

CITY OF BLOOMINGTON
Division of City Planning
REPORT TO THE PLANNING COMMISSION
May 18, 2006

Item 1

Case 10000A-06

GENERAL INFORMATION

Applicant: City of Bloomington

Request: Amend City Code to establish new Neighborhood and Freeway Commercial Zoning Districts and Standards

PROPOSAL

As part of the Zoning Ordinance Update project, the City Council directed staff to prepare new commercial zoning standards for consideration by June 30, 2006. Based on the input over numerous meetings from the City Council, Planning Commission, Traffic and Transportation Advisory Commission, and a Focus Group, staff has prepared a draft ordinance that would create new commercial zoning districts and standards. Among other things, the ordinance would create five new freeway commercial zoning districts (C-1, C-2, C-3, C-4 and C-5), amend three existing neighborhood commercial districts (B-1, B-2 and B-3), create new citywide sidewalk standards, create new structure design standards for commercial districts, create new standards for residential uses in commercial districts, create new standards for motor vehicle sales uses citywide, create new citywide drive-through standards, create new menu board standards and create new sign standards for the B-3 and C-5 Zoning Districts.

The proposed ordinance is attached. This staff report is intended to be read in conjunction with the proposed ordinance as it provides commentary on the proposed districts and uses, standards, and related issues.

BACKGROUND

Zoning District Families

Bloomington currently has a system of thirty base zoning districts and seven overlay zoning districts. The base districts are organized in five zoning district families, as follows:

- Neighborhood Commercial (currently B-1, B-2, CB, B-3);
- Freeway Commercial (currently CR-1, CO-0.5, CO-1, CS-0.5, CS-1, FD-1, FD-2, RO-24, RO-50);
- Airport South (currently HX-R, HX-2, CX-2, CO-2);
- Residential (currently R-1, R-1A, RS-1, R-4, RM-12, RM-24, RM-50); and
- Industrial (currently I-1, I-2, I-3, IP).

As part of the Zoning Ordinance Update, staff proposed to modify the City's existing system of zoning districts and related standards largely written in the 1950's, to reflect updated needs in land use. The

Council directed staff to reevaluate the existing neighborhood commercial and freeway commercial districts and come back with a proposal ready for review and adoption by June 30, 2006.

Ordinance Input Process

Staff has been gathering input on desired Planning Commission, TTAC, and City Council direction at multiple study meetings. In addition, staff convened three focus group meetings and outreached with organizations such as the Bloomington Chamber of Commerce to obtain developer/landowner/private sector input. The input process has included the following:

- Study Meetings: Planning Commission, TTAC, HRA and City Council (available minutes attached);
- Staff Work Group Meetings and Departmental Feedback: Planning, HRA, Public Works, Building and Inspection, Legal, Licensing, Public Safety (Police and Fire), Administration (Manager's Office and Clerk), Port Authority, and Environmental Health;
- Public Phone Inquiries and Comments (approximately 20 calls to date);
- Focus Group Meetings (minutes attached);
- Administrative Hearings (question/comment summary attached);
- Correspondence from the Public (letters attached); and
- Organization Outreach: Bloomington Chamber of Commerce, MN Shopping Center Association, the Building Owners and Managers Association (BOMA), and the National Association of Industrial and Office Properties (NAIOP).

Vision and Goals

To provide direction in developing the new and revised districts and standards, the City Council with input from the Planning Commission, expressed the following overarching goals for commercial districts and vision for neighborhood and freeway commercial districts.

Goals

- Land use balance (balance of uses overall in the city);
- Well distributed services throughout the City and at appropriate scale;
- Long term vision for intensity of uses (i.e. create a higher intensity corridor along I-494);
- Maximize employment/tax base opportunities along freeway corridors; and
- Optimize the number of districts (user friendly approach/streamlining of code)

Vision Elements

On the issue of a vision for Bloomington's neighborhood commercial areas into the next 30 years, the following elements were identified:

- Walkable neighborhood centers with pedestrian orientation;
- Limit auto oriented uses;
- Create sense of place where people may gather, shop, live and work with their neighbors;
- Provide landscaping and an attractive streetscape; and
- In selected areas, locate buildings to the front of sites with parking to the rear and/or side.

On the issue of a vision for Bloomington's freeway commercial areas into the next 30 years, the following elements were identified:

- Create density;

- Minimize infrastructure impacts through integrated development opportunities;
- Transition uses to avoid sharp contrasts, i.e. use of green space to buffer;
- Incorporate efficient building design to maximize resources;
- Possible expansion of permitted building materials;
- Encourage complimentary uses, i.e. shared facilities with different hours of operation; move away from industrial uses, and otherwise continue hotel/retail/office uses;
- Promote a transit orientation (T.H.77, I-494, American Boulevard) i.e. mass transit; and
- Provide landscaping along freeway commercial areas (T.H.-169 example).

