



Case number:	10002B-10
Address:	Multiple parcels
Application type:	Rezone all land zoned CB to B-2
Applicant:	City of Bloomington

This file will contain the following items as they become available:

1. Agenda information
2. Staff report
3. Location map

Additional information

To receive copies of submitted development applications, supplemental documents, and (in some cases) building and site plans please contact the Planning Division at 952-563-8920 or planning@ci.bloomington.mn.us.

Your comments are important!

If you wish to communicate to the Planning Commission about this agenda item, please include:

- Your name
- E-mail address
- Full mailing address (number, street name, city, state, ZIP)
- Daytime telephone number
- Case file number
- Date of hearing

You may not receive a detailed response to your e-mail, but your comments, if received in time, will be presented to the Planning Commission.

If you wish to send comments via e-mail, write to planning@ci.bloomington.mn.us. Anonymous e-mails will not be forwarded.

Originator COMMUNITY DEVELOPMENT	Item Rezone all land zoned CB to B-2	#
Agenda Section	By GDM	Approved Date

Description

Item 3

Case 10002B-10

GENERAL INFORMATION

Applicant: City of Bloomington

Location: Multiple parcels (see attached map and list of parcels)

Request: Rezone all land zoned CB to B-2

Existing Land Use and Zoning: Mixed commercial; zoned CB

Surrounding Land Use and Zoning: Mixed industrial, residential and commercial; zoned I-3, B-2, R-1, R-4, RM-24, RM-50 and FD-2

Comprehensive Plan: Community Commercial, General Business and Public

REQUEST

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, that 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 (see attached map).

CHRONOLOGY

City Council Action: 11/16/09 – Initiated rezoning.

Administrative Hearing: 2/23/10 – Administrative hearing held.

Planning Commission Agenda: 3/25/10 – Public hearing scheduled.

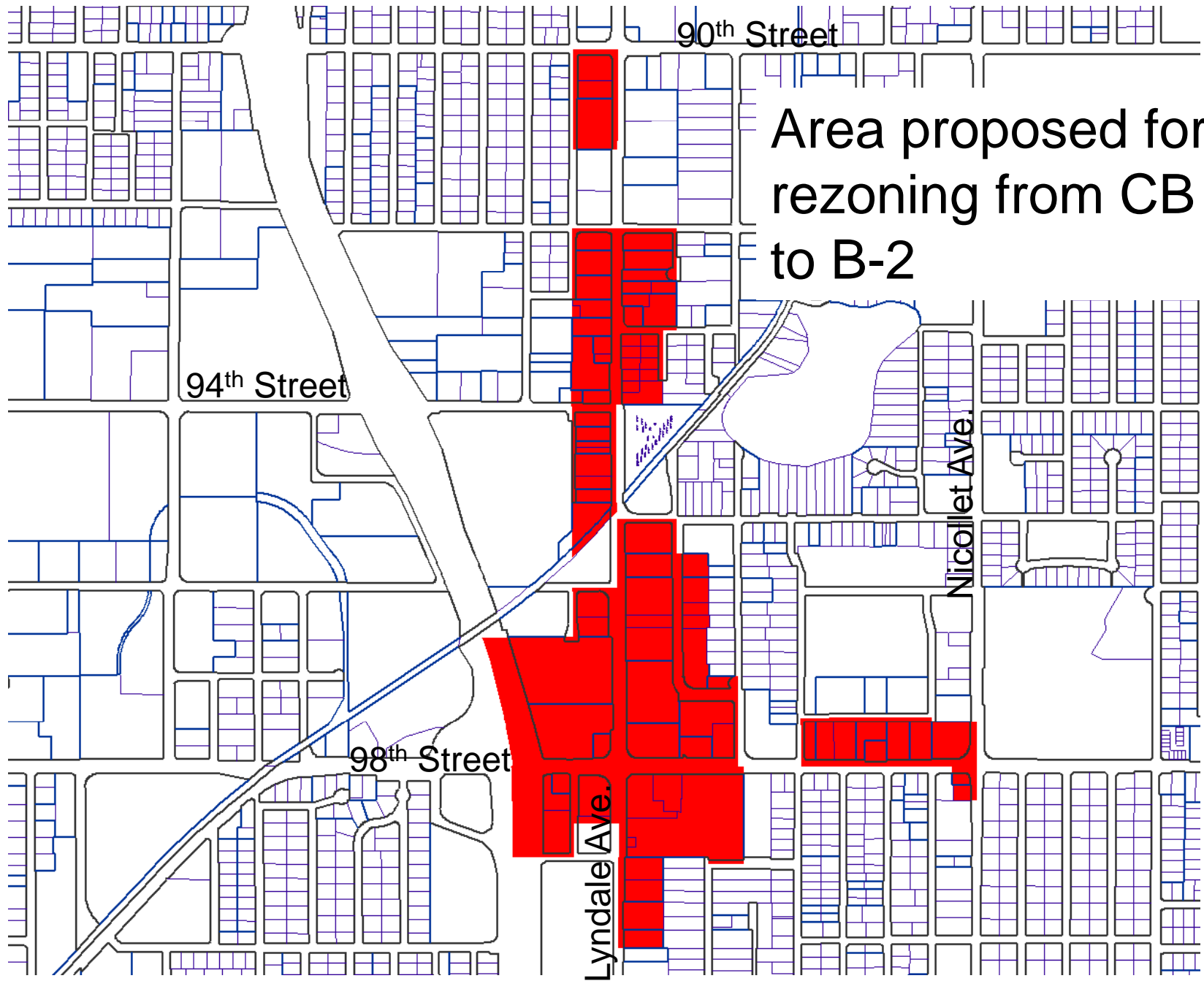
City Council Agenda: 4/26/10 – Public hearing (tentative date).

