
6. Ongoing Signs must not exceed the maximum luminance levels (Sec. 19.108(h) and Sec. 21.301.07(c)(5)).
7. Ongoing Sign permits, unless exempted through Section 19.105, are required prior to the installation of the signs.

ITEM 3
6:39 p.m.

CASE:	PL2016-50
APPLICANT:	Joel Pietig
LOCATION:	8100 Pillsbury Avenue
REQUEST:	<ol style="list-style-type: none">1. Variance to reduce the minimum landscape yard on the north property line from 20 feet to 10 feet;2. Variance to reduce the minimum landscape yard for internal property lines from five feet to zero feet;3. Variance to remove the minimum lighting requirement for the exterior storage lot; and4. Conditional use permit for outdoor storage as a primary use

PUBLIC HEARING DISCUSSION:

Centinario said the applicant provided revised plans to comply with code requirements but staff has not been able to review the revised plans. They will be requesting a continuance to the July 7th Planning Commission meeting.

ACTIONS OF THE COMMISSION:

M/Spiess, S/Goodrum: In Case PL2016-50, I move to continue the item to the July 7th Planning Commission meeting.
Motion carried 6-0.

ITEM 4
6:40 p.m.

CASE:	PL2016-75
APPLICANT:	TenderCare Learning Center (user) CCF2 LLC (owner)
LOCATION:	8040 Old Cedar Avenue
REQUEST:	Conditional use permit for an approximately 5,300 square foot daycare facility

SPEAKING FOR THE APPLICANT:

Makhtal Ahmad, representing TenderCare Learning Center, 8040 Old Cedar Avenue

PUBLIC HEARING DISCUSSION:

Johnson identified the location the proposed day care facility. Surrounding land uses include two office buildings, a multi-family apartment building and single family homes. The applicant is proposing to use the southwest part of the building. They are anticipating 90 participants and 12 staff members. The hours of operation are from Monday to Sunday. They are proposing minor exterior site modifications, including striping two parking stalls and installing a 3,000 square foot playground area. The site improvements will require administrative Final Site and Building Plans. The neighboring adult day care will be reducing their occupancy and giving the space to TenderCare. The floor plan includes a reception and office area, 5 classrooms, kitchen and bathrooms. Improvements of non-conforming site characteristics are not triggered with the proposed use. Parking requirements total 75 spaces and 76 parking stalls are proposed. Other requirements include interior trash and a food service license. Exterior lighting on the site is code compliant.

Batterson asked about the plan for the play area.

Johnson said the applicant is proposing a 3,000 square foot play area at the rear of the site. There are no detailed plans for the play area at this time. Play apparatus taller than four feet must be setback 15 feet from the side and rear property lines.

Batterson asked if the applicant has identified a time frame to construct the play area.

Johnson said no, they have not.

Goodrum asked about the neighborhood.

Johnson said building behind the site is multi-family residential. He presented photos showing the view to the residential area.

Willette asked about the play area location.

Johnson was not certain about the reasoning of the play area location. Though, the applicant has stated they did not want to change the ADA parking near the front of the building.

Makhtal Ahmad stated the play area is moved to the rear because of the desire to allow drop off and pick up parking. The handicap parking was also a factor. He thanked the Commission for reviewing the application.

Bennett asked if the applicant has other day cares.

Ahmad stated they have managed day care facilities but this is their first ownership of a day care.

Batterson asked about access to the play area.

Ahmad noted the children will be using the front entrance to access the play area.

Johnson showed the floor plan.

Nordstrom stated there is not an access from Old Cedar Avenue. The west end of the building is the only access point. The handicap parking should not be moved.

Willette was concerned about the movement between the parking lot and the play area. He asked the applicant how the children will be guided from the building to the play area.

Ahmad said a staff member will guide the children along the side of the property.

Nordstrom recommended marking the parking lot so motorists are aware of the crossing.

Bennett asked about the hours of operation.

Ahmad stated the children will receive homework help. The daycare will be open until 10pm for cleaning purposes and preparing for the following day.

The public hearing was closed via a motion.

Spiess was concerned about the location of the play area. There needs to be a wayfinding measure or marking of the parking lot to show the path between the building and the play area. The day care will be useful for the Mall of America employees who may not otherwise have access to adequate day care in the evenings.

Batterson agreed that this is an area that could utilize a day care. He will not be supportive of the project because of the playground location and lack of timetable for playground improvements.

Nordstrom noted playgrounds are often not convenient from the building. Striping the parking lots would be ideal.

Nordstrom stated the item is a final decision unless an appeal is received by 4:30pm on Tuesday, June 21, 2016.

