



# PLANNING COMMISSION SYNOPSIS

March 11, 2010

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**CALL TO ORDER**

Chairperson Baloga called the Planning Commission Meeting to order at 6:00 p.m. on March 11, 2010 in the Council Chambers of the Bloomington Civic Plaza.

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**COMMISSIONERS PRESENT:** Baloga, Nordstrom, Klassen, Willette, Lucas, Fricke, Oleson, Felkner, Marsh

**COMMISSIONERS ABSENT:**

**STAFF PRESENT:** Bowlin, Farnham, Hawbaker, Pederson, Frost

Baloga led the attendees in the reciting of The Pledge of Allegiance.

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**ITEM 1**

6:04 p.m.

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<b>CASE:</b>	7975A-10
<b>APPLICANT:</b>	Lifespace Communities (Friendship Village)
<b>LOCATION:</b>	8100 Highwood Drive
<b>REQUEST:</b>	Revised Final Development Plan for a fitness center, underground parking garage and surface parking

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**APPEARING FOR THE APPLICANT:**

Mina Adsit, Tremain Architects and Planners, Ltd  
Ron Donacik, Friendship Village  
Karen Lloyd, Friendship Village

**DISCUSSION BY THE COMMISSION:**

Farnham summarized the staff report for Case 7975A-10 recommending approval of a Revised Final Development Plan for a fitness center, underground parking garage and surface parking at 8100 Highwood Drive subject to the 10 conditions and 14 code requirements listed in the staff report.

Oleson asked if MnDOT's current plans for the reconstruction of 169/494 would affect this site. Farnham indicated there might be some slight changes to the right-of-way but they do not anticipate any major changes.

Nordstrom inquired as to what exercise amenities are currently available and how this fits into the plan to provide greater recreation and physical therapy. Lloyd stated they have grown into a fully dimensional wellness program including physical fitness. A fitness instructor is on site as well as support from a couple fitness contractors. The physical fitness program has been encouraged and currently about 300 residents have taken the assessment and are placed into five different levels of fitness classes. Twenty-one fitness classes are offered weekly.

Lucas asked about the depth of the swimming pool and how it was determined that people wanted that type of amenity. Lloyd noted the last three years they have been doing surveys on the waiting list of future residents. They are asked if they swim or would use a pool if available. They are educating on the benefits of water exercise (aerobic and therapeutic environment). The pool is designed to be 28' x 60' (a depth of 3.5' on one side and 4.5' on other side) with a lane for lap swimming. Also included in

the fitness center will be an exercise studio, room for current strength and cardio equipment, locker rooms, social areas for meeting/greeting, golf simulator, and two massage rooms.

Lucas asked if the north entrance off Marth Road is anticipated to increase in volume and if it will be used differently in the future. Adsit noted this is used primarily by the residents. There may be a slight realignment of the north/south access road.

Willette asked if residents will be able to access the swimming pool by indoor corridors. Lloyd noted there are two indoor walkway corridors connected to the fitness center. All buildings are connected except for the townhomes.

Oleson inquired as to the type of subsoil and if any thought has been given to the use of permeable surface for parking areas above ground. Adsit stated that geotec was done and found that the soils are suitable for use. There are some water table issues that need to be monitored in the spring. Permeable surface will be used in places that can be maintained and protected.

Oleson inquired if a pre-treatment process is used for chlorine in the swimming pool before it goes to the sewage pipes. Adsit stated the pool uses a salt water process instead of strictly a chlorine process so the chemical make-up of the pool water is a little different and the way they sanitize it is different. It only gets completely drained for a major maintenance type event. It does connect to the sanitary system.

Fricke asked Adsit about fire access. Adsit reviewed the plans and noted there are interior standpipes in the stairwells plus the building is fully sprinklered.

Baloga asked how much space in the current complex is devoted to fitness activities. Adsit stated the fitness center is currently borrowing space from the other program areas. Lloyd noted the rooms that are now being used for fitness activities will go back to other classroom or activity uses.

