



PLANNING COMMISSION SYNOPSIS

March 25, 2010

CALL TO ORDER

Chairperson Baloga called the Planning Commission Meeting to order at 6:00 p.m. on March 25, 2010 in the Council Chambers of the Bloomington Civic Plaza.

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

COMMISSIONERS ABSENT:

STAFF PRESENT: Hawbaker, Markegard, Marohn, Roberts, Hiller

Baloga led the attendees in reciting The Pledge of Allegiance.

ITEM 1

6:04 p.m.

CASE:	6688A-10
APPLICANT:	Saltwater Empire, LLC (Herman F. Grimm IV)
LOCATION:	9125 Lyndale Avenue 680 West 92 nd Street (tenant address)
REQUEST:	Conditional Use Permit for retail sales

APPEARING OR THE APPLICANT:

Fritz Grimm, owner of Saltwater Empire

DISCUSSION BY THE COMMISSION:

Hawbaker summarized the staff report for Case 6688A-10 recommending approval of a Conditional Use Permit (CUP) for retail sales at 9125 Lyndale Avenue (680 West 92nd Street, tenant space) subject to the 3 conditions listed in the staff report.

Klassen asked staff to comment on the rationale behind condition number three. Hawbaker stated the condition was included so that minor revisions could be dealt with administratively, but larger increases in floor area if the business expands could be directed back to the Planning Commission by the Director of Community Development.

Grimm explained his business is a very unique business with his closest business competitor being in the Chicago area. He welcomed the Commission and the public to visit the store to see firsthand the uniqueness of the business.

Baloga stated this item will be heard at the April 12, 2010 City Council meeting.

ACTIONS OF THE COMMISSION:

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

M/Lucas, S/Willette: Having met the findings in Case 6688A-10 recommends approval of a Conditional Use Permit for retail sales at 9125 Lyndale Avenue (680 West 92nd Street, tenant space) subject to the 3 conditions listed in the staff report. Motion carried 9-0.

CONDITIONS OF APPROVAL RECOMMENDED BY THE COMMISSION:

- 1) The retail sales be limited to aquatic pets and supplies;
- 2) License as required in City Code Section 14.305 be obtained; and
- 3) The gross floor area of business nor the floor area devoted to the retail sales (activity) be increased without approval by the Director of Community Development.

ITEM 2

6:10 p.m.

APPLICANT:	City of Bloomington
LOCATION:	West 102 nd Street between Pleasant Avenue and Nicollet Avenue
REQUEST:	Request for Parking Ordinance Amendment: West 102 nd Street between Pleasant Avenue and Nicollet Avenue

DISCUSSION BY THE COMMISSION:

Baloga stated this item has been requested to be continued to a later date as staff will be meeting with Council to discuss direction for proceeding with requests to add parking on future bike routes/striped shoulders.

ACTIONS OF THE COMMISSION:

M/Klassen, S/Nordstrom: To recommend continuance to a later date of a request for Parking Ordinance Amendment: West 102nd Street between Pleasant Avenue and Nicollet Avenue. Motion carried 9-0.

ITEM 3

6:11 p.m.

CASE:	10002B-10
APPLICANT:	City of Bloomington
LOCATIONS:	135 West 97 th Street; 5, 50, 100, 108, 136, 200, 208, 220, 400, 500, 501,600, 611 and 801 West 98 th Street; 9818 Nicollet Avenue; 600 West 93 rd Street; 720 West 94 th Street; 9818 and 9830 Aldrich Avenue; 9216, 9300, 9308, 9316, 9324, 9521,9601, 9609, 9617 and 9649 Garfield Avenue; 9700 and 9740 Grand Avenue; 9000, 9010, 9030, 9200, 9201, 9209, 9211, 9215, 9225, 9230, 9240, 9246, 9255, 9300, 9301, 9304, 9305, 9308, 9309, 9320, 9321, 9327, 9329,9336, 9400, 9412, 9420, 9424, 9432, 9448, 9480, 9488, 9501, 9529, 9600, 9601, 9621, 9624, 9633, 9700, 9701, 9728, 9742, 9800, 9801, 9847, 9850, 9901, 9939, 9947 and 9955 Lyndale Avenue
REQUEST:	Rezone parcels from Central Business (CB) Zoning District to General Commercial (B-2) Zoning District

APPEARING FOR THE APPLICANT:

Glen Markegard, Planner

SPEAKING FROM THE PUBLIC:

Peter Beck, representing Ziegler

Mike Aune, Facilities Manager, Ziegler

Ken Vinje, Director of Properties and Redevelopment, Kraus-Anderson Realty Company

James Swanson, Senior Property Manager, Clover Shopping Center

DISCUSSION BY THE COMMISSION:

Markegard summarized the staff report for Case 10002B-10 recommending approval of rezoning the 83 named parcels to the B-2, General Commercial zoning district.

Markegard stated as part of an ongoing effort to update and streamline Bloomington's zoning ordinance and map, the City Council has initiated consideration of rezoning all land in Bloomington zoned CB Central Business to the B-2 General Commercial zoning district. All overlay districts, including Planned Developments, which apply to areas zoned CB would continue to apply after the rezoning. The CB district applies primarily to commercial areas along Lyndale Avenue south of 90th Street and to commercial areas along 98th Street between I-35W and Nicollet Avenue.

Markegard stated the City of Bloomington has undertaken a multi-year project to update its zoning standards and districts, which largely date from the 1950s and 1960s. Part of that update has been the creation of new commercial zoning districts designed to reflect current development objectives and to replace several older districts. The City has been applying the new zoning districts area by area through rezoning. To date, rezonings to apply the new districts include the Normandale Lake Area, application of the B-4 district, application of the C-4 district outside of district planning areas and numerous sites on which landowners have requested rezoning to the new districts. As part of this broader project, in November of 2009, the City Council initiated consideration of rezoning all land currently zoned CB Central Business to B-2 General Commercial.

