

Study Meeting #5
Monday, February 13, 2006, 7:00 p.m.
Bloomington Civic Plaza
1800 West Old Shakopee Road
Bloomington, Minnesota 55431-3027

Call to Order

Mayor Gene Winstead called the meeting to order at 7:00 p.m.

Roll Call

Present: Mayor Winstead, Councilmembers R. Axtell, S. Elkins, A. Grady, S. Peterson, K. Nordstrom and V. Wilcox.

Approved Payment to McGough Company ITEM 3.1

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the payment of \$424,760.24 to McGough Company for a portion of the work for the 2005-302/303 Bloomington Central Station Phase IA, IB, IIA Public Infrastructure Improvement Projects, for the professional engineering design and construction administration services for work URS Corporation has performed.

**STUDY ITEM #1A
BCVB Annual Report**

It was announced that this item has been postponed to the April 24, 2006, Study meeting.

**STUDY ITEM #1B
Runway 17-35 Use & Procedures Report**

Larry Lee, Community Development Director introduced Chad Leqve, Manager of the Noise Programs for the Metropolitan Airports Commission (MAC) and Cindy Green, Operation Manager at MSP Airport. Another representative from MAC was present as was a representative from the Federal Aviation Administration (FAA).

Leqve provided Council with an update on the new Runway 17-35 that began operations at MSP Airport in October 2005. Highlights from his presentation included the following:

- Noise complaint data collected from November 2005 through January 2006. (*A downward trend in number of calls from Bloomington residents since November.*)
- Top three cities for noise complaints in February were from Apple Valley, Eagan & Burnsville.
- Regarding departure procedures, only 70% of the southwest departures complied with the turn point requirement that they delay initiation of their turn to the west until the aircraft has reached 2.5 nautical miles from the start of break release on the north end of the runway. Compliance increased to 85.1% and 87.9% respectively in November and December. In an effort to make the departure process off the new runway easier for the pilots, it was determined that the air traffic controllers would implement those turn point procedures. After initiation of the new procedure, compliance increased to 97.9% in January and continues to improve.
- A breakdown of the use off the new runway. Number of departures and arrivals will be typically less for this runway during winter months given the weather and wind situation. However, the forecasted numbers are that 37% of the total daily departures at MSP will be off the new runway while 16.5% of the total daily arrivals will use this runway.
- MAC to hold two public input meetings in Bloomington: April 25 and June 20.

**STUDY ITEM #1
continued**

Wilcox informed Council that Apple Valley, Farmington, Rosemount and Lakeville have expressed an interest in having representation on the Noise Oversight Committee (NOC). He explained that the NOC Board consists of five permanent seats (Bloomington, Richfield, Mendota Heights, Minneapolis & Eagan) and one rotating seat (St. Louis Park, St. Paul, Burnsville & Inver Grove Heights). He stated there is no appetite on the NOC Board to increase the number of permanent seats but they will be discussing this latest request at an upcoming board meeting. There is the possibility that they could decide to increase the number of cities rotating on the Board from five seats to nine.

Council consensus was that the NOC group should stay the course regarding the number of permanent seats on the Board with possible consideration of expanding the number of rotating seats.

**STUDY ITEM #2
2006 PARC Report
& Work Plan**

Roger Willette, Chair of the Parks, Arts & Recreation Commission (PARC) presented the Proposed 2006 PARC Work Plan and the 2005 PARC Annual Report. Highlights from his presentation included the following:

- 2006 Work Plan Activities: Update the Park Master Plan, participate in the public tree sale, discuss future plans for public art and memorial screening, tour Bloomington parks and historic sites, review Natural Resources subcommittee, attend National and Minnesota annual park conferences, organize the Buckthorn bust, and review the Aquatics and Art Center budgets. *(Elkins commented that it needs to be easier for pedestrians to get from the top of the bluff to the Wildlife Refuge, parkland and river valley.)*
- 2005 Annual Report Activities: Showed photos of some 2005 events, participated in a public art tour, assisted with Annual Arbor Tree Sale event, was updated on the Hyland-Bush-Anderson Lakes Master Plan, attended a Buckthorn control presentation, opened a successful golf course in the Hyland Hills Ski area, participated in a Buckthorn Bust, was given a presentation on the Bloomington Central Park Plan, and sent a PARC member to the MPRA and NPRA annual conferences.