Baloga asked Lloyd how the entity will support the cost of the new facility as far as capital costs and operating cost. Lloyd stated about \$2 million has been set aside over the past 8-10 years. One million dollars has been raised by the residents. All Friendship Village residents will be allowed to use the fitness center. Residents will be assessed for safety and particularly pool safety.

Willette asked how the parking spaces will be assigned. Donacik stated underground parking will be offered to those residents who now have garage parking as a first priority. As new residents come into the community, they will be offered that same choice if spaces are available. Access to underground parking will be through the fitness center, which is connected to the adjacent buildings.

Oleson acknowledged a letter from a resident at Friendship Village to staff in opposition to the fitness center development. Farnham has responded to the author of this letter.

Pederson noted the 494/169 project is moving forward with the design build process. They are holding some neighborhood meetings. The outside footprint of the project has not changed from the original municipal consent in 2008. She noted their project does not affect this development other than the angle to the driveway on the north end may change slightly.

Lucas referenced the possibility of closing Highwood Drive (a main entrance to that campus) and when that closes, more traffic will use the north entrance. He asked if there has been a study on MnDOT's plan as to how it will affect the north entrance. Pederson stated that Highwood Drive is not closing, however; it will not continue across 169. Residents will still have access to Highwood Drive. It will be their choice if they want to use the north entrance.

Baloga stated this item will be heard at the March 22, 2010 City Council meeting.

#### **ACTIONS OF THE COMMISSION:**

**M/Nordstrom, S/Klassen:** To close the Public Hearing. Motion carried 9-0.

**M/Klassen, S/Nordstrom:** Having met the findings in Case 7975A-10 recommends approval of Revised Final Development Plans for a fitness center, underground parking garage and surface parking at 8100 Highwood Drive subject to 10 conditions and 14 code requirements listed in the staff report. Motion carried 9-0.

#### **CONDITIONS OF APPROVAL RECOMMENDED BY THE COMMISSION:**

- 1) A 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) The Grading, Drainage, Utility, Erosion Control and Traffic Control plans shall be revised for approval by the City Engineer;
- 3) A Stormwater Maintenance Plan shall be provided that is signed by the property owner and filed of record with Hennepin County;
- 4) A Nine Mile Creek Watershed District Permit shall be provided;
- 5) A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) shall be provided if greater than one acre is disturbed;
- 6) An Erosion Control Bond shall be provided;
- 7) Sewer Availability Charges (SAC) shall be satisfied;
- 8) A Minnesota Pollution Control Agency (MPCA) Sanitary Sewer Extension or Modification Permit shall be obtained or notification from the MPCA that this permit is not required shall be submitted to the City;

and subject to the following conditions:

- 9) All construction stockpiling, staging, and parking take place on-site and off of adjacent public streets and public rights-of-way; and
- 10) All loading and unloading occur on site and off of public streets.

Code Requirements:

- 1) Operations on the site must comply with the noise standards in Sec. 10.29.02;
- 2) Exterior building materials shall be approved by the Planning Manager (Sec. 19.63.08);
- 3) Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec 19.52);
- 4) All rooftop equipment be fully screened (Sec. 19.52.01);
- 5) Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
- 6) All trash and recyclable materials be screened and stored inside the principal building (Sec. 19.51);
- 7) Recyclable materials shall be separated and collected (Sec. 10.45);
- 8) Building shall be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903);
- 9) Fire lanes be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3);

- 10) Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, MN State Fire Code Sec. 508);
- 11) Electronic utility as-builts, per City of Bloomington requirements, shall be submitted to the Public Works Department prior to the issuance of the Certificate of Occupancy.
- 12) Connection charges shall be satisfied;
- 13) Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code; and
- 14) A Uniform Sign Design in conformance with the requirements of Chapter 19, Article X of the City Code shall be approval by the Planning Manager.