Markegard stated the CB and B-2 Districts are both envisioned to be predominantly retail in nature. Both districts allow retail, service, office, medical office, restaurant, auto service, gas station and

existing motor vehicle sales uses among others. CB also allows a few uses generally associated with industrial zoning districts (warehousing, wholesaling and outside storage uses), whereas B-2 does not. Staff believes warehousing, wholesaling and outside storage uses are not compatible with neighborhood and community commercial nodes such as the greater 98th and Lyndale area and other nodes throughout Bloomington. While staff is not aware of any warehousing or wholesaling uses within the CB District, staff is aware of one outside storage use at 9488 Lyndale Ave. S. (Ziegler heavy equipment storage).

Markegard stated there are several differences in the CB and B-2 standards. B-2 requires less building setback than does CB. For example, B-2 requires a minimum 35 foot setback along public streets, whereas CB requires 65 feet. CB also requires a larger minimum building size (4,000 sq. ft.) than does B-2 (3,000 sq. ft.). As an older district, CB has no district specific floor area ratio (FAR) or height limits. Development intensity in CB is limited indirectly through parking requirements and setback standards. B-2, by comparison limits FAR to 0.5 and building height to 2 stories. Today, if more intense and taller development is proposed in a B-2 district, absent PD flexibility or a variance, a discretionary rezoning would be required and it would need to occur under the standards of another zoning district.

Markegard stated it is important to note that the City is currently in the process of updating its height standards. While that project is still in the study discussion stage (March 18 at Planning Commission, April at City Council), early drafts envision treating the B-2 and CB districts identically with respect to height limits (4 stories/50 feet if abutting protected residential uses and 6 stories/70 feet if not abutting protected residential uses).

Markegard stated except for public uses, the area zoned CB is guided by the Comprehensive Plan under the Community Commercial and General Business designations. The Community Commercial designation limits tenant spaces to 80,000 square feet and the General Business designation limits tenant spaces to 20,000 square feet. Although these tenant space limits are already in effect through the Comprehensive Plan, the CB district, as an older district intended to be eliminated in 2010, does not include tenant space limits. Nevertheless, by virtue of the Comprehensive Plan, the limits do apply to the area zoned CB. The B-2 district matches the Community Commercial tenant space limit of 80,000 square feet.

Markegard stated staff has conducted a windshield survey of the area zoned CB to identify any uses that would be nonconforming under the B-2 district. The only use within the rezoning area identified as nonconforming under the B-2 district is the outside storage use (Ziegler heavy equipment storage) at 9488 Lyndale Ave. S. 9488 Lyndale (zoned CB and guided General Business) is only a small portion of the larger Ziegler site, the vast majority of which is zoned I-3 and guided Industrial. Outside storage is not allowed within the B-2 district. While outside storage is allowed as a conditional use in the CB district, staff has not been able to find any evidence that a conditional use permit or other approval was issued for outside storage at 9488 Lyndale. As an illegal use, the outside storage along Lyndale would not be grandfathered.

Markegard stated the minimum site area in the B-2 district is 25,000 sq. ft. There is no minimum site area in the CB district. There are several lots currently zoned CB under 25,000 sq. ft. in area that would become legally nonconforming lots. It is important to note that the only trigger for bringing a legally nonconforming lot into compliance is subdivision or replatting of the lots. In other words, the lots can remain and continue to be used at their current size. The sites can be redeveloped again and again without altering the lot size. They would only need to come into conformance (through parcel assemblage, variance or planned development flexibility) if the nonconforming lots were replatted.

Markegard stated given that required setbacks in the B-2 district are less than in the CB district, all structures should be conforming with respect to required setbacks (or alternatively would have received planned development flexibility and remain legally conforming). With respect to the two story height

limit currently in the B-2 district, staff is aware of one structure in the CB district that exceeds two stories. The Oxboro medical office building at the northeast corner of 98th and Lyndale is three stories. The standards for that structure were set through the planned development process, however, so the structure would remain legally conforming after rezoning.

Markegard stated Kraus Anderson's concerns are in regards to the Clover Center site at the northwest corner of 98th and Lyndale Ave. Staff met with Kraus Anderson representatives on March 4th and received correspondence on March 9th. The letter discusses three concerns: the B-2 height limits (2 stories); the B-2 tenant size limits (80,000 sq. ft.); and permitted uses currently allowed under CB not allowed under B-2.

Markegard stated in regards to the Clover Center site, it is important to note that the site appears to be conforming to B-2 standards as currently configured. If a freeway commercial district were applied prior to redevelopment of the site, it would likely create several nonconformities depending upon the district. Height limits are currently more restrictive in B-2 than in CB, which has no district specific height limits. As mentioned above, the City is currently in the process of updating its height standards. While that project is still in the study discussion stage (March 18 at Planning Commission, April at City Council), early drafts envision treating the B-2 and CB districts identically with respect to height limits (4 stories/50 feet if abutting protected residential uses and 6 stories/70 feet if not abutting protected residential uses).

Markegard stated the 80,000 sq. ft. tenant space size limit already applies to the Clover Center site through its Community Commercial land use designation. Whether Clover Center is zoned B-2 or CB, it is limited to 80,000 sq. ft. tenant space sizes absent an amendment to official controls. With respect to uses permitted in CB but not in B-2, they include warehousing, wholesaling, outside storage and the use listed in CB as "hospitals, sanitariums, and rest homes". Staff believes warehousing, wholesaling and outside storage are not compatible with the B-2 district. If Kraus Anderson were to propose a hospital, sanitarium or rest home on the Clover Center site, staff believes it should be developed under a multi-family residential or mixed use zoning district.