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to accept the 2005 PARC Annual Report and the 2006 Work Plan.

**STUDY ITEM #3A
Zoning Ordinance
Update – Commercial
Zoning Districts**

Glen Markegard, Senior Planner presented the staff report and requested Council input relating to the rezoning approach and the Commercial District Standards. He stated at Council's last study session, Council decided to set aside most of the rezoning to the newly created districts until after the strategic planning process is complete but tackle the high priority areas in the short-term. He explained that staff is seeking direction from Council on what areas they deem "high priority." His presentation relating to zoning highlighted the following:

- Current B1 and B2 zoning districts: Will remain the same with the same name but which the standards and uses may change slightly, the core features of the districts will remain as they are today. The parcels in these two districts will not be rezoned. Landowners will get a letter explaining the changes that are being proposed for those districts to get feedback.
- Current B3 zoning district: Name will remain the same but the standards will change dramatically. It could be considered somewhat of a new urbanist district for the neighborhood commercial areas. Anticipated many of the B3 areas will be rezoned. Key areas: Spur Station at Old Shakopee Road & Old Cedar (to be rezoned to B2), a pawn shop on Lyndale Avenue (to be rezoned to B2), and south of Southtown Area (anticipated to be rezoned).

Grady inquired about the zoning for the String of Pearls parcels.

**STUDY ITEM #3A
continued**

Markegard replied that most of the String of Pearls parcels are currently zoned B2 or B3. He stated in the future, it is proposed that most of the Pearls be zoned B3, especially the higher priority pearls. The current B3 District allows auto dealerships, car washes and pawn shops. Using a map, he highlighted the areas in the B3 District to get Council's feedback on whether they should be put on hold for rezoning until after the strategic planning process or whether they considered them to be "high priority" for short-term rezoning now:

- 98th & Lyndale – Greater Oxboro Area: *(Wait on the rezoning.)*
- 84th to 86th & Lyndale: *(Wait on the rezoning.)*
- 90th & Penn Avenue: *(Wait on the rezoning.)*
- 84th & Stanley (strip mall & Lifetime Fitness): *(Wait on the rezoning.)*
- France & Old Shakopee Road: Does Council desire to see the whole area zoned new B3 or just a portion of it. (Staff stated that away from the corner, a portion of it could be zoned B2. A significant issue is that auto uses would not be allowed in the B3 zone, which might be desired in this area. The question for Council is whether they would want the entire area rezoned B3 or would allow auto uses in the areas away from the intersection.) *(Council suggested that in addition to the Valley West parcel that the strip mall to the north might also be included in a B3 study. Wait on the rezoning.)*

Elkins suggested 98th & Nicollet and Cedar & Old Shakopee Road could be good candidates for B3 zoning after the strategic planning process.

Council concurred that Cedar & Old Shakopee could be a candidate for B3 zoning but that the decision should be made after the strategic planning process.

- South of Southtown area: Defined as south of American Boulevard between Queen Avenue & I-35W. Primary land use is auto dealerships. Staff stated the future of auto dealerships in the area is an issue. Staff suggested the C1 District for the area east of Knox Avenue and for two parcels between Queen Avenue & Penn Avenue south of American Boulevard.