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**ITEM 2**

6:45 p.m.

<b>CASE:</b>	10000B-10
<b>APPLICANT:</b>	City of Bloomington
<b>REQUEST:</b>	Ordinance Amendment: Driveway Approaches

**APPEARING FOR THE APPLICANT:**

Shelly Pederson, City Engineer

**SPEAKING FROM THE PUBLIC:**

Rob Lunz, 8608 Pine Hill Road  
Brett Nutting, JLM Design Build

**DISCUSSION BY THE COMMISSION:**

Pederson summarized the staff report for Case 10000B-10 recommending approval of the proposed driveway approach amendments to Chapters 15, 17, 19 and 21 of the City Code and including Option 2B in Section 17.13 as presented in the staff report.

Klassen asked what percentage of driveways has decorative materials in the driveway approach area. Pederson noted there are a few each year on the Pavement Management Program and estimates approximately one to three percent. Some decorative driveways were installed without permits. Klassen asked who bears that cost today. Pederson stated that currently a new driveway with decorative materials requires an Encroachment Agreement. If the property owner took out a permit, they would be responsible. The code now requires a three foot concrete apron from the edge of the curb. She explained the point of contention is that many homeowners want paver stones all the way to the curb. Staff is willing to have the three foot concrete requirement removed from the code so the property owner is responsible for that area if a project affects the approach area.

Oleson questioned whether previously installed decorative driveways are grandfathered in. Pederson stated they would not be. Depending on which option is chosen, Option 2B states the homeowner is responsible for the driveway approach area in the right of way. Some residents have Encroachment Agreements and there is available a legal process to have it removed from their property so it would not be reflected on the title work.

Nordstrom noted in many cases the property line may be 15 feet back so there is a segment of the driveway from the back of the concrete apron to the property line that might be affected in a project. Pederson noted the approach length may differ and all of the approach area is the responsibility of the property owner.

Baloga asked about the types of decorative driveways. Pederson noted that stamped concrete, colored concrete and pavers are considered decorative, basically anything other than standard gray concrete or asphalt.

Klassen asked for cost clarification for the property owner. He understands that the homeowner is responsible for the decorative apron of the driveway if a public project takes place rather than the difference between the standard concrete and the decorative materials. Pederson indicated that was correct.

Referring to Klassen's comment above, Fricke asked if the City has considered offering the homeowner compensation in an equivalent amount for the difference. Pederson indicated that would be discussion for the City Council and presently it is not part of the proposed ordinance change.

Marsh inquired about how sidewalks in the driveway approach areas of a decorative driveway are handled. Pederson responded with the following examples: Some property owners have chosen to have concrete between the sidewalk and the curb and some have chosen to have pavers between the sidewalk and curb. At this time, staff is recommending that the sidewalk remain regular concrete.

Klassen commented that if the driveway approach area is larger than 3 feet, maybe the Council should consider some value assessed if it is a significant portion of the overall area.

Fricke prefers that the property owner does not have to sign an Encroachment Agreement. He inquired how the property owner finds out about the driveway codes. Pederson stated it is in the City Code and when a permit is obtained for a new driveway approach, the homeowner receives information at that time. If it is part of a PMP project, the homeowner receives written notification of informational meetings and it is discussed in the meeting presentations.

Klassen felt a few years ago the City was encouraging more porous and permeable driveways and feels this would counter that. Pederson noted that paver driveways have always been allowed.

Baloga asked if they surveyed other communities regarding their policies. Bowlin noted that Edina allows pavers to the curb in the right of way and have requirements regarding the apron. If it is a surmountable curb, they allow pavers without an apron. For other curb types, they require a minimum 18 inch apron. Richfield requires a concrete driveway apron; Minnetonka requires an apron for new driveways; Eden Prairie has mostly surmountable curbs so there are fewer requirements; and Burnsville does not require a concrete apron.