Comparative Analysis

As background for the revisions to the neighborhood commercial and freeway commercial district uses and standards, staff reviewed existing comparative standards in place from around the Metro and the Country, in addition to guidebooks by professional planning and development industry organizations.

Relationship between Chapters 19 and 21 of the Code

A majority of the provisions in the City Code pertaining to land use and development currently reside in Chapter 19, Zoning. While the City is undergoing the updating and reorganization of its zoning and land use standards, a proposed Chapter 21, Zoning and Land Development has been created to shift standards from Chapter 19 to Chapter 21. Until the reorganization is completed, both Chapters 19 and 21 will collectively serve as the Zoning Ordinance of the City.

ANALYSIS

Districts and Uses

The proposed ordinance would amend three existing neighborhood commercial districts (B-1, B-2 and B-3), and create five new freeway commercial zoning districts (C-1, C-2, C-3, C-4 and C-5). The ordinance also creates new citywide standards for sidewalks; for drive-throughs; for motor vehicle sales; structure design standards for commercial districts; new standards for residential uses in commercial districts; new menu board standards, and new sign standards for the B-3 and C-5 Zoning Districts. The following is a summary of the significant features of each proposed district and of the new standards proposed, a commentary on the benefits, and/or why the changes are proposed.

B-1, Neighborhood Office

The B-1 district will be retained, but selected standards will be adjusted.

Significant features include:

- Similar to existing (B-1) neighborhood office
- Office uses emphasized to serve as a transition between retail and residential areas
- Retail and residential uses not permitted
- Maximum 2 story building height

Benefits, and/or why the changes are proposed:

- To ensure compatible uses with adjacent neighborhoods and to provide a transition between commercial and single family residential uses.

B-2, General Commercial

The B-2 district will be retained, but standards will be adjusted.

Significant features include:

- Similar to Existing B-2 General Retail
- Auto Fueling and Service Permitted
- Residential Not Permitted
- Proposed Retail Floor Area Restrictions (80,000 sq. ft.)
- Maximum 2 Stories Building Height
- Minimum Building Floor Area 3,000 sq. ft.

Benefits, and/or why the changes are proposed:

- Retail floor area restrictions are proposed to ensure that retail uses in the revised B-2 District are not regionally oriented; and
- Flexible building and parking placement standards are proposed to allow a variety of use types and parcel sizes throughout the City.

B-3, Neighborhood Commercial Center

The B-3 district name will be reused, but B-3 district standards and uses will change significantly.

Significant features include:

- Neighborhood Mixed Use/New Urbanism Concept
- Pedestrian and Neighborhood Orientation
- Auto Fueling and Service Not Permitted
- Residential Mixed Uses Permitted
- Proposed Retail Floor Area Restrictions (80,000 sq. ft.)
- Building Placement and Setbacks...Buildings Closer to the Street
- Parking Placement...to the Side and Rear of Principal Buildings
- Rooftop Parking is Permitted
- Increased Building Design Requirements

Benefits, and/or why the changes are proposed:

- To create neighborhood scale commercial service nodes within the City that have a positive sense of place through thoughtful design features and a balance of uses that service neighborhoods.
- To promote an attractive streetscape through building placement and design;
- Restrict incompatible uses such as gas stations, auto repair and car washes;
- To ensure development is easily accessible by foot or bicycle;
- To create opportunities for residential uses when mixed with commercial uses; and
- Reduce the visual impact of parked vehicles.

C-1, Freeway Office and Service**Significant features include:**

- Auto Dealerships Permitted
- Office, Hotels, Restaurants Permitted
- Retail Other than Auto Dealers and Restaurants Not Permitted Except as an Accessory Use

- Minimum FAR 0.4...Encourage a Minimum Development Intensity Level
- Minimum Site Area 120,000 sq. ft.

Benefits, and/or why the changes are proposed:

- To provide for a variety of non-retail uses that benefit from exposure and/or proximity to freeway corridors and interchanges;
- To avoid the underutilization of land; and
- Accommodate market demand for uses in a manner compatible with the City's future vision for its freeway corridor.

C-2, Freeway Commercial

Significant features include:

- Similar to Existing CR-1 District
- Restaurants, Retail and Service, Hotels, Office, Auto Fueling and Service Uses Permitted
- Auto Dealerships Not Permitted
- No Minimum FAR

Benefits, and/or why the changes are proposed:

- To provide for a wide variety of regional scale retail and commercial uses near freeway corridors and interchanges; and
- To provide flexible building and parking placement standards to serve a variety of use types and parcel sizes.