Council Action

Motion by _____ Second by _____ to _____

DEADLINE FOR AGENCY ACTION

Application Date:	2/17/10
Agency Action Deadline:	Waived by Applicant



90th Street

Area proposed for
rezoning from CB
to B-2

94th Street

Nicollet Ave.

98th Street

Lyndale Ave.

List of All Parcels Zoned CB

<i>Number</i>	<i>Street</i>	<i>Description</i>	<i>Lot</i>	<i>Block</i>	<i>Addition Name</i>	<i>Pins</i>
9818	ALDRICH AVE S	TRANSIT STATION PARKING	001	1	COUNTRY KITCHEN 1ST ADDITION	2402716410011
9830	ALDRICH AVE S	METRO TRANSIT CENTER	002	1	COUNTRY KITCHEN 1ST ADDITION	2402716410012
9300	GARFIELD AVE S		001	4	BROWNHOLME ADDITION	2402710330016
9308	GARFIELD AVE S		002	4	BROWNHOLME ADDITION	2402710330017
9316	GARFIELD AVE S		003	4	BROWNHOLME ADDITION	2402710330018
9324	GARFIELD AVE S	FONG'S PARKING LOT	004	4	BROWNHOLME ADDITION	2402710330019
9521	GARFIELD AVE S	WARNER OUTDOOR	001	1	RUTH WALKER ADDITION	2402715220057
9601	GARFIELD AVE S	WESTWOOD SPORTS	000	11	OXBORO HEATH	2402715230032
9609	GARFIELD AVE S	GARFIELD AUTO REPAIR	008	11	OXBORO HEATH	2402715230034
9617	GARFIELD AVE S	U S POST OFFICE PARKING		11	OXBORO HEATH	2402715230037
9649	GARFIELD AVE S	U S POST OFFICE		11	OXBORO HEATH	2402715230039
9216	GARFIELD CIR	VACANT LAND	OLA	0	DANCO ADDITION	2402710330058
9700	GRAND AVE S	U S POST OFFICE PARKING	001	1	BLOOMINGTON 29TH ADDITION	2402715230074
9740	GRAND AVE S	TRANS GLOBAL	001	1	SOUTH EXCHANGE ADDITION	2402715230075
9000	LYNDALE AVE S	GREAT BEAR TIRE & AUTO	001	1	GREAT BEAR TIRE AND AUTO	2402709410075
9010	LYNDALE AVE S	GREAT BEAR SHOPPING CTR	002	1	GREAT BEAR TIRE AND AUTO	2402709410076
9030	LYNDALE AVE S	GREAT BEAR SHOPPING CTR	002	1	GREAT BEAR 1ST ADDITION	2402709410071
9200	LYNDALE AVE S	AUTO MAX/GENES AUTO SERV	001	1	BENNETTS LYNDALE ADDITION	2402709440058
9201	LYNDALE AVE S	PARADISE CAR WASH	001	1	PILHSTROM ADDITION	2402710330055
9209	LYNDALE AVE S	FREEWAY 66	001	1	FREEWAY SECOND ADDITION	2402710330065
9211	LYNDALE AVE S	MIDAS MUFFLER & BRAKES	030	3	OXBORO HEATH	2402710330044
9215	LYNDALE AVE S	JIFFY LUBE	001	1	DANCO ADDITION	2402710330057
9225	LYNDALE AVE S	HARMON GLASS CO - VACANT	001	1	COLONIAL CAR WASH 2ND ADDN	2402710330053
9230	LYNDALE AVE S	TACO BELL	001	1	TACO BELL 2ND ADDITION	2402709440060
9240	LYNDALE AVE S	ARBY'S RESTAURANT		0	09 027 24	2402709440004
9246	LYNDALE AVE S	BUMPER TO BUMPER	002	1	S & Z 1ST ADDITION	2402709440041
9255	LYNDALE AVE S	KENTUCKY FRIED CHICKEN	001	1	K F C ADDITION	2402710330056
9300	LYNDALE AVE S	FIRESTONE / BRIDGESTONE	001	1	AMERICAN LEGION 3RD ADDITION	2402709440042
9301	LYNDALE AVE S	BLOOMINGTON AUTO SALES	012	4	BROWNHOLME ADDITION	2402710330025
9304	LYNDALE AVE S	VACANT LAND	000	0	09 027 24	2402709440005
9305	LYNDALE AVE S	BLOOMINGTON AUTO SALES	011	4	BROWNHOLME ADDITION	2402710330024
9308	LYNDALE AVE S	VACANT LAND	000	0	09 027 24	2402709440006
9309	LYNDALE AVE S	9309 LYNDALE OFFICES	010	4	BROWNHOLME ADDITION	2402710330023
9320	LYNDALE AVE S	VACANT LAND	001	1	EARL C HILL AMERICAN LEGION ADDITION	2402709440063
9321	LYNDALE AVE S	FONG'S PARKING LOT	009	4	BROWNHOLME ADDITION	2402710330022
9327	LYNDALE AVE S	FONG'S PARKING LOT	008	4	BROWNHOLME ADDITION	2402710330021
9329	LYNDALE AVE S	FONG'S		4	BROWNHOLME ADDITION	2402710330020
9336	LYNDALE AVE S	VACANT LAND		0	09 027 24	2402709440007
9400	LYNDALE AVE S	ALL SEASON TIRE		0	16 027 24	2402716110001
9412	LYNDALE AVE S	AUTO ZONE	001	1	HOFMEISTER ADDITION	2402716110008
9420	LYNDALE AVE S	CROWN TROPHY		0	16 027 24	2402716110002
9424	LYNDALE AVE S	CELL CRAFTS / HEARMORE		0	16 027 24	2402716110003

