

Study Meeting #3
Monday, January 31, 2005, 7:00 p.m.
Bloomington Civic Plaza
1800 West Old Shakopee Road
Bloomington, Minnesota 55431-3027

- Call to Order** Mayor Gene Winstead called the study meeting to order at 7:05 p.m.
- Roll Call** *Present:* Mayor Winstead, Councilmembers D. Abrams, S. Elkins, S. Peterson, and V. Wilcox (arrived at 7:07 p.m.).
Absent: Councilmembers A. Grady and H. Harden.
- Approved Updated Affirmative Action Program
ITEM 3.1** Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the City's updated Affirmative Action Program, which will be forwarded to the Minnesota State Human Rights Department. The Plan is updated bi-annually by the City for purposes of recertification from the State of Minnesota.
- Approved Agreement with Bloomington Park Tavern
ITEM 3.2** Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve an agreement between the City of Bloomington and Bloomington Park Tavern to serve liquor at the Burnet Title All Company Annual Awards Event to be held at the Bloomington Center for the Arts on February 2, 2005.
- Approved a Budget Adjustment
ITEM 3.3** Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the following budget adjustment to reflect a 2004 Metropolitan Council Grant, which can only be used for special projects in regional parks, Bush Lake, and Normandale Lake:
- | | | | |
|------------------------|--------------------|----|--------|
| Increase Revenues: | 101-7727-337.46-53 | \$ | 63,132 |
| Increase Expenditures: | 101-7727-452.63-24 | \$ | 63,132 |
- The budget adjustment allows the grant money to be carried over to 2005.
- STUDY ITEM #1
France & Old Shakopee Road
Northeast Quadrant** Motion was made by Elkins, seconded by Peterson, and all voting aye, to direct GRECO to move ahead with their revised plan for the northeast quadrant of France Avenue & Old Shakopee Road as presented at the meeting.
- Regina Harris, Housing & Redevelopment Authority Administrator began by announcing that the streetscape/lighting standard element of this item will be continued indefinitely in order to allow staff time to develop a lighting standard that could be used throughout the city. She introduced Arnie Gregory of GRECO Development and Jack Borman of BKVArchitects who proceeded to present a revised plan for the northeast quadrant for Council's review. She stated the issues concerning stormwater and access resulted in the revised plan.
- Gregory stated that after having been chosen as the developer for this site, a closer examination of the site revealed problems that necessitated their need to revise their initial plan to change the housing (40-50 condominiums) with underground parking planned along Old Shakopee Road to (10) 1,500-square foot patio homes along Ewing Avenue. He stated the land price would remain the same. The stormwater is located too shallow to construct a stormwater retention pond and the cost to install a waterproofing system for the parking garages would be economically too expensive. In addition, prospective buyers at the Village on 9 Mile Creek have been expressing concerns with noise from traffic that GRECO determined would probably be a factor in this location as well.

**STUDY ITEM #1
continued**

Bernhardson described the issues regarding the stormwater as the cost of dealing with the stormwater, its impact on the site, and the impact on being able to do underground parking. He stated that staff is looking at how to deal with stormwater in this area more regionally, rather than site by site. Other issues include site access to Ewing, which includes a cul-de-sac to prevent traffic from using the development to bypass the intersection in this plan to the marketability of condos versus patio homes. He stated that this development is an effort to combine a higher density, mixed-use development that is somewhat transit oriented with an urban face. He suggested the choices for Council consideration are: 1) Accept GRECO's revised proposal, 2) Go back to the three proposers to see if the other two have the ability to make condos work as part of their housing element, 3) reopen the process, 4) determine how much the City would push this project to obtain more density and more residential on this site, 5) delay it due to the market, or 6) a combination of the above.

Harris summarized the other two proposer's submissions in an effort to determine if letting them submit new proposals given the existing concerns would result in better choices for the Council to consider.

Gregory stated that in order to construct condos at a very busy intersection of the city that would do Bloomington proud, they would have to sell for a minimum of \$250,000 to \$280,000 and isn't sure that market is there. He remarked that the Excelsior & Grand development is more of a lifestyle development than what France & Old Shakopee Road can offer. Even if the City found a way to deal with the stormwater issue regionally relieving him of the \$300,000 expense, Gregory stated that he would still be very concerned about the marketability of the condos at the price they would have to sell for given their location on a busy intersection. He stated that one-story patio homes with attached parking are much less expensive to construct than condo units with underground parking. It was stated that the density of the project is constrained by the lack of space for surface parking and underground parking that will not be feasible due to the stormwater issue.

Harris stated that she agreed with Gregory in that according to the promoters of "smart growth," it is better to create a "win" with this first redeveloped quadrant of the intersection, which she believes the patio homes will deliver rather than the condos.

Council concurred that they liked GRECO's revised plan and believed it is better to get the development going rather than go back to the drawing board, which could very well yield the same result.

Bernhardson stated that staff would continue to explore dealing with the stormwater in this area regionally.