Markegard stated staff agrees that the Clover Center site is nearing the end of its life span and should be considered for redevelopment, ideally in conjunction with adjoining parcels. Given the site's location along a freeway and away from any single family residential uses, a more intense zoning district may be appropriate when redevelopment occurs. However, staff believes that applying a more intense freeway commercial district should not be considered until the landowner brings forward a redevelopment application through which impacts can be analyzed. At that time, a more intense zoning district than B-2 could be considered with the benefit of full information. In the meantime, the B-2 district is the most compatible district with the existing uses.

Willette asked Markegard if the retail businesses in the strip mall south of Walgreens at 98th Street and Lyndale Avenue are included in the rezoning request. Markegard stated those that are currently zoned CB are.

Fricke asked Markegard to comment on why the Clover Shopping Center parcels are not proposed to be rezoned to a freeway commercial zoning district rather than the B-2 zoning district. Markegard stated staff has concern with zoning the parcels to a freeway commercial zoning district without a specific plan from the property owners. Markegard stated a freeway commercial zoning district may be appropriate for the Clover Shopping Center parcel, especially if it is combined with adjacent parcels, but until plans are brought forward by the property owners and staff can evaluate the plans to consider the impacts, staff feels the B-2 zoning district is an appropriate zoning district as it closely matches the existing use on the properties as they exist now.

Lucas asked staff to comment on the Kraus-Anderson letter included in the staff report and their assertion that the proposed rezoning takes away future development options. Markegard stated Kraus-Anderson's concerns appear to revolve around three issues: the B-2 height limits (2 stories); the B-2 tenant size limits (80,000 sq. ft.); and permitted uses currently allowed under CB not allowed under B-2. Lucas stated the proposed B-2 zoning district seems very similar to the existing zoning district and without a Kraus-Anderson proposal for a future plan showing an intended change of use, he does not see how the proposed zoning change limits their future uses.

Oleson asked Markegard to comment on whether the corner of 98th Street and Lyndale Avenue is being looked at as a "downtown" area. Markegard stated Bloomington has always had multiple activity centers within the City and this rezoning is not meant in any way to designate or not to designate this area as a "downtown" any more or less than any of the other activity centers within the City.

Fricke asked Markegard to comment on why the B-2 zoning district was chosen for the Clover Center parcels and why the two-story maximum for height. Markegard stated height standards for all zoning districts are currently under discussion and are in the process for being revised and updated in the near future. He stated retail uses typically do not exceed two stories unless they are mixed with residential uses. The City has other zoning districts for high intensity retail including B-4 which may include mixed uses often demanding more height. Given the various other standards of the B-4 District, it is a more appropriate district for mixed retail and residential structures than the B-2 District.

Baloga asked Markegard to comment on the voids in the map depicting the parcels to be rezoned from CB to B-2. Regarding the areas no currently zoned CB, Markegard stated starting on the south end the six-story Summer House Development is zoned residentially and working your way to the north is the Richfield Bloomington Credit Union site that is currently under construction and zoned B-2; then the NHHI residential building and the Realife Cooperative which is a senior residential building, both zoned residentially. As you go further north there are a few more residential buildings zoned residentially. He stated following 98th Street east of Lyndale there is The Gables residential apartments, zoned residentially.

Klassen asked for clarification on the two parcels (9801 and 9805 Nicollet Avenue) on the south side of the intersection of 98th Street and Nicollet Avenue and why the parcels are not part of the proposed rezoning. Markegard stated the two parcels are not included in the rezoning because they are already zoned B-2.

Beck stated he is representing Ziegler. He stated Ziegler is concerned regarding the proposed B-2 rezoning because it would not allow for outdoor storage as a use of the 9488 Lyndale Avenue parcel that abuts Lyndale Avenue and that represents approximately 5 percent of the larger Ziegler site. He stated Ziegler's property was acquired in 1957 and moved the business to Bloomington in 1958. In 1959, Ziegler sold the 9488 Lyndale Avenue parcel to the railroad and reacquired the parcel in 1978. He stated the parcel has always been used for outdoor storage since 1958. Beck stated Ziegler does not want to lose this parcel for outdoor storage as it is needed. He stated he has talked with City staff about several different options including rezoning the property to B-2 and applying for an Interim Use Permit (IUP) for outdoor storage until the property is sold to another party. He stated staff has told him the maximum term of an IUP is 5 years. He stated discussions are ongoing with staff, but the preferred solution would be to rezone the parcel to I-3 as the rest of Ziegler's property which would also require a comprehensive plan amendment to Industrial as well. Beck stated he is also looking into whether there may be legal nonconforming rights to continue using the parcel for outdoor storage. He stated he is continuing to investigate options for permanent outdoor storage use for the parcel and Ziegler has agreed to screen the parcel from Lyndale Avenue and even along the railroad tracks if granted the right to use the parcel for outdoor storage.

Baloga suggested using the 9488 Lyndale Avenue parcel for employee parking which would solve the illegal outdoor storage use issue. Beck stated employee parking is primarily achieved on the north side

of the facility and the proximity to the facility may not be desirable as it is the farthest point from the facility.

Klassen asked Beck to comment on the primary use of the Ziegler site. Aune stated that service, sales and rentals of the heavy equipment is done on the site. He stated the outdoor storage is equipment that is either sales inventory or rental equipment. Klassen asked for clarification from staff on auto sales in the B-2 zoning district. Markegard clarified that heavy equipment sales are not allowed in the CB or B-2 zoning districts but the use is allowed in the I-3 District, which is the district that applies to the majority of the Ziegler site.