ACTIONS OF THE COMMISSION:

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

M/Bennett, S/Goodrum: In Case PL2016-75, having been able to make the required findings, I move to adopt a resolution approving a conditional use permit for an approximately 5,300 square foot day care facility located at 8040 Old Cedar Avenue South, subject to the conditions and Code requirements attached to the staff report.

Motion carried 5-1. Batterson opposing.

RECOMMENDED CONDITIONS OF APPROVAL:

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 building permit for all required changes to accommodate the proposed use be obtained.
2. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
3. Prior to Permit Tier 2 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
4. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
5. Prior to C/O Food service plans must be reviewed by the Environmental Health Division (Sec.14.360).
6. Ongoing The Conditional Use Permit is limited to the space and use as shown on the approved plans for Case File #PL2016-75.
7. Ongoing Final Site and Building Plans are required for all exterior changes to the site.
8. Ongoing Development must comply with the Minnesota State Accessibility Code.
9. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
10. Ongoing Signs must be in conformance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.

ITEM 5
7:02 p.m.

CASE:	PL2016-74
APPLICANT:	International Montessori Academy of Minnesota (user) Peace Evangelical Lutheran Church (owner)
LOCATION:	8600 East Bush Lake Road
REQUEST:	Conditional use permit for a day care facility at an existing place of assembly

SPEAKING FOR THE APPLICANT:

Willow Anderson, 7614 South Bay Circle, Bloomington, MN 55438

PUBLIC HEARING DISCUSSION:

Johnson identified the location of the proposed day care facility within an existing church. Surrounding uses include a park, single family homes and townhomes. The use would be a 10 week summer program with 20 participants. The use would utilize three rooms totaling 1,000 square feet in the church basement. Code requires five reserved parking stalls, and the applicant has indicated they have reserved 5 parking stalls in the southwest corner of the parking lot. The proposed use does not trigger improvement of non-conforming site characteristics. The church is responsible to evaluate concurrent use of the property in order to avoid parking challenges. Staff received an email correspondence regarding a concern about the traffic on 86th Street. Staff reached out to City Traffic Engineer Kirk Roberts about the traffic issue. According to traffic engineer, the proposed use will not trigger a traffic problem on 86th Street. Additionally, on-street parking is common on limited days for places of assembly and could be used during some instances. He encouraged the applicant to address the other concerns in the letter of correspondence. Staff is recommending approval.

Willow Anderson, representing International Montessori, stated there are eight students enrolled in the summer program. The numbers of students are staggered each day. Because of the low number of participants and only one staff member utilizing the parking lot, the applicant is not anticipating any issue with parking. The day care will not be open during religious holidays. The church is planning to demolish the neighboring duplex in the future, but she believed that issue is irrelevant to the day care. The day care will be utilizing the existing playground east of the front entrance to the church. The playground is not visible to nearby residential properties.

The public hearing was closed via a motion.

Goodrum thanked staff for addressing the public comments.

Nordstrom stated the item is a final decision unless an appeal is received by 4:30pm on Tuesday, June 21, 2016.

ACTIONS OF THE COMMISSION:

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

M/Spiess, S/Willette: In Case PL2016-74, having been able to make the required findings, I move to adopt a resolution approving a conditional use permit for a day care facility within an existing place of assembly located at 8600 East Bush Lake Road, subject to the conditions and Code requirements attached to the staff report.

Motion carried 6-0.

RECOMMENDED CONDITIONS OF APPROVAL:

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 building permit for all required changes to accommodate the proposed use be obtained.
2. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
3. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
4. Ongoing The Conditional Use Permit is limited to the space and use as shown on the approved plans for Case File #PL2016-75.
5. Ongoing Nighttime use of the day care facility is prohibited unless the parking areas required to serve the day care comply with the lighting requirements of Sec. 21.301.07 of the City Code.
6. Ongoing The property owner must evaluate all scenarios of concurrent use of the church facility. Code-compliant parking must be maintained at all times.
7. Ongoing Food service plans must be reviewed by the Environmental Health Division (City Code Sec. 14.360).
8. Ongoing Signs must be in conformance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.

ITEM 6
7:15 p.m.