Rob Lunz stated in 2008 he had his deteriorated driveway replaced with a new paver driveway and installed an adjacent rain garden to be more sensitive to water run-off issues in their area. They received a \$3,000 grant as part of a Cost Sharing Grant Program sponsored by the Nine Mile Creek Watershed District to help homeowners with the costs of reducing hard surface areas on their land.

Lunz was aware of the City's concrete apron requirement but chose to have pavers installed up to the curb anyway. He was notified in 2009 by the Engineering Department that their driveway did not conform to the City's standards and was asked to apply for a permit and an Encroachment Agreement. He applied for a permit and an Encroachment Agreement and paid the \$200 and \$50 respectively. He feels this is not the greatest policy for the City. He presented a copy of their letter to the City Council dated 10-8-09.

Lunz recommends Option 3 and feels anyone putting in pavers should not be treated any differently than someone who puts in asphalt or concrete. He also noted there are many paver driveways that pre-date the 2006-07 ordinance change and feels the City is responsible for repairing those paver driveways because they were installed before the previous code change. He noted with a project, there is no destruction because pavers are removed and replaced after the project; concrete needs to be replaced. He noted that the pavers have created value to his home and will pay more taxes and that will benefit the City. He stated the present policy discourages homeowners to install pavers when they replace their driveways.

Brett Nutting explained his company is one of the largest interlocking paver installers in the area and they have been in business for 39 years. He has been with the company for 24 years.

Nutting stated Option 2B is realistic and fair, however, he prefers Option 3. His company markets pavers as the most repairable driveway on the market. He noted their pavers are twice as dense (10,000 psi) as the city curb and a snowplow cannot damage them. He would strongly recommend that sidewalks in a decorative driveway remain as standard concrete. He noted the Encroachment Agreement does not encourage homeowners to purchase a decorative driveway. He feels it is unfair for the City to replace asphalt and concrete driveway aprons and not give homeowners with pavers any compensation.

Nordstrom asked if there was a difference between the surmountable and barrier type curb and if that is part of the problem. Pederson stated when it was installed in the past in certain areas of the City, surmountable curb allowed for more choices as to where to place a driveway. With the barrier type curb, they knew exactly where the driveways would be put in. She noted most of the surmountable curb is in the western part of the City.

Oleson suggested this item be tabled before forming a motion. He is a bit concerned about the comment that we may be moving toward permeable driveways without knowing what the impact might be on the curb or other factors in terms of water treatment, etc. Pederson stated the City has an excellent Water Resources area and they have looked at pervious driveways, pervious pavement, etc. It is important to look at where the water drains to.

Nordstrom addressed inherent value in replacing a disturbed portion of an existing driveway that meets code. That is not addressed in one of the options and noted this should be addressed and forwarded to the City Council since they have the final approval.

Klassen agrees with Nordstrom and as stated previously, that there is value in that three foot driveway apron area. The City could identify what that is with a value and that property owner would be entitled to that dollar value of replacement. He prefers to remove the required Encroachment Agreement and likes Option 2B with some type of cost feature for the value of that area if they don't use concrete or asphalt.

Fricke stated there is a problem with Option 2B, mainly the words, "expensive" and "decorative." They both carry some prejudice and what we are really talking about is the cost of replacing the driveway but there is also some value in having a decorative driveway which increases the home's value. The problem with Option 3 is that you open it up to replacing whatever is there and it could be a costly driveway of some sort. There needs to be some definition of what it is that the City will replace within a certain limit and anything beyond that will be the responsibility of the homeowner. He would encourage more homeowners to install decorative driveways because it increases the value of the properties.

Felkner and Klassen felt this area of the ordinance may need to be reworked before the Commission takes action.

Fricke expressed his desire to move forward and likes Option 3. This option would open up the City to all sorts of problems but in terms of cost, he feels it is a service to the citizens of Bloomington. Possibly staff could come back with an amendment which would limit potential liabilities for unusual or costly driveways.