C-3, Freeway Commercial Center

Significant features include:

- Retail and Service, Hotels, and Office Permitted
- Restaurants Integrated in a Larger Structure Permitted
- Auto Dealerships Not Permitted
- Auto Fueling and Service Not Permitted
- Minimum FAR 0.5, Maximum FAR 1.0...Requires Greater Intensity than C-2 for More Intense Multi-Story Development likely with Parking Ramps
- Two-Story Height Requirement over 60% of Building Footprint
- Large Sites, Excellent Access and Visibility Needed

Benefits, and/or why the changes are proposed:

- To provide opportunities for high intensity retail and mixed uses in high profile locations near freeway corridors and interchanges that have high quality accessibility and transit service potential; and
- To avoid the underutilization of land.

C-4, Freeway Office

Significant features include:

- Office and Hotels Permitted
- Accessory Retail and Service or Restaurants Integrated with Office or Hotel Permitted
- Auto Dealerships Not Permitted
- Auto Fueling and Service Not Permitted
- Maximum 2.0 FAR is Higher than Existing (Maximum 0.5 and 1.0 FAR) Standard

Benefits, and/or why the changes are proposed:

- To provide for regionally oriented office and hotel uses as well as supporting accessory uses;
- To ensure that commercial uses with incompatible characteristics will not impede or disrupt the establishment of a cohesive grouping of office and office compatible uses; and
- To achieve appropriate levels of development intensity.

C-5, Freeway Mixed Use

Significant features include:

- Freeway Mixed Use Concept
- Similar to proposed B-3 except Greater Intensity, Transit and Freeway Commercial Orientation, Hotels Permitted
- Residential as a Mixed Use is a Required Component
- Auto Fueling and Service Not Permitted
- Two-Story Height Requirement over 60% of Building Footprint
- Building Placement and Setbacks...Buildings Closer to the Street
- Parking Placement...to the Side and Rear of Principal Buildings
- Rooftop Parking is Permitted
- Increased Building Design Requirements

Benefits, and/or why the changes are proposed:

- Opportunity to create high intensity commercial node with residential component in anticipation of a more transit oriented future;
- To reduce the visual impact of parked vehicles;
- To restrict incompatible uses; and
- To promote an attractive streetscape through building placement and design.

Residential Uses in Commercial Zoning Districts

Many of the City's commercial zoning districts allow the inclusion of residential uses. This proposed ordinance establishes new standards for residential uses within the B-3, C-2, C-3, C-4, and C-5 commercial zoning districts.

Significant features include:

- Maximum residential density is controlled through the maximum floor area ratio for the respective commercial districts;
- Residential uses may be integrated with non-residential uses in either a vertical or horizontal configuration. Where commercial and residential buildings are physically separated, they must be linked through direct pedestrian connections; and
- Sites must be designed to minimize the impact of non-residential uses (such as noise, traffic, refuse and odors) through screening, separation, design or alternative techniques.

Benefits, and/or why the changes are proposed:

- A primary purpose of inclusion of residential uses in these districts is to provide convenient community access to commercial goods and services and reduce the need for vehicle trips.

Pawn Shops

Given the public safety concerns associated with pawn shops and the potential increase in the number of parcels on which pawn shops would be allowed if the zoning amendments are approved (from 17 to 172), the City Council will be considering whether to adopt a temporary moratorium on pawn shops to for further study the impacts of pawn shops and the potential need for licensing amendments. Pawn shops are proposed as conditional uses in the B-2 Zoning District.

Development Standards

New development standards are proposed for the new and revised commercial districts.

Significant features include:

- Development intensity and site characteristics requirements such as floor area ratio, building floor area, site width, and site area standards vary by district;
- Structure Placement requirements, to address how buildings relate to adjacent uses and the street vary by district; and
- Structure Design requirements, such as restrictions on blank building facades visible from streets, building massing requirements, architectural unity provisions, restrictions on window obstructions, and entrance buffers vary by district.

Benefits, and/or why the changes are proposed:

- The development standards are proposed to create the intended neighborhood commercial and freeway commercial district character across the City in the respective districts and to avoid the creation undersized parcels that cannot accommodate uses likely to locate in that district
- In many cases intensity standards are proposed to encourage a minimum level of development that can support transit.

Sidewalks in Neighborhood and Freeway Commercial Districts

New provisions for public and private sidewalks in commercial districts citywide are provided in this proposed ordinance.

Significant features include:

- Provisions on where public and private sidewalks are required have been added along with varying width requirements.
- A private sidewalk must link the primary entrance of each building on the site with the public sidewalk network;
- When there is more than one building on a site, a private sidewalk must link the primary building entrance of each building to one another; and
- Private sidewalks must be separated from vehicle drive aisles, except where sidewalks cross drive aisles.

Benefits, and/or why the changes are proposed:

- To promote safety by separating pedestrian and vehicle traffic; and
- To create walk-able commercial centers with pedestrian orientation.