Regarding the area from Penn Avenue to Knox Avenue, Markegard inquired if Council desired to require minimum intensities to ensure that any redevelopment is not a low intensity redevelopment. If so, the C3 or C5 districts should be considered. The other issue is whether the Council would want to require or mandate residential. If not, District C3; if yes, District C5 where residential is required. If Council decides to wait on the rezoning, the B3 District would need to be renamed and redevelopment could occur in the interim under the B3 zoning. The current B3 District allows auto dealerships but the proposed B3 does not. Therefore, if the zoning was left B3, the auto dealerships could remain. If it was decided the current B3 description should continue in the interim, then the proposed B3 should be renamed to something different, i.e. B4. *(Council concurred that staff should proceed with a timely rezoning of the area from Penn Avenue to Knox Avenue to C5 now, which would make all auto oriented uses in that area as non-conforming. The area east of Knox Avenue would be revisited later.)*

Regarding Southtown itself, Markegard stated it is currently zoned CR-1 – Regional Commercial. *(Council concurred that the current zoning should remain until after strategic planning and that if something comes along, a moratorium could be considered with an eventual rezoning to C3.)*

Markegard continued with a discussion relating to uses that might generate the most controversy.

STUDY ITEM #3A
Continued

- In the B3 District, a key point will be the structured placement and parking placement. A focus group expressed resistance to mandating structured parking and rather preferred to provide the flexibility to do it. Their concern was the cost it would add to a development. *(Elkins stated that some on-street parking may be required in these developments and suggested the Council consider the possibility of having some on-street parking along France Avenue south of Old Shakopee Road with the redevelopment of the southwest corner @ France & Old Shakopee Road. Council concurred that in the B3 District, Council will need to take more responsibility for parking and for stormwater control.)*
- In the C1 District, office buildings and restaurants would be allowed. This would apply to areas near American Boulevard & 35W and also may apply to the area on the south side of I-494 between France Avenue and Normandale Boulevard. A key issue is the minimum Floor Area Ratio (FAR) requirements and whether they should be raised for auto dealerships. Regarding the new BMW dealership, it has a FAR of 0.49, which is a site that the market delivered on its own without any City requirements. A consideration in requiring a 0.4 FAR in this district is the free-standing restaurants, which citywide have a problem getting to 0.1. The key in setting that FAR is the future of free-standing restaurants. He asked the question if there can be a different FAR requirement for one use within a district and not for another. The key point regarding requiring FAR's is how the Council views the future of free-standing restaurants. In 20-40 years, this may be a transit corridor and a free-standing restaurant may not be compatible with that. In the shorter term, however, it's part of the existing character of the area. *(Council consensus to not rezone at this time.)*
- In the C3 District, a minimum FAR of 0.5 has been suggested, which would necessitate the need for two-story structured parking – suitable for the next generation of big box retail or a lifestyle center. There is a need for this type of district – potentially the Southtown area and other areas along the strip, i.e. a big box wants to rezone from Industrial to something that would allow big box. The City would be in a position to say it would be willing to rezone to C3 in this area but not to C2, as a way to get a more intense end product.
- Special Standards: These would be in addition to district-specific standards, i.e. special residential use standards in commercial districts, citywide auto sales standards, citywide drive-through standards, pedestrian standards (connecting from the building to the street and to adjacent property), citywide retail structure design standards, building/parking placements, setbacks in B3 and C5, height limits in the neighborhood zones in residential, and retail size limitations in B2 and B3. *(Wilcox expressed concern that any new zoning not render some parcels undevelopable. Staff mentioned the possibility of changing the FAR or minimum lot size in a particular area due to some unique characteristics.)*

STUDY ITEM #3B
2006 Long Range
Planning Priorities

Markegard presented this item explaining that since the Council's last discussion, time estimates for each of the potential projects along with some cost estimates for consultant services, if Council desires to pursue the McMansions and Tree Preservation components, have been added. He requested Council identify any potential projects they would like to see moved up on the list of priorities. Staff projects it will take approximately 4-6 months to complete the McMansion and Tree Preservation standards.

With regard to McMansions, Elkins suggested the City utilize a provision that exists today in Edina's City Code as an interim stop-gap measure.