Oleson complimented Ziegler on recent aesthetic upgrades along 94th Street and commented that the appearance of the 9488 Lyndale parcel is not as pleasing as the 94th Street view of the main entrance and asked if thought had been given to improving the appearance of the parcel along Lyndale Avenue. Beck stated the Lyndale Avenue frontage is not the front door of the site. He stated Ziegler is willing to screen the Lyndale Avenue frontage if allowed to continue using the 9488 parcel for outdoor storage. Oleson asked Beck if there have been any discussions with owners of the neighboring Credit Union under construction now for improving the aesthetics along the property boundary between the parcels. Beck stated no. Oleson stated Ziegler has been a positive business leader in Bloomington for over 50 years. He stated the City has a vision for the Lyndale Avenue corridor and would like to see improvements in the coming years. Beck stated Ziegler agrees the Lyndale frontage of the parcel could be improved. He stated the issue is will Ziegler be allowed to continue to use the 9488 Lyndale Avenue parcel for outdoor storage or not.

Lucas commented there appears to be some vacant space on the Ziegler site as a whole and asked Beck to comment on whether or not the 9488 Lyndale Avenue parcel is needed as outdoor storage. Beck stated that because of the nature of heavy equipment, space is need for maneuvering the equipment and assured the Commission the parcel is in fact needed for outdoor storage. Lucas commented that if the rezoning was to be approved and the 9488 parcel is rezoned to B-2, Ziegler could apply for an IUP for outdoor storage. Beck stated that would be true with a Code amendment true, but there is no guarantee the use would be approved.

Nordstrom asked Beck for clarification on the zoning of the 9488 parcel when it was reacquired from the railroad in 1978. Beck he is unsure of the zoning at the 1978 reacquisition date and the details associated with the outdoor storage use rights at that time. He stated it is Ziegler's understanding the outdoor storage language in the City Code came into effect in 1976. Nordstrom stated there seems to be some confusion whether or not there was a permit of any kind issued for outdoor storage for this parcel. Nordstrom commented that if Ziegler needed the 9488 Lyndale parcel for outdoor storage and has been using the parcel for that use since 1978, that it strikes him as odd that the determination has not been resolved in the thirty plus years since the repurchase. He stated if this issue had been resolved and clear rights had been determined, this use would be a non-issue now. Beck stated it wasn't until sometime in 2007 that staff wrote a letter to Ziegler regarding the outdoor storage issue on this parcel. He stated that until that time Ziegler believed they had all the approvals they were required to have to conduct their business on the 9488 parcel. Beck stated it appears that when the parcel was reacquired in 1978, the outdoor storage was legal without a conditional use permit. Nordstrom commented that if the issue was unresolved in 2007, then why is it still unresolved now in 2010. Beck stated Ziegler believes the outdoor storage right is established and grandfathered in. Felkner asked Beck to comment on the outdoor storage use of the parcel during the years it was owned by the railroad from 1959 to 1978. Beck stated they believe the use for the entire period of time during ownership of both parties was for outdoor storage. He stated if that is true, then the land use is grandfathered in and the use is nonconforming. He stated if the use is the same, the grandfather rights run with the land. Felkner asked staff to comment. Markegard stated staff has not seen any proof that the use was legally nonconforming so that issue is still not clear.

Baloga asked the discussion be kept to the future use of the parcel as the historical use issue cannot be solved at tonight's meeting.

Nordstrom asked staff to comment on whether going forward with this rezoning would or could harm Ziegler's process of determining their land use status. Markegard stated outdoor storage is not an allowed use under B-2 zoning district and it is a conditional use under the CB zoning district. After the rezoning, Ziegler would no longer be able to apply for a conditional use permit for outdoor storage on the 9488 parcel. Beck stated Ziegler has not initiated any action with the City regarding the land use at this time, but Ziegler's position would not be harmed by the proposed rezoning.

Klassen asked staff if the Commission could strike the Ziegler parcel and not include it with Case 10002B-10. Markegard stated the Commission could make a motion to make that recommendation and if passed by City Council a new case could be created and renotified for a public hearing to address the 9488 parcel.

Oleson asked Beck to comment on the long-term usage of the 9488 parcel. Beck stated Ziegler would like to have the parcel rezoned to I-3 to match the remained of the Ziegler site. The long-term stand alone value of the 9488 parcel is not good as it only has a 25 foot frontage along Lyndale and it abuts the railroad so the turning access into the parcel off of Lyndale is not desirable. If the parcel is sold off to another party in the future, the parcel will likely be added to one of the other parcels that abut it on Lyndale Avenue.

Marsh commented that it seems reasonable for the 9488 Lyndale parcel to be considered for rezoning to I-3 like the rest of the Ziegler property. Beck stated that is an option they would be open to consider, but it would require a comprehensive plan amendment. Markegard stated consideration of an I-3 rezoning is an option as Beck has stated should the Commission decide that the outside storage use is appropriate along Lyndale Avenue.. Marsh asked for direction from staff if it would be possible to proceed with the rezonings but to leave the 9488 Lyndale parcel out of this consideration. Markegard stated it is up to the Commission to decide if they feel it is appropriate to have outdoor storage land uses fronting this portion of Lyndale Avenue.

Marsh expressed concerns that Ziegler may wish to move its business if the rezoning is approved. Beck stated Ziegler is in no way suggesting or insinuating that Ziegler would move their business out of the City over this issue.