Drive-Through Facilities

New provisions for drive-through facilities citywide are provided in this proposed ordinance.

Significant features include:

- At least six stacking spaces must be provided per drive-through lane, and a minimum stacking space of 10 feet by 20 feet in size;
- All elements of the drive through service area must be screened from view of residential properties located within 300 feet;
- Speakers must not produce noise that exceeds 75 dBA measured 5 feet from the speaker; and
- Drive-through windows must not be operated between the hours of 10 p.m. and 6 a.m. if any portion of the drive-through or stacking spaces is within 300 feet of a residentially zoned and used site.

Benefits, and/or why the changes are proposed:

- To ensure drive-throughs if permitted are compatible with an attractive, pedestrian-friendly commercial area and any surrounding residential areas; and
- Ameliorate the nuisance elements that affect residential neighborhoods, such as with headlights shining into residential uses, trash, and noise conflicts.

Motor Vehicle Sales

New provisions for Class I and II motor vehicle sales uses that apply citywide are provided in this proposed ordinance.

Significant features include:

- Outdoor loudspeakers or public address systems are prohibited;
- Car horns and panic alarms must not be used to locate vehicles;
- All vehicle repair and maintenance must take place within a completely enclosed building;
- Vehicle test-driving for any purpose is prohibited on local residential streets or alleys;
- Vehicles must be stored and displayed in approved vehicle storage areas, and completely screened from view from abutting residential property;
- The storage of vehicles off-site must be approved by the Issuing Authority; and
- The loading or unloading of vehicles must take place in an approved location on site, and if within 300 feet of residentially zoned and used property, loading must not occur between the hours of 8:00 p.m. and 7:00 a.m.

Benefits, and/or why the changes are proposed:

- To reduce the potential negative impacts of motor vehicle sales facilities on surrounding uses and streets; and
- To ensure that motor vehicle sales facilities are not overcrowded.

Sign Regulations

Given the unique sign needs that will be created by having development closer to the street in the B-3 and C-5 Zoning Districts, new sign standards are proposed for these districts.

Significant features include:

- Class VIII Sign Districts (B-3, C-5) - Proposed regulations pertaining to signage for the new B-3 and C-5 Districts include minimum 20 foot setback for freestanding identification signs; a maximum of one freestanding sign with a sign surface area not to exceed 100 square feet is

permitted; wall signs are permitted on four elevations of a building, two primary and two secondary elevations; projecting signs may be used together or in place of wall signs, and must be at least 10 feet above grade level and not project beyond 5 feet from the building or structure; and one wall sign for residential uses is permitted with a sign face not to exceed 40 square feet, and illumination is permitted if it does not face a single-family residential use.

- Menu Boards- One primary menu board not to exceed 36 square feet and 8 feet in height is permitted per order station, up to a maximum of two order stations. One secondary menu board not to exceed 15 square feet and six feet in height is also permitted. Residential separation is required when a site abuts a residentially zoned and used site, where a menu board must be set back at least 75 feet from the residential property line.

Benefits, and/or why the changes are proposed:

- To address signage where commercial uses are adjacent to residential uses and reduce the visual impact; and
- To promote safety.

RECOMMENDATION

In Case # 10000A-06, staff recommends approval of an ordinance to establish new Neighborhood and Freeway Commercial Zoning Districts and Standards.

ATTACHMENTS

- Proposed Ordinance: Commercial Zoning Districts and Standards
- Meeting Chronology
- Meeting Minutes (meetings for which minutes are available):
 - 10/14/04 – Planning Commission Minutes
 - 3/28/05 – City Council Minutes
 - 5/23/05 – City Council Minutes
 - 6/27/05 – City Council Minutes
 - 8/11/05 – Planning Commission Minutes
 - 8/22/05 – City Council Minutes
 - 9/8/05 – Planning Commission Minutes
 - 10/24/05 – City Council Meeting (item continued)
 - 11/28/06 – City Council Study Meeting
 - 12/8/06 – Focus Group Meeting #1 Summary
 - 1/11/06 – Focus Group Meeting #2 Summary
 - 2/28/06 – Housing and Redevelopment Authority Minutes
 - 5/2/06 – Focus Group Meeting #3 Summary
 - 5/8/06 and 5/9/06 – Administrative Hearings Question/Comment Summary
 - 5/11/06 – Traffic and Transportation Advisory Commission Recommendation Summary
- Commercial Zoning Questionnaire Results
- Correspondence from the Public:
 - 4/28/06 – Mr. Dan Hron, Owner, Johnson OK Hardware
 - 5/12/06 – Mr. Jerry Sand, Vice President of Properties, Kraus-Anderson Realty Company
- Nonconformity Provisions from Minnesota State Statutes
- Floor Area Ratio Information Sheet
- Wall Street Journal Article – 3/1/06

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