With regard to the streetscape alternatives for this area, Elkins stated that he regretted approving Hennepin County's design for the roadway at this intersection, as it lacks raised crosswalks and pedestrian refuges, which the neighborhood requested when they initially discussed the concept of redevelopment in this area. He stated that although the Council selected Streetscape Alternative #3 for this area, there are substantive differences between Alternative #3 and #4 but they weren't focused on by the Council when the decision was made to go with #3.

Staff will provide information to Council on the differences between Alternatives #3 and #4 so that Council can determine if it wants to choose an alternative somewhere in between.

**STUDY ITEM #2
Permanent HX-R
District Standards**

Larry Lee, Community Development Director stated that the purpose of this meeting is to get Council feedback and direction on the issues still outstanding for a permanent zoning ordinance for the HX-R Zoning District.

Glen Markegard, Planner described the three core standards in the Interim HX-R District as minimum intensity requirements, residential density requirements, and very limited surface parking. He stated that public hearings at the Planning Commission and City Council on the zoning ordinance are anticipated to occur in March. He presented the following background information:

**STUDY ITEM #2
continued**

- Issue #1 – Minimum Intensity Requirements
Interim District has a minimum Floor Area Ratio (FAR) requirement of 1.5. Staff believes this is an appropriate level. With Planned Development flexibility, the minimum can be reduced by 20% to 1.2 FAR but given the amenities in this area, less than that would be an underachievement. He stated there are no real comparables to this area in Bloomington. As an example, the Bloomington Central Station development will have a net FAR of 1.55.

Wilcox expressed concern that the Metropolitan Airport Commission (MAC's) 20/20 Plan could shift much of the airport traffic from the Lindberg Terminal over to the Humphrey Terminal, which could further affect development in this area.

Lee stated that the AUAR for Airport South should deal with the traffic coming to the Humphrey Terminal, as MAC provided the assumptions for the traffic modeling. It was also stated that a mixed-use development tends to lower traffic congestion compared to a high office use. He added that McGough has conducted noise testing at all levels including low frequency.

Council concurred with a minimum FAR of 1.5.

- Issue #2 – Required Residential Densities
Interim District requires a minimum of 30 units per acre. Staff believes this is the appropriate density for residential considering the sites that might redevelop in the next 20-30 years. It was stated that this is the number that would be required at the time a developer brings in a plan for Council approval. Later on, the market may demand that the developer combine a couple of units, at which point it would be difficult for the City to demand that they increase the number of units to get the density back up. The minimum of 30 units per acre is a good starting point, but some developments like Bloomington Central Station may end up more in the neighborhood of 40-45 units per acre.

Council concurred with a minimum residential density of 30 units per acre.

- Issue #3 – Structure Placement
Interim District requires a 20-foot minimum building setback along public streets unless further reduced through the planned development process and sets a maximum setback of 20 feet for buildings with ground level retail and service uses. Regarding setbacks and Build To lines, it was stated that private internal drives in the development are not subject to the same setback requirements. Consideration also needs to be given to the public utility and drainage easements in this area as well as street landscapes. Staff provided four alternatives for Council consideration: A) Build to Line at Easement, B) Establish No Setbacks or Build-To Lines, C) Establish a 20-foot Minimum Setback along Public Streets, and D) Establish a 60-foot Minimum Setback along Public Streets. He proceeded to describe staff's concerns with each of them. He stated that staff supports Alternative B, which would allow for maximum design flexibility.

Council concurred with Alternative B stating that no building could take place within the easements.

- Issue #4 – Parking Ramp Standards
As there won't be a lot of surface parking in this district, there will be more parking ramps. Therefore, the aesthetics of the ramps is an issue. Staff is considering having a series of standards that could apply situationally (high profile versus low profile) depending on their location.

Council concurred that language for parking ramp standards should be situational in that where parking ramps have a higher visibility either from the roadway or for the pedestrian circulation, they be held to a higher standard.

**STUDY ITEM #2
continued**

- Issue #5 – Residential Phase-In
How best to ensure residential is not set aside for the last phase of a project that never materializes.

Staff initially proposed that a developer be allowed to construct only 50 percent of the non-residential portion of the development and not be given approval for the rest of the non-residential portion until at least 50 percent of the residential component is constructed. Other percentages could be considered but would need to ensure that a certain number of units be constructed.

Council inquired if bonds could be used as a way to ensure that the residential component gets completed without limiting the initial non-residential portion of the development to 50 percent.

Staff replied that in order to create a significant enough penalty to make the bonds work, they must be approached at the market value of what the development would be.

Council concurred that 50 percent would be a strong guide and a reasonable starting place.
- Issue #6 – Non-Conformities
Whether to allow expansion of existing uses in a manner inconsistent with district standards.

Staff stated that Embassy Suites, the Hilton, and the Xcel Substation are most likely long-term sites that may desire to expand in the future. Staff has allowed expansion of an existing non-conforming use with a conditional use permit but would like to allow the expansion only on an existing parcel and that it not be allowed to expand to other parcels. Findings could be developed for expansion of an existing use with a cap on how much expansion could take place (possibly 10 percent).