Klassen stated he echoes Marsh's comments about the 9488 Lyndale Avenue parcel being an orphaned site because of its size, shape and location and he feels it makes sense that it be zoned I-3 like the rest of the Ziegler site to keep the parcel together with larger site with rail access on an industrial piece of property. Klassen reiterated Ziegler has stated it is willing to properly screen the Lyndale Avenue frontage if they are allowed to continue to use the 9488 parcel as outdoor storage.

Swanson, Property Manager, Clover Shopping Center, stated they are opposed to the proposed B-2 rezoning at 9728 and 9742 Lyndale Avenue parcels. He stated the major issues are the proposed height restriction of two stories, the single user size restriction, and the permitted uses currently allowed that will no longer be permitted if the proposed rezoning is approved. He stated Kraus-Anderson (KA) sees the future use as a more mixed use and would prefer to keep all options available. He stated KA appreciates the willingness staff has shown them in recent meetings and looks forward to continuing the good relationship and the flexibility the City has expressed regarding working with KA on this site in the future. Vinje stated Kraus-Anderson has no specific redevelopment plans at this time, but has been structuring tenant leases and contracts so that if a redevelopment opportunity does come forward they will be positioned to move quickly and efficiently.

Lucas stated the City and KA historically have worked together to move redevelopment forward. He asked the Kraus-Anderson representatives if the proposed B-2 zoning district limits their redevelopment of the parcels and if the parcels are rezoned would that present a real problem. Swanson stated the height limitations could be problematic if a mixed use development is decided upon as well as the single user size limitations of the B-2 zoning district. Vinje stated KA feels a freeway commercial zoning district may be more appropriate for the KA vision of the future for the site.

Felkner stated he believes it is the job of the Commission to set the vision for the future and he supports moving the whole package forward for approval.

Lucas asked staff to comment if the option for the landowner of the 9488 Lyndale parcel (Ziegler) to apply for an IUP would be available if the proposed rezoning is ultimately approved by City Council. Markegard stated an IUP is currently not allowed in the B-2 zoning district for outdoor storage so that would take a code amendment. Markegard stated staff has concern with that use in the B-2 zoning district and sees the outdoor storage use as more appropriate in the Industrial zoning districts. If outdoor storage were allowed as an interim use in the B-2 District, it would be allowed in numerous commercial nodes across the city where it presently is not allowed. Markegard stated that if the City makes the policy decision that the use is OK at that location, rezoning the parcel to I-3 would be the cleanest option as outdoor storage is an allowed use in that zoning district. Lucas stated he supports rezoning the package as a whole as it sets a clear vision the City has for the Lyndale corridor which is helpful for developers.

Nordstrom stated he agrees with Lucas' comments and supports rezoning all the named parcels to the B-2 zoning district.

Fricke stated he agrees it is the Commission's role of setting a vision for the Lyndale corridor, but disagrees with including the Ziegler parcel and the Clover Shopping Center parcels at this time. He stated the Ziegler parcel has just 25 feet of Lyndale frontage and it makes sense to be zoned I-3 along with the rest of the Ziegler site and supports the owner's position that the use has been established. He stated the Clover Shopping Center parcels should be upgraded to a higher density and height standards as the owner of the parcels is telling us that is what they envision for the future of the site.

Klassen stated he supports moving forward with moving the listed parcels to the B-2 zoning district except the Ziegler parcel which he supports the I-3 zoning district. He stated he does not believe freeway commercial uses should be considered on the Clover Center site prior to a plan coming forward.

Oleson stated in his experience acting on the Planning Commission, it has been fairly common for land owners to ask for rezoning of property for which the owners have a plan and the plan may not fit the current zoning for the property. He stated he believes the City is reasonable and evaluates each request on an individual basis. He asked what leverage the City has to enforce screening of the Ziegler parcel if it were to be rezoned to I-3. Baloga stated the question is not germane to the issue before them today which is the request to rezone the parcels to the B-2 zoning district. Oleson stated he is not sure what form the motion of this item will take this evening, but he feels the screening issue and the zoning designation will influence his vote on this matter.

Felkner asked staff for clarification on the process for rezoning a property. Hawbaker stated a request for rezoning must be received and, in the case of the 9488 Lyndale parcel, a comprehensive land use plan amendment must be considered to make it an industrial use. Hawbaker stated the 9488 parcel is part of the larger Oxboro Redevelopment Plan where this parcel is designated as commercial/retail. Lucas asked Hawbaker to comment on the illegal outdoor storage on the 9488 parcel. Hawbaker stated he and Beck have had conversations regarding the illegal outdoor storage over the last couple of years and the enforcement is not being pushed very hard.

Baloga stated he believes the Ziegler parcel as it is used today is not compatible with the vision of the B-2 zoning district and the Clover Shopping Center owner's claim that their options are being diminished are not valid. He stated he supports moving the 83 named parcels to the B-2 zoning district.

Marsh stated she has concern about rezoning the Ziegler parcel to B-2 and would support the Clover Shopping Center parcels to be rezoned to B-2 along with the other named parcels.

Fricke stated that even though he has concerns with the Ziegler and Clover Shopping Center parcels, he would support moving it forward as a package at this time. He stated he wanted to put it on the record that he feels more thought should be given to Clover Shopping Center parcels be considered for rezoning to a higher density mixed use zoning district as the land owners have requested.

Klassen stated he is not in support of rezoning the Ziegler parcel to B-2 as he feels the use of the parcel has been established and he sees the rezoning to B-2 for the parcel as temporary and sees no rush to include the Ziegler parcel in the motion this evening.

Felkner stated the decision tonight is whether to move the named parcels forward for rezoning to B-2. A property owner has the right to request changing their property to a different zoning.

