



PLANNING COMMISSION SYNOPSIS

Thursday, August 17th, 2023

**CALL TO
ORDER**

Vice Chairperson Koktan called the Planning Commission meeting to order in the City Council Chambers at 6:00 PM.

PLANNING COMMISSIONERS PRESENT: Joanna Goltzman, Aubrey Albrecht, Phil Koktan, Jeannie McGovern, Laini Moreno, Dan Curry (all in person)

PLANNING COMMISSIONERS ABSENT: Paige Rohman

STAFF PRESENT: Glen Markegard, Liz O'Day, Thomas Ramler-Olson, Kirk Roberts, Emily Hestbech (all in person)

Vice Chairperson Koktan led the attendees in the reciting of *The Pledge of Allegiance*. Markegard provided an overview of how interested parties could testify remotely for public hearing items.

**ITEM 1
6:02 p.m.**

CASE:	PL2023-104
APPLICANT:	Southtech II Realty Inc, LLC (owner) Nine Mile Brewing (user)
REQUEST:	Conditional Use Permit for a patio expansion at 9555 James Avenue South.

SPEAKING FOR THE APPLICANT:

Bob Countryman

PUBLIC HEARING DISCUSSION:

Liz O'Day provided the subject property location and surrounding uses. This was a brewery and taproom restaurant approved for 207 indoor seats and 92 outdoor seats in 2021. The applicant is here for a patio expansion located directly behind the existing space, adding 32 seats and space for cornhole and games. It will be enclosed via a temporary perimeter and there will be designated space for two food trucks. The space will be used as is, with no exterior modifications.

This will be used only when other tenants are not in operation. They are planning on using this space only on evening, holidays, and weekends. This is important because there is heavy industrial traffic.

As far as parking goes, this would require 107 parking spaces with the expansion. Staff has reviewed past building permits for conversions from office space to warehouse which has a lower parking requirement. Staff is not concerned about parking on site. The drive aisle width must be 24 feet between the food truck space and the parking space. They are

first taproom and brewhouse. It is a fairly quiet area so it's good to have more traffic there in off-hours.

Curry stated concern about the concept of not using the area when there are other tenants around using the truck court. The building has to monitor what tenants go in the building and that might become an issue for the City. What amount of trucks in the truck court make it active?

Goltzman stated her support for this brewery. It is great to see that the business is doing well and that they are looking to expand. When this location was originally approved, the patio on the front side of the building was the original location as well as the one that exists on the side. Compared to the original approval, the proposed patio is a better use of space. Having the patio be temporary and flexible will help with the truck traffic.

Koktan asked if there is lighting or reflectivity included with this patio expansion?

O'Day stated that the applicant is proposing architectural wall packs behind the building. It needs to meet exterior lighting requirements.