CASE:	PL2016-72
APPLICANT:	Janice Bengtson
LOCATION:	620 Mission Road
REQUEST:	Recreational Vehicle Permit to park and store a 24 foot Class II RV less than 5 feet from the side property line

SPEAKING FOR THE APPLICANT:

Janice Bengtson, 620 Mission Road
Randy Lott, 620 Mission Road

SPEAKING FROM THE PUBLIC:

Robert Wakefield, 630 Mission Road
Jeff Young, 636 Mission Road

PUBLIC HEARING DISCUSSION:

O'Day presented the subject property and explained the process relating to review of a Recreational Vehicle (RV) Permit. Planning Commission and City Council review is required if the applicant is unable to obtain signatures from all property owners. The owners at 512 and 630 Mission Road have not signed the Consent Form. O'Day explained the definitions of various recreational vehicles according to the City Code. The subject recreational vehicle is considered a Class II vehicle and is a trailer used to store and haul a classic car. An RV Permit is required if the RV is parked and stored less than 5 feet from the side property line. The applicant is not requesting a waiver to the screening requirement because of a neighboring fence and an attached garage that provides adequate screening.

O'Day displayed photos from the neighboring property at 630 Mission Road and photos from the street looking north and south. The vehicle is not visible from the street and does not impact sight lines. Staff believes the proposed location is the most reasonable location on the property. Staff received two letters of correspondence, one in support and the other in opposition. The driveway in front of the garage was expanded sometime after 1990 and was required to have a five foot setback from the side property line. While staff supports the location of the RV, a condition of approval is proposed that the driveway be modified to meet a five foot setback from the side lot line or the applicant must obtain a variance.

Batterson asked about the fence.

O'Day stated the privacy fence is owned by 630 Mission Road and the white rail fence is owned by 620 Mission Road. There is a condition relating to the maintenance of the fence.

Janice Bengtson and Randy Lott have resided at the home for 20 years. The driveway expansion was existing prior to her ownership of the property. She stated they will modify the driveway if it is necessary, but it will create a significant inconvenience. Randy stated the applicant contacted the City prior to the RV storage in its current location.

Goodrum asked how frequently is the trailer moved in and out of the storage location.

Lott noted it is easier to pull the trailer into the location. It must be maneuvered very carefully as it is close to the garage roofline. It is moved out of the location 4-6 times a year to travel to car shows.

Nordstrom asked what type of vehicles are stored in the trailer.

Lott noted the make and model of the classic vehicles.

Robert Wakefield, representing Kirsten Snater, lives at 620 Mission Road. He believes the trailer is an eyesore and is used as a third stall of a garage. The location of the trailer makes it difficult to maintain his fence.

Jeff Young, 636 Mission Road, notes that he has a three-car garage, as do many of the neighbors. He feels the trailer is not attractive and maneuvering the trailer causes problems. It also restricts access to the rear of the property, which is problematic from a public safety standpoint. He recommended the applicant add on to their existing attached garage out the front or rear. There are concerns over near-traffic accidents that have occurred in the area. The applicant has too many vehicles that add to the problem. He asked that the Planning Commission to vote against the proposal.

The public hearing was closed via a motion.

Bennett asked if there are any findings per Code that help make recommendations for RV Permits.

Markegard stated there are no findings but there are factors that are often considered to help make a recommendation. They include: 1) is there another code complying location available for the RV, 2) does the neighborhood support or oppose the permit, 3) is the proposed location well screened, 4) is there a better location for the RV, and 5) are there physical constraints that restrict the RV location.

Goodrum noted he visited the site. He was concerned about the use of the trailer as a third stall garage. He noticed other RVs in the area and observed they are moveable and used frequently. He was concerned over setting a precedent in this case. He suggested placing a fence in front of the trailer to further screen the vehicle. The driveway should not be replaced as the trailer will be using and damaging the grass. He will not be supportive of the permit.

Batterson appreciated having the trailer tucked back flush with the garage. He also stated there is no other location on the property for the trailer. In addition, he felt that the driveway should be allowed to remain in place.

Nordstrom agreed with Batterson on the location factor. He asked if a survey was done on the location. Screening will be difficult due to space constraints.

Batterson suggested striking the condition requiring removal of the illegal driveway and adding a new condition about screening.

Markegard asked about the intent of the motion in regards to the cost of replacement screening.

Batterson said if the screening comes down, the responsibility and cost of the maintaining screening would be upon the applicant.

Goodrum clarified further by stating that if the neighbor removes the fence, the applicant will be responsible to replace the screening fence to a height that provides effective screening.

Batterson agreed with Goodrum's suggestion. Batterson suggested a revised motion and striking the first condition regarding removal of the illegal driveway. He read, "In Case PL2016-72, staff recommends approval of a three-year Recreational Vehicle Permit to park and store a 24 foot Class II RV less than 5 feet from the side property line at 620 Mission Road, subject to the following conditions: 1) RV permit is only valid for the 24 foot Class II vehicle located as shown on the plans submitted for PL2016-72; 2)

Current screening must be maintained at a cost to the applicant and replaced of like kind and taller should anything happen to the fence.” Motion failed as no one seconded the motion.