Klassen stated his reasoning is to hold the Ziegler parcel back from being rezoned since the parcel will most likely be rezoned again in the near future.

Baloga stated this item will be heard at the April 26, 2010 City Council meeting.

ACTIONS OF THE COMMISSION:

M/Nordstrom, S/Marsh: To close the public hearing. Motion carried 9-0.

M/Felkner, S/Lucas: In Case 10002B-10 recommends approval of rezoning the 83 named parcels to B-2, General Commercial. Motion carried 8-1. (Klassen voting against)

ITEM 4

8:00 p.m.

APPLICANT:	City of Bloomington
REQUEST:	Request for Parking Ordinance Amendment: Sandro Road between Normandale Lake Drive and Mt. Normandale Drive

APPEARING OR THE APPLICANT:

Amy Marohn, Civil Engineer

DISCUSSION BY THE COMMISSION:

Marohn summarized the staff report and stated that the Engineering staff has no strong recommendation regarding the parking restrictions on Sandro Road based on resident responses being relatively split and staff not identifying any safety or geometric reasons that parking restrictions are needed on this roadway.

Nordstrom asked staff what kind of curbing is present on this section of Sandro Road. Marohn stated it is entirely surmountable curb. Nordstrom stated the southernmost section of Sandro Road is the highest elevation and most likely the highest non-resident street parking would occur on the southern end due to its proximity to the ski hill. He stated because of the elevation change and the potential for narrowing of the roadway due to snow plowing issues, it seems logical to restrict the parking on the southern end of Sandro Road through the area where the most non-resident street parking would likely occur and where there is the largest change in elevation possibly for safety concerns.

Klassen asked Marohn to comment on the on-site parking needs for the ski hill and lake area. Marohn stated there are parking accommodations at both locations, but the overflow parking and shuttle for the ski hill are commonly used. Klassen asked Marohn for guidance on how to interpret the residents who were surveyed and did not respond. Marohn stated staff interprets non-responses as indifferent to the issue.

Felkner asked if parking is currently allowed on both sides of Sandro Road. Marohn stated it is unclear of the parking intentions with respect to the signage that exists today. Felkner stated maybe parking should be allowed on one side of Sandro Road on the entire length from Normandale Lake Drive to Mt. Normandale Drive. Marohn stated that would be an option, but there would be no way to regulate that only residents are parking there.

Klassen asked if staff considered a parking restriction for both the north and south portions of Sandro Road. Marohn encouraged discussion among the Commission in support of this idea.

Baloga asked for clarification from staff regarding the clarity of the parking regulations in the City Code regarding Sandro Road and some of the immediately surrounding streets. Marohn stated Sandro Road has no parking restriction language in the Code while the surrounding streets all have language in the code and the parking intentions are clear.

Oleson asked staff for clarification regarding special occasion parking like a graduation party when there are parking restrictions present. Marohn stated residents may apply for temporary parking restriction relief for special events by contacting staff and getting verbal approval. Staff would then contact police to inform them temporary on-street parking had been allowed for the specified timeframe. She stated not all requests can be granted if there are safety concerns, etc.

Willette asked for a definition of a "block" when a sign is posted with "No Parking This Block". Marohn stated that is a matter of interpretation and is one of the main reasons we are having this discussion.

Lucas commented that Councilmember Elkins is one of the survey respondents and noted his response was to remove parking restrictions and allow parking 24 hours. Nordstrom noted that the Elkins address shows they reside near the middle of the Sandro Road section and on a nearly level elevation in respect to the southern portion nearer Mt. Normandale Drive which has the elevation change.

Nordstrom stated he feels either the Commission should suggest to add another No Parking sign on the east side of the southern terminus or to suggest no parking restrictions and reevaluate after another winter season has passed. He stated he believes non-residents will choose to park on Sandro Road if allowed and access the ski hill by foot through what he believes to be a walkway through the berm near the south end of Sandro Road. Marohn stated there is evidence that foot traffic does use the berm to gain access to the ski hill from the Sandro Road area.

Marsh stated she would suggest 24 hour parking restrictions on the north and south ends of Sandro Road by adding "No Parking Here to Corner" signage on both the east and west sides on Sandro Road with clearly defined positions for the signage and leaving the middle of Sandro Road with no parking restrictions.

Klassen stated he supports restricting parking on both the north and south ends of Sandro Road to ensure the public will not use the entire length of Sandro Road as a parking lot for access to the ski hill and Normandale Lake areas and to provide clarity for the residents where parking is or is not allowed. He asked for guidance from staff on how to define the positioning of the signage. Marohn stated property lines are used for the defining parking restriction boundaries in the ordinances and stated staff would suggest for the south terminus 24 hour restricted parking on Sandro Road from the north property line of 8718 to the south property line of 8600 on the west side and from the north property line of 8725 to the south property line of 8749 on the west side of Sandro Road. She stated staff has no recommendation for the property lines on the north terminus. Klassen suggested the north terminus line to be drawn from the south property line of 8624 on the west side and the south property line of 8617 on the east side for "No Parking Here To Corner" northward to Normandale Lake Drive.

Marsh stated she feels the south terminus 24 hour parking restriction line suggested by staff could be moved farther south, for example, to the north property line of 8734 and 8733 Sandro Road to accommodate those homes near the curve that in their survey response stated they would like to see the parking restrictions removed. Marohn stated the line placement is at the discretion of the Commission. Marsh asked staff to clarify the location of the existing signage on the north terminus. Marohn indicated the current locations and stated staff is asking the Commission not for sign placement locations, but rather for the locations where the restricted parking is recommended. She stated staff will determine the proper placement of the signage depending upon where the parking restrictions are recommended.