Council concurred with allowing non-conforming uses such as the Embassy Suites Hotel, Hilton Hotel and Xcel Substation to expand on an existing parcel by ordinance through issuance of a Conditional Use Permit, despite their non-conformance with district standards.
- Issue #7 – Sign Standards
What type of sign standards should apply within the district?

Council concurred with staff's new sign standards.
- Issue #8 – Skyways, Tunnels or Equivalent
What options are available for promoting pedestrian circulation systems that mitigate winter weather extremes?

Comments were made that skyways siphon off activity from the street level and, therefore, would not be a good idea in the McGough Development. However, Council determined that there might be situations where they would be a good idea so they should not be disallowed but not be required or incented in this district either.
- Issue #9 – Sidewalk Widths
Whether the HX-R District should set minimum sidewalk widths and, if so, what those widths should be.

Elkins stated that the sidewalk itself needs to be 8-10 feet wide and there needs to be a large enough buffer between the sidewalk and the street, especially on busier streets.

Staff will bring back additional information on this issue for continued Council discussion.

**STUDY ITEM #2
continued**

- Issue #10 – Public Art
What, if any, references to public art to include in the permanent HX-R standards.

Elkins inquired if a developer could get an art credit against the Park Dedication fee for including art in a development.

Staff replied that a developer could purchase playground equipment and that the City has some discretion on the Park Dedication fee between land and dollars, however, desired to conduct further research on this issue.

Council continued this issue to a future meeting for further research and a complete Council.
- Issue #11 - Window Standards
Whether to limit the covering of eye level windows to promote Crime Prevention Through Environmental Design (CPTED).

Staff provided suggested modifications to the Interim HX-R window standards and Council concurred with the amended language.

Lee stated that staff would proceed to drafting the standards for the permanent HX-R Zoning District that would be heard at an administrative hearing followed by hearings with the affected property owners.

**STUDY ITEM #3
2005 Priorities for
Zoning Ordinance
Update Project**

Discussion of this item was postponed to the February 28 study meeting.

**STUDY ITEM #4
Comment Letter –
Met Council’s Draft
2030 Water Resources
Policy Plan**

Markegard explained that the Met Council is accepting comments on its Draft 2030 Water Resources Management Policy Plan through February 18, 2005, and that Council’s input would be incorporated into a draft letter for Council approval on February 7.

Bernhardson stated that two issues staff will address relate to SAC charges and Inflow and Infiltration (I/I).

Elkins suggested that the letter also address the pricing policy covering the capital costs of extending sewer lines. He suggested that the pricing policy be changed to charge per acre rather than per hook up.

**STUDY ITEM #5
2005 Legislative
Priorities**

- Bernhardson read through the list of Draft 2005 Legislative Policies and requested Council’s feedback so that the document could be finalized by Council’s March 4 joint meeting with its legislators. Council provided the following comments:
- Metro Radio Board – It was stated that the replacement for the Radio Board is basically a group of owners of backbone infrastructure and that Bloomington functions more as a subscriber via Hennepin County than the backbone owner. Therefore, it makes more sense for Minneapolis and the counties to be part of it and more important for Bloomington to communicate well with the Sheriff’s Office and the Minnesota Department of Transportation rather than the Radio Board. This is a policy that may eventually fade away.
 - Freedom to Breathe Legislation – Council Members received letters requesting they delay implementation of their smoking ban ordinance until the State takes action. However, the Council indicated no desire to delay the March 31 effective date. Staff to respond to the individuals adding that even if Bloomington had the ability to change its date, it would not want to be out of step with what the County adopted.

ADDITIONAL ITEMS

Bernhardson commented that Friends of the Minnesota Valley has a representative going to Washington, D.C. to seek \$3.5 million in funding for replacement of the Long Meadow Bridge and requested a letter of support from the City. He stated that crossing the river is more of an issue for those living south of it and the question is, if Congress gives the City \$3.5 million for this bridge, will the City lose funding somewhere else that it would consider more important.

Council concurred with sending a letter of support indicating that the Long Meadow Bridge is a regional asset that exists within Bloomington's boundaries but that Bloomington doesn't want any funding that may be received for this project to jeopardize funding it has requested for other projects in Bloomington.

Clark Arneson, Assistant City Manager reported that Met Council's Community Development Advisory Commission voted 5-2 to include \$500,000 for Bloomington in the Livable Communities Grant Program.

Wilcox reported that the Noise Oversight Committee (NOC) will be hosting town hall meetings in February and March to update the public on the Part 150 Program, the insulation program, the lawsuits, and give them a preview of the 20/20 Airport Expansion Plan. All legislators will be invited as well as MAC representatives. Bloomington will most likely host a meeting the last week in February. He stated they intend to hand out postcards at each meeting that prompts the public to indicate how they feel about each of the issues with instructions on where to send the postcards. There will also be information available on who their MAC representative is and where to call to complain about airport issues. He stated there would be some printing expenses that will be divided among the six cities involved.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 9:51 p.m.

Barbara Clawson
Council Secretary