



# PLANNING COMMISSION SYNOPSIS

---

---

**CALL TO ORDER**

Chairperson Bruce called the Planning Commission Meeting to order at 6:00 p.m. on December 18, 2008 in the Council Chambers of the Bloomington Civic Plaza.

---

---

**COMMISSIONERS PRESENT:** Bruce, Baloga, Klassen, Lucas, Catania, Oleson

**COMMISSIONERS ABSENT:** Saccoman

**STAFF PRESENT:** Ahern, Hawbaker, Markegard, Hiller

---

---

**ITEM 1**

6:00 p.m.

**CASE:** 7272A-08

**APPLICANT:** Chief's Towing, Inc.

**LOCATION:** 1201 West 96<sup>th</sup> Street

**REQUEST:** Interim Use Permit for open storage of towed vehicles, trucks, boats, recreational vehicles and construction equipment

---

---

**APPEARING FOR THE APPLICANT:**

Jeff Schoenborn, General Manager, Chief's Towing

**DISCUSSION BY THE COMMISSION:**

Hawbaker summarized the staff report recommending approval of a three-year Interim Use Permit for open storage of towed vehicles, trucks, boats, recreational vehicles and construction equipment at 1201 West 96<sup>th</sup> Street subject to 11 conditions listed in the staff report.

Baloga asked staff for clarification of the wording used in condition number ten. Hawbaker stated the intent of the language is to not allow storage of abandoned, inoperable, or junk vehicles on the property other than those vehicles towed in by Chief's Towing. Baloga suggested some rewording may be necessary on this condition to clear up an ambiguity. Baloga asked if the property meets the new fence standards going into effect at the beginning of 2009. Markegard stated the property meets the new standards.

Klassen asked staff if there is a history of complaints on this property the Commission should be aware of. Hawbaker stated the property has been in compliance since 1987.

Schoenborn asked for staff for clarification regarding condition number ten because the applicant leases space within the property for storage of operable and inoperable vehicles that are not towed into the property by the applicant.

Baloga suggested adding a condition number twelve to read: "No other towing service can store vehicles at the site." He also suggested replacing condition number ten with new language as follows: "The applicant will use the property for open storage of towed vehicles of many types, trucks, boats and other RV's, construction equipment, and related construction materials and supplies." Hawbaker stated the suggested language is already worded in the recommendation portion and is unnecessary. Baloga stated the language seems necessary to satisfy the applicant needs and the wishes of the Commission.

Catania asked the applicant if all vehicles stored on the site are towed onto the lot by the applicant or if some are trailered or driven in by the owners of the vehicles. Schoenborn stated most are towed in by Chief's, but some are driven or trailered in by the owners.

Bruce asked the applicant what wording he would like to see changed in the conditions of approval. Schoenborn suggested changing the wording of condition number ten to read "or the owner of the vehicle" at the end of condition number ten. The Commission agreed this may be the simplest solution.

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

**M/Baloga, S/Klassen:** To close the public hearing. Motion carried 6-0.

**M/Klassen, S/Baloga:** Having met the findings in Case 7272A-08, recommend approval of a three-year Interim Use Permit for open storage of towed vehicles, trucks, boats, recreational vehicles and construction equipment at 1201 West 96<sup>th</sup> Street subject to 11 conditions listed in the staff report with the wording of condition number ten changed as suggested by the applicant. Motion carried 6-0.

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

- 1) One sign displaying the name, address and telephone number of the towing business and not exceeding 20 square feet in area, must be displayed in good condition at or near the gate for the driveway from West 97th Street;
- 2) No towed vehicles can be stored for more than two (2) years;
- 3) No dismantling or wrecking of vehicles or the storage of salvaged auto parts will be allowed;
- 4) No sale of salvaged auto parts or any other items will be allowed;
- 5) No construction debris, trash, weeds, debris or refuse will be stored on the site in any manner or at any time and the surface of the lot must be maintained in good repair;
- 6) The storage area must remain completely fenced and the fence must be maintained in good repair;
- 7) The lot must be secured against unlawful entry;
- 8) All permitted storage must be maintained in a neat and orderly manner within the fenced area as shown on the approved site plan in Case 7272A-08;
- 9) No on-street parking or storage is permitted;
- 10) No storage of abandoned, inoperable, junk vehicles or any other equipment or machinery other than those towed by the applicant or the owner of the vehicle; and
- 11) The applicant must ensure the property is protected from potential hazardous waste contamination associated with the permitted use of the property through the application of best practices of the industry.

\*\*\*\*

**ITEM 2**

6:21 p.m.