Oleson stated he is inclined to move the suggested south terminus line to either the north property line of 8722 or 8728 on the west side to allow more on-street parking.

Nordstrom reiterated the elevation changes the most on Sandro Road between the south terminus and the staff suggested line. He stated the safety consideration is related more heavily to the elevation change and not the curvature of the road due to the road surface elevation between the curves being relatively flat.

Lucas asked for clarification on the property lines described in the Nordstrom motion. Marohn demonstrated the property lines stated in the Nordstrom motion.

Fricke stated he wanted it on record for Council consideration on this matter that he agrees with Marsh that the south terminus parking restriction line could be moved farther south.

Klassen stated he concurs with Fricke and Marsh that the south terminus property line could be moved farther south to accommodate resident wishes for on-street parking, but will not ask for an amendment to the motion.

Marsh noted that if the current motion were to be forwarded to the City Council and passed by City Council, that approximately only one-third of Sandro Road would be allowed to park on the street and she intended that number to be higher. Marsh asked for clarification from staff regarding whether the Nordstrom motion is calling for placement of the signage or for the boundaries of the recommended no parking areas. Marohn stated the Nordstrom motion originally was worded incorrectly, but that the amended motion which has been seconded included ordinance amendment language which did not include sign placement location information. Marohn stated sign placement will be determined by staff if approved by City Council.

Oleson stated he agrees with Fricke that the restricted parking area included in the motion may be too large and feels the restricted parking area on the south terminus could be reduced.

Baloga stated the City Council consideration date will be announced by notice.

ACTIONS OF THE COMMISSION:

M/Klassen, S/Marsh: To close the public hearing. Motion carried 9-0.

M/Nordstrom, S/Willette: Recommends a Parking Ordinance Amendment: Sandro Road between Normandale Lake Drive and Mt. Normandale Drive for signage be placed to clarify that there be no parking between the north property line of 8718 and the south property line of 8746 on the west side and between the north property line of 8725 and the south property line of 8749 of the east side and no parking between the south property line of 8624 and north property line of 8600 on the west side and on the east side between the south property line of 8717 to the north terminus at Normandale Lake Drive. Motion carried 9-0.

ITEM 5

9:43 p.m.

APPLICANT:	City of Bloomington
REQUEST:	Request for Parking Ordinance Amendment: West 90 th Street between Tretbaugh Drive and just east of France Avenue, north side

APPEARING OR THE APPLICANT:

Amy Marohn, Civil Engineer

DISCUSSION BY THE COMMISSION:

Marohn summarized the staff report stating this is not an action item for the Planning Commission but is for information only. She stated this item will be advertised for a public hearing before the Council, to be approved as part of the already approved PMP modifications on this roadway.

ITEM 6

8:49 p.m.

APPLICANT:	City of Bloomington
REQUEST:	Request for Parking Ordinance Amendment: Irving Avenue between West 97 th Street and West 98 th Street

APPEARING OR THE APPLICANT:

Amy Marohn, Civil Engineer

SPEAKING FROM THE PUBLIC:

Bob Neumann, representing property owners of 9720 and 9740 Humboldt Avenue

DISCUSSION BY THE COMMISSION:

Marohn summarized the staff report recommending this item be moved forward for Council consideration to ensure adequate roadway width be maintained for public safety and that 24 hour parking restrictions be added to the east side of Irving Avenue between 97th Street and 98th Street.

Klassen asked for clarification on the speed limit on this segment of Irving Avenue. Marohn stated the speed limit is 30 mph. Klassen asked Marohn to comment on how the City handles narrowing of streets due to snow compacting/high density parking. Marohn stated if a safety issue is identified parking modifications to the ordinance are proposed by City staff.

Nordstrom asked staff to comment on the type of traffic this street encounters regularly. Marohn stated all the other streets in this commercial/industrial area currently have parking restrictions because of the high frequency use of trucks and semi trailers in the area. Marohn stated the presence of VEAP on this block prompted the need for on-street parking which prompted the parking ordinance change from restricted parking to what is currently allowed.

Fricke asked staff to comment on whether consideration was given to restricted parking only during the winter months as was suggested by VEAP in their letter included with staff materials. Marohn stated staff feels the proposed restriction would need to be enforced year-round to eliminate safety issues on this segment with regards to the driveway access/sight distance issues identified by a property owner on the east side of the street.

Klassen asked staff if the city has received public concerns regarding the parking issues on this segment. Marohn stated the property owner of 9720 and 9740 Humboldt Avenue is here this evening and will be speaking to the Commission with his concerns.

Baloga asked for staff to comment on why on one roadway the snowpack can be kept clear up to the curb while it is difficult in other cases. Marohn stated with higher on-street parking density, it becomes harder for plows to clear the snow before it compacts due to continuous parking on the roadway.

Fricke asked staff to comment on whether or not there may be an over-capacity parking problem already existing on this roadway and how the proposed parking restriction may contribute to an already existing problem and force people to park in other parking lots. Marohn stated she has visited the segment on numerous occasions and has not witnessed heavy usage of on-street parking on the north end of the block. Also from conversations with property owners, it doesn't appear there are nearby lots that are not already full.

Oleson commented that due to the economic downturn the country is experiencing, it may be possible the demand for the services VEAP provides may have increased their volume of users which in turn has put pressure on the parking availability. Marohn stated the typical on-street parker associated with VEAP is their workers/volunteers and not their customer. Oleson encouraged VEAP to instruct their employees and volunteers to use the on-street parking that is available and to save the parking lot spaces for their customers.