9432 LYNDAL AVE S	NEVADA BOB'S	001	1 MARK LAND DEVELOPMENT 1ST ADDITION	2402716110009
9448 LYNDAL AVE S	OXBORO OFFICE CENTER	002	1 MARK LAND DEVELOPMENT 1ST ADDITION	2402716110010
9480 LYNDAL AVE S	AUTOPIA	000	0 REGISTERED LAND SURVEY NO 580	2402716110011
9488 LYNDAL AVE S	ZIEGLER STORAGE YARD		0 16 027 24 - Divided in RBCU ADDITION	2402716110027
9501 LYNDAL AVE S	AL'S VACUUM / RETAIL	001	1 OXBORO DEVELOPMENT 3RD ADDITION	2402715220065
9529 LYNDAL AVE S	MCDONALDS RESTAURANT	001	1 MCDONALDS BLOOMINGTON 4TH ADDITION	2402715220271
9600 LYNDAL AVE S	WHITE CASTLE	001	1 HOLLENBACK AND NELSON 1ST ADDITION	2402716140012
9601 LYNDAL AVE S	APPLEBEES RESTAURANT	001	1 OXBORO HEATH 3RD ADDITION	2402715230079
9621 LYNDAL AVE S	U S BANK		1 OXBORO HEATH 3RD ADDITION	2402715230080
9624 LYNDAL AVE S	WENDY'S RESTAURANT	002	1 HOLLENBACK AND NELSON 1ST ADDITION	2402716140013
9633 LYNDAL AVE S	U S BANK		1 OXBORO HEATH 3RD ADDITION	2402715230081
9700 LYNDAL AVE S	FREEWAY FORD	001	1 FREEWAY FORD 1ST ADDITION	2402716140007
9701 LYNDAL AVE S	THE PLAZA AT OXBORO	001	1 OXBORO RETAIL CENTER	2402715230072
9728 LYNDAL AVE S	CLOVER CENTER		0 16 027 24	2402716140003
9742 LYNDAL AVE S	WELLS FARGO	001	1 A S B ADDITION	2402716140016
9800 LYNDAL AVE S	WALGREENS	001	1 VILLAGE AT OXBORO	2402716410017
9801 LYNDAL AVE S	VACANT RETAIL-WB WIXON	001	1 OXBORO DEVELOPMENT 1ST ADDITION	2402715320064
9847 LYNDAL AVE S	BLOCKBUSTER VIDEO	004	1 OXBORO DEVELOPMENT 1ST ADDITION	2402715320067
9901 LYNDAL AVE S	9900 SHOPPES	001	1 9900 SHOPPES	2402715320061
9939 LYNDAL AVE S	9900 SHOPPES	002	1 9900 SHOPPES	2402715320062
9947 LYNDAL AVE S	GILL BROS FUNERAL HOME	031	0 AUDITORS SUBDIVISION NO 331	2402715320035
9955 LYNDAL AVE S	WIXON JEWELERS / OFFICE	001	1 BEVIER ADDITION	2402715320063
9818 NICOLLET AVE S	BLOOMINGTON CLEANERS		1 ESSEX GREEN ADDITION	2402715310002
600 W 93RD ST	COLONIAL CAR WASH	002	1 COLONIAL CAR WASH 2ND ADDN	2402710330054
135 W 97TH ST	OXBORO PLAZA BUILDING	001	1 GALAXY BUILDERS 10TH ADDITION	2402715240030
5 W 98TH ST	PRECISION TUNE	001	1 SCHOENBERGER ADDITION	2402715310098
50 W 98TH ST	HOLIDAY STATION STORE	001	1 HOLIDAY NICOLLET ADDITION	2402715240032
100 W 98TH ST	BURGER KING	001	1 BURGER KING BLOOMINGTON ADDITION	2402715240022
108 W 98TH ST	CHECKER AUTO/CARRIERES FL	001	2 GALAXY BUILDERS 7TH ADDITION	2402715240029
136 W 98TH ST	PRINT SHOP / SCHMITT ROOF	002	2 JANSKI 1ST ADDITION	2402715240020
200 W 98TH ST	JAMES KING INSURANCE BLDG	002	1 MATTSON ADDITION	2402715240027
208 W 98TH ST	PIERCE SKATE & SKI	001	1 MATTSON ADDITION	2402715240026
220 W 98TH ST	INTL VILLAGE SHOPS		0 15 027 24	2402715240017
400 W 98TH ST	U S WEST SWITCHING FAC	002	1 SOUTH EXCHANGE ADDITION	2402715230076
500 W 98TH ST	PREMIER BANK / MBC		11 OXBORO HEATH	2402715230046
501 W 98TH ST	OXBORO SQ/FESTIVAL FOODS	003	1 OXBORO DEVELOPMENT 1ST ADDITION	2402715320066
600 W 98TH ST	OXBORO MEDICAL BUILDING	001	1 OXBORO DEVELOPMENT 2ND ADDITION	2402715230069
611 W 98TH ST	BAKERS SQUARE RESTAURANT	002	1 OXBORO DEVELOPMENT 1ST ADDITION	2402715320065
801 W 98TH ST	TRANSIT STATION PARKING	001	1 CONTINENTAL OIL 1ST ADDITION	2402716410010