<b>CASE:</b>	10000F-08
<b>APPLICANT:</b>	City of Bloomington
<b>REQUEST:</b>	Code Amendment – 2008 Miscellaneous Issues

**APPEARING FOR THE APPLICANT:**

Michaela Ahern, Planner

**DISCUSSION BY THE COMMISSION:**

Ahern presented the staff report for Case 10000F-08 recommending approval of the 2008 Miscellaneous Issues ordinance as presented in the staff report.

Ahern summarized the four most significant proposed changes made in the ordinance including: changes to park dedication data sources (Section 16.09), standardizing treatment of Hotel Airport Parking (multiple sections), a revised definition of Type II vehicles thereby limiting the number of vehicles with plows on residential sites to one (Section 19.45) and changes to home enterprise standards (Section 19.63.09).

Klassen asked staff to clarify the purpose of restricting the use of garage space or other accessory structures for storage of equipment/materials for home occupations. Ahern explained the intent of the Code is to make home occupations imperceptible to neighbors. By allowing storage of home occupation related items in garages, the items that normally are stored in garages often move into the driveway or yard.

Catania asked staff for clarification regarding Type II vehicles and the ease of removing/attaching the plow to the vehicle citing concerns that plow blades would be stored in yards. Ahern stated any vehicle with an attached plow would be considered a Type II vehicle. The Code limits the number of Type II vehicles on a residential site to one. Ahern explained residential home owners are not allowed to store plow attachments on their driveways or in their yards and home owners running a plowing service out of their home need to have a conditional use permit with conditions of approval as they are considered a home business and not home occupation.

Klassen stated not allowing home occupations to store or use their garage for business purposes is encouraging home businesses to store materials/equipment and conduct business in public view. Ahern explained that existing ordinance standards prohibit storage of business related materials in the yard or driveway.

Baloga asked staff if a porch as defined in Section 19.08 is required to be attached to the main structure. Ahern stated it is.

Klassen asked staff to comment on the reasoning of requiring a Minnesota professional engineer to design towers/antennae in Section 15.14. Markegard stated the Building and Inspection unit of the city intent in using this language was to ensure the design is of high quality.

**ACTIONS OF THE COMMISSION:**

**M/Baloga, S/Klassen:** To close the public hearing. Motion carried 6-0.

**M/Baloga, S/Lucas:** In Case 10000F-08 recommend adoption of an ordinance amending the city code as outlined in the staff report. Motion carried 6-0.

\*\*\*\*

### **ITEM 3**

6:35 p.m.

<b>APPLICANT:</b>	City of Bloomington
<b>REQUEST:</b>	Discuss Application of B-4 Zoning District
<b>LOCATION:</b>	West 84 <sup>th</sup> Street and Stanley Avenue; West 90 <sup>th</sup> Street and Penn Avenue; 84 <sup>th</sup> Street and Lyndale Avenue; and France Avenue and West Old Shakopee Road

#### **APPEARING FOR THE APPLICANT:**

Glen Markegard, Senior Planner

#### **DISCUSSION BY THE COMMISSION:**

Markegard presented the staff report updating the Commission on the City Council's recent decision to initiate public hearings on whether or not to rezone four neighborhood commercial areas to the B-4 Neighborhood Commercial Center zoning district. No action is required as this item is an update only.

Markegard stated there are three reasons in support of applying B-4 zoning districts. One is to control the form, two is to control the use, and three is to retain more control over the development outcome.

Klassen asked staff to comment on the reasoning behind applying the B-4 at the 90<sup>th</sup> Street/Penn Avenue site. Hawbaker stated the rezonings are being directed by City Council. He stated Council feels the continued vacancy of the 5-Day Furniture, Gas-For-Less, and the Fresh and Natural Foods sites is an opportunity for the City to revitalize a tired area in need of redevelopment.

Bruce encouraged staff to consider Normandale Village for the B-4 Zoning District.

Klassen asked staff to comment on auto service west of Penn Avenue, specifically where it would be allowed if the B-4 rezonings were enacted. Markegard and Hawbaker discussed several areas where zoning would allow service and gas stations west of Penn Avenue.

Oleson asked staff to comment on the effects rezonings have on property owners. Markegard stated properties made non-conforming are grandfathered, but are not allowed to expand from their footprint on their site. Markegard stated notification is made to all property owners within a 500 foot radius of the affected properties, he stated property owners are responsible for notifying tenants of the properties.

Baloga stated because of the Detroit bailout, he feels there will be an increased need for auto services in the future as the number of car dealerships will likely decline so he has concern about reducing zoning within the city for this kind of use.

Oleson asked staff if a use variance could be applied for by property owners to increase the size of non-conforming auto service businesses. Markegard stated that state law does not allow variances for use, and no expansion of the footprint of an existing building could be granted, but equipment could be swapped out within the existing footprint. Markegard stated property owners that wish to expand would need to request a change of zoning through the City.

Markegard stated the public hearing will be January 22 at the Planning Commission.