Neumann stated he represents the owners of 9720 and 9740 Humboldt Avenue (Corner Medical). He stated his business serves about 150 customers a day and between 600 to 700 customers per week. He stated his concern is with exiting his business onto Irving Avenue as it is not safe due to on-street parked vehicles parking too close to his driveways blocking the view of exiting vehicles causing a safety issue. He stated he also has 5 to 15 semi truck deliveries a week to his properties that need to exit onto Irving. To make the turning radius work he needs to have a section of restricted parking on the west side of Irving Avenue directly across from his driveways as well as restricted parking on the east side within 20 feet of his driveways on Irving Avenue to make the turning movement work.

Klassen asked Neumann to comment on what he sees the parking recommendation should be. Neumann stated he would like to see no parking within 20 feet of his driveways on the east side of Irving Avenue and no parking on the west side of Irving Avenue directly across from his north driveway to allow for a turning radius for semi trailers exiting north onto Irving Avenue from the parking lot.

Oleson commended Neumann for his cooperation and willingness to work with the City regarding the issues associated with operating a business in Bloomington. He stated he would be inclined to make a motion to accommodate his request.

Klassen asked staff to comment on Neumann's request as stated above. Marohn stated staff has concern with the current practice of having semi truck/trailers backing out of the site on Humboldt and identify it as a safety issue. Roberts stated for safety reasons, we would discourage use of a site that requires maneuvering of large vehicles on a public street as a manner of regular course of business. Baloga stated the 9720 and 9740 Humboldt sites both have existing loading docks and are zoned industrial, so until the needs are defined a determination cannot be made. Oleson asked Neumann to demonstrate the flow of truck traffic as it exists now and how he proposes it be if his suggestions are implemented.

Nordstrom stated the staff report states that parking restrictions were lifted to accommodate the needs for an on-street parking need for VEAP and that it appears the parking issues are still not working and need to be tweaked again. He stated the current property owner of the 9720/9740 Humboldt Avenue parcels is simply asking for safe truck access to and from his lots which are zoned as industrial. He stated the VEAP property is zoned industrial and it is their use that is interfering with the intended use in the area. He suggested tweaking the on-street parking regulations to accommodate both uses.

Klassen stated he appreciates Nordstrom's comments and asked that since it is a safety concern for semi trucks to be backing out onto Humboldt Avenue from the 9720 parcel is there a temporary way to accommodate the needs of VEAP and Corner Medical until the parking issues can be resolved.

Lucas stated he is very familiar with the VEAP site as he has visited the site many times in the past and agrees with Klassen that something must be done to stop semi trucks from backing up onto Humboldt Avenue because they are unable to exit onto Irving due to parking congestion. He stated Nordstrom's comments are valuable because it shows that parking on Irving used to be prohibited due to the zoning of the area (industrial). He stated he believes the Commission can suggest a solution and the issue does not need to be referred back to staff for suggestions to the parking issues. He suggested limiting the parking to the west side of the street and leaving room for a turning radius onto Irving Avenue so that semi trucks can turn northbound onto Irving out of the 9720 Humboldt Avenue parcel.

Oleson asked Roberts to comment on Neumann's requested parking restrictions. Roberts stated the restrictions could be signed and suggested leaving the restricted distance on the west side open for staff to determine the turning radius needed for semi truck exiting the 9720 Humboldt Avenue parcel.

Nordstrom asked staff to comment on whether parking could be allowed on both sides of Irving south of the 9720 Humboldt Avenue driveway and restricting parking on the west side of Irving across from the 9720 Humboldt driveway. Marohn stated this would address the issues facing the exiting of semi trucks onto Irving from the 9720 parcel, but does not address the emergency vehicle access safety concern on the southern end of Irving Avenue.

Marsh stated the snow pack issue this winter seemed to be worse than normal due to extreme conditions, but stated that a street being reduced by eight feet because of this reason seems to be due at least in part to poor snow plowing. Marsh stated she would advocate restricting parking on the east side of Irving Avenue on both sides of the 9720 Humboldt Avenue parcel and 40 feet on the west side of Irving Avenue across from the 9720 Humboldt Avenue driveway to allow for northbound semi truck turning radius out of the 9720 Humboldt Avenue parcel.

Nordstrom suggested staff has identified a safety issue and requests no parking on the east side of Irving Avenue. He stated the other issue is the semi turning radius need for exiting out of the 9720 Humboldt Avenue parcel northbound onto Irving Avenue. He stated Neumann's request for a restriction on the west side across from the 9720 Humboldt Avenue driveway is reasonable to allow use of the property in an industrially zoned area. He suggested to let staff determine the segment length and exact placement for the west side restriction needed for the semi truck tuning radius.

Oleson offered a motion recommending Council to adopt parking restrictions on this segment of Irving Avenue to allow safe exiting of semi trucks from properties on the east side of Irving Avenue after consulting with each of the business owners and they also communicate with the VEAP staff to accommodate parking needs. After discussion, the motion did not receive a second and was withdrawn by Oleson.

Marsh stated she is concerned there will not be enough on-street parking for VEAP customers if the Nordstrom motion is passed. She stated emergency vehicle access would be adequate if the streets were properly plowed to the curb. Baloga stated he personally would prefer to err on the side of public safety side

Baloga stated the City Council consideration date will be announced by notice.

ACTIONS OF THE COMMISSION:

M/Marsh, S/Klassen: To close the public hearing. Motion carried 9-0.

M/Nordstrom, S/Klassen: Recommend a Parking Ordinance Amendment: Irving Avenue between 97th Street and 98th Street for signage reflecting 24-hour parking restriction on the east side of Irving Avenue and 24-hour restriction on the west side of Irving Avenue to allow for exiting of semi truck trailers out of the 9720 Humboldt Avenue parcel for a northbound turning movement. Motion carried 9-0.