Bennett noted that she does not support the motion without original Condition #1, requiring that the illegal portion of the driveway be removed.

O’Day discussed the reason for including the condition.

Markegard stated upon review of applications, staff routinely analyzes the property for Code violations and that applications are frequently used as a time to bring the property into compliance via a condition.

Nordstrom asked about process.

Markegard responded by stating the driveway could be modified to a 5 foot setback, or a variance could be pursued. An as-built survey would identify the actual driveway setback and would be required as part of the variance application.

Spiess noted she does not support removing condition #1 but she is supportive of the suggested motion made by Batterson regarding the screening.

Batterson amended the motion to include the original condition #1, and add his proposed condition #3.

ACTIONS OF THE COMMISSION:

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

M/Batterson, S/Spiess: To amend the conditions. Motion carried 5-1. Spiess opposing.

M/Batterson, S/Spiess: In Case PL2016-72, staff recommends approval of a three-year Recreational Vehicle Permit to park and store a 24 foot Class II RV less than 5 feet from the side property line at 620 Mission Road, subject to the following revised conditions:

- 1) 1) The applicant must remove the illegal driveway or obtain a variance no later than September 30, 2016.
- 2) The Recreational Vehicle Permit is valid only for the 24 foot Class II vehicle located as shown on the plans submitted for Case PL2016-72.
- 3) Current screening must be maintained at a cost to the applicant and replaced of like kind and taller should anything happen to the fence.
Motion carried 4-2. Spiess and Goodrum opposing.

RECOMMENDED CONDITIONS OF APPROVAL:

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. Ongoing The applicant must remove the illegal driveway or obtain a variance no later than September 30, 2016.
2. Ongoing The Recreational Vehicle Permit is valid only for the 24 foot Class II vehicle located as shown on plans submitted for Case PL2016-72.
3. Ongoing Current screening must be maintained at a cost to the applicant and replaced of like kind and taller should anything happen to the fence.

ITEM 7
7:57 p.m.

CASE:	PL2016-91
APPLICANT:	City of Bloomington
LOCATION:	Citywide
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

PUBLIC HEARING DISCUSSION:

Johnson stated the ordinance amendment includes the Bluff Protection and Bluff Development Overlay Districts in order to regulate development activity along the bluffs of the Minnesota River and Nine Mile Creek between 722 foot and 800 foot elevation. The BP-1 Overlay District mainly applies to residential properties whereas the BP-2 Overlay District applies to commercial properties and both have prohibitions below the 760 foot elevation. The ordinance amendment would exempt public structures from the development prohibition in the BP-1 and BP-2 Districts. In addition, staff recommends the public utility structures be included in this exemption. Final Site and Building Plans would be required for the development.

Willette asked if public signage and kiosks would be part of the exemption.

Johnson stated signage and kiosks are not prohibited and therefore have not been discussed at this time.

Willette noted the plan is to install large sign kiosks in the trailhead.

Johnson said the proposed signage improvements are not large enough to qualify as a building.

Nordstrom noted that this ordinance amendment covers only larger structures.

The public hearing was closed via a motion.

Nordstrom stated the item moves to City Council on July 11th, 2016.

ACTIONS OF THE COMMISSION:

M/Spiess, S/Willette: In Case PL2016-91, I move to recommend approval of an ordinance amending Sections 19.38.11 and 19.38.12 to create an exemption from the development prohibition below the 760-foot elevation for public structures in the Bluff Protection and Bluff Development Overlay District. Motion carried 6-0.

ITEM 8
8:09 p.m.

APPLICANT: City of Bloomington

REQUEST: Consider approval of draft Planning Commission meeting synopsis of:

- 5/5/16
- 5/26/16

ACTIONS OF THE COMMISION:

M/Spiess, S/Batterson: I move to recommend approval of the draft Planning Commission meeting synopsis of 5/5/16 as presented.
Motion carried 5-0. Nordstrom absent.

M/Bennett, S/Goodrum: I move to recommend approval of the draft Planning Commission meeting synopsis of 5/26/16 as amended.
Motion carried 6-0.
Bennett noted a change on Item 2, page 4. The vote was with Nordstrom, Fischer and Goodrum for approval.

Markegard thanked Chair Nordstrom and Commissioner Willette and Fischer for their time and service.

The meeting adjourned at 8:10 p.m.

Prepared By: EO **Reviewed By:** GM, MC, NJ, EO

Approved By Planning Commission: July 7, 2016