Zoning District - Key Comparisons

Uses	CB	B-2
Currency Exchange/Pawn Shop	Prohibited	Conditional
Hospitals	Permitted	Prohibited
Outside Storage	Conditional	Prohibited
Manufacturing/ Wholesale Business	Permitted	Prohibited
Warehousing	Permitted	Prohibited
Class I Motor Vehicle Sales	Permitted	Permitted when in existence prior to 1/1/2010
Class II Motor Vehicle Sales	Accessory to Class I Motor Vehicle Sales	Permitted when in existence prior to 1/1/2010
Retail	Permitted	Permitted
Office (including Medical, Dental Office)	Permitted	Permitted
Restaurant	Conditional	Conditional
Standards	CB	B-2
FAR - Maximum	NA	0.5
Building Floor Area – Minimum	4,000 square feet	3,000 square feet
Impervious Surface Area- Maximum	NA	90%
Site Width - Minimum	90 feet	100 feet/ interior lot, 150 feet/corner lot
Setbacks - Along Public Street Minimum	65 feet	35 feet
Setbacks – Side Minimum	10 feet	10 feet
Setbacks – Rear Minimum	25 feet	15 feet
Setbacks- Adjacent to Residential Sites	50 feet (100 feet to residential structures)	50 feet

Source: City of Bloomington, Planning Division, February 2010

Item 3

GENERAL INFORMATION

- Applicant: City of Bloomington
- Location: Multiple parcels (see attached map and list of parcels)
- Request: Rezone all land zoned CB Central Business to B-2 General Commercial

REQUEST

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, that 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 (see attached map).

ANALYSIS**Background**

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 rezonings. 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.

Comparison of CB and B-2 Uses

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 – see further discussion below).

Comparison of CB and B-2 Standards

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.

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).

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.

Those sections of the City Code listing B-2 and CB standards are enclosed.

Nonconformities

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.

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.

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.

Comments Received

Nine people attended the administrative hearing on this item on February 23rd. One person, James Swanson with Kraus Anderson Realty Company, expressed concerns regarding the rezoning and others asked questions. 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 the enclosed correspondence on March 9th. The letter discusses three concerns:

1. The B-2 height limits (2 stories);
2. The B-2 tenant size limits (80,000 sq. ft.); and
3. Permitted uses currently allowed under CB not allowed under B-2.

A comment letter may also be forthcoming from Ziegler representatives, although no letter was received at the time this staff report was prepared.

Staff Response to Comments Received

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).

As mentioned above, 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.

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.

RECOMMENDATION

In Case 10002B-10, staff recommends approval of an ordinance to rezone all parcels zoned CB Central Business to B-2 General Commercial.