**STUDY ITEM #3B
Continued**

Bernhardson suggested it hasn't worked that well for Edina and that's why they are going through this process. He stated Edina's provision is a "one size fits all" and may not address the projects City of Bloomington is most concerned with and could actually stifle some of the redevelopment or additions that Bloomington has traditionally allowed for single-family homes and two-family homes. He suggested it might be better to work on developing something that would be more suitable in the long-term, as it would still take time to incorporate Edina's provision into the City's Code anyway.

Peterson stated his preference to wait and go through the process as planned.

Axtell expressed concern that certain changes to the City Code regarding McMansions could result in negatively impacting one's property value causing an economic hardship for them.

Motion was made by Peterson, seconded by Elkins, and all voting aye, to direct staff to pursue the use of a consultant to assist Planning Division staff with the development of standards for Monster Homes and Tree Preservation with an anticipated completion date of August 1, 2006.

Motion was made by Elkins, seconded by Grady, to draft language similar to that of Edina's Zoning Code relating to McMansions in order to get the process rolling. Motion failed 2-5 (Winstead, Wilcox, Peterson, Axtell, & Nordstrom opposing).

Elkins stated he would like to see Traffic Demand Management standards folded into the updated zoning process.

Motion was made by Peterson, seconded by Axtell, and all voting aye, to approve Planning's 2006 Work Plan as presented and discussed.

**STUDY ITEM #4
2006 Legislative
Program**

Staff presented Council with an updated version of the 2006 Legislative Policies for their review. They suggested the following edits to the document:

- Page 1: Delete the sentence regarding MVST constitutional language under #1, as it is a separate statement listed as #2.
- Page 11: On more of a Federal level, support the ability of the City's cable consumer to buy cable channels on an ala carte basis.
- Page 11: Also on more of a Federal level, support telephone service providers not discriminating against fellow providers in order to leverage their own services.
- Page 2: Under additional transportation funding, add LMC Report/Initiative to allow local communities to issue grant anticipation bonds.
- Proposed Eminent Domain legislative language: As it's being worked on at both the Federal and State levels, Bloomington's position on this issue is that only minimal changes be made.
- Page 19: A typo under the third bullet – delete the "y" in "they."

Council was reminded of the joint Council/Legislative Delegation meeting scheduled for 7:30 a.m. on February 24. They were also encouraged to attend the Municipal Legislative Commission breakfast scheduled on February 23.

**STUDY ITEM #5
2006 Strategic
Priorities**

Bernhardson stated that staff has identified \$5.3 million for Strategic Priorities. However, garnering more money in the future is not likely without increasing the levy. He stated that staff has identified possible projects to be considered for Strategic Priority funding that totals approximately \$4 million. He asked Council to review the list to see if there were any projects that should be added or deleted. He reminded Council that they will likely come up with some additional projects to add to the list upon completion of the Strategic Planning process.

**STUDY ITEM #5
Continued**

In response to Council's inquiry regarding whether there is any money available for land banking, Bernhardson explained that there is \$4 million in Community Renewal of which \$2 million in 2007 is earmarked for the southwest corner of France & Old Shakopee Road. He stated that in order to start banking land for long-term development, it may have to come from the levy. With regard to the \$100,000 listed under Traffic Calming, he explained that it covers a staff person and some restriping. In order to keep it going, Council may have to look at budgeting for it out of the levy as early as 2007 or 2008.

Lori Economy-Scholler, Director of Finance reviewed the "Draft" Strategic Priorities Project List and requested Council feedback, which they provided as follows:

- Under Strategic Planning, add a segment to be studied on 98th Street from Nicollet Avenue to TH 77.
- Suggested linking a community festival with the 150th Anniversary celebration.
- Change the funding amount needed for the Long Meadow Bridge from \$5 million to \$1 million.

Staff to refine some of the numbers for Council's continued discussion at a future meeting.

Adjourn Meeting

Mayor Winstead adjourned the meeting at 10:17 p.m.

Barbara Clawson
Council Secretary