Lucas would recommend moving forward with Option 2B. He stated it would put some financial burden on the homeowner if their driveway is affected in the process of construction but the City would do whatever it can to put the driveway back to the pre-construction condition. He feels it is a cost that a homeowner that puts this type of driveway in can bear.

Baloga stated it is a responsibility to increase the community's home values and was only able to hear from two residents at this meeting. He finds it an injustice if a homeowner incurred the cost of improving their property with a decorative driveway and they have to expend greater cost to have it repaired for a City project. He prefers Option 3 because it meets with his objectives.

Oleson asked how much time city staff would need to bring this item back to the Commission for future consideration. Pederson noted they could bring it back in two weeks. She said this is an advertised public hearing at the City Council.

Willette asked if it would be possible to offset some of the costs of the decorative driveways during a project. Pederson noted the cost is part of the Pavement Management Program. However, if the Commission would like to recommend to the Council to take a look at an equitable way to cover this without the PMP, they could bring that forward with the ordinance for the council to consider.

Marsh stated she is not comfortable with Option 3 because of the high cost of some decorative driveway materials.

Klassen would be willing to support Option 3 with an additional condition added to it that will identify the equitable value of that driveway approach.

Marsh suggested not specifying a specific dollar amount, but giving a credit toward the decorative materials.

The Commission continued their discussion of Option 2B and Option 3 in regard to the driveway approaches. The Commission made a motion and withdrew it; another motion failed to pass. A new motion received unanimous vote as noted.

Baloga stated this item was pre-advertised and will be heard at the March 22, 2010 City Council meeting.

#### **ACTIONS OF THE COMMISSION:**

**M/Nordstrom, S/Marsh:** To close the Public Hearing. Motion carried 9-0.

**M/Nordstrom, S/Lucas:** In Case 10000B-10, recommends approval of the City of Bloomington City Code amendment to driveway approaches as presented by staff to amend Chapters 15, 17, 19 and 21 of the City Code and including Option 2B text in section 17.13 with the following modification: In sentence one, staff recommends Option 2B to allow flexibility of materials but requires the property owner to bear the cost of replacing their materials in excess of the standard concrete and bituminous material as used within the Pavement Management Program. Motion passed 9-0.

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**ITEM 3**  
8:55 p.m.

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<b>APPLICANT:</b>	City of Bloomington
<b>REQUEST:</b>	Election of Officers/Review Rules of Procedure

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**APPEARING FOR THE APPLICANT:**

Bob Hawbaker, Planning Manager

**DISCUSSION BY THE COMMISSION:**

Hawbaker explained at the first meeting in March of every year, the Commission is required to conduct a secret ballot for the positions of Chair and Vice-Chair for a term ending at the end of the calendar year. He explained it is also required to appoint the Secretary, confirm approval of the appointed Secretary with a verbal vote and to review the Rules of Procedure recommending any changes that are necessary.

**ACTIONS OF THE COMMISSION:**

The Commission conducted a secret ballot voting Jack Baloga as Chairperson and Loren Klassen as Vice-Chair for terms ending December 31, 2010.

The Chair appointed Mike Hiller as the Secretary of the Planning Commission for a term ending December 31, 2010.

The Commission reviewed the Rules of Procedure and adopted them as presented in the staff report with no changes.

**M/Lucas, S/Klassen:** To accept the appointment of Mike Hiller as the Secretary for a term ending December 31, 2010. Motion carried 9-0.

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Baloga announced the next Planning Commission meeting is a study meeting to be held in the McLeod Room at 6:00 p.m. on March 18, 2010.

**APPROVAL OF MINUTES**

**M/Klassen, S/Nordstrom:** To approve the minutes of the February 11, 2010 and February 18, 2010 Planning Commission meetings as presented. Motion carried 9-0.

The meeting adjourned at 9:05 p.m.

**Prepared By:** DF **Reviewed By:** GM, JF, JD

**Approved By Planning Commission:** 4/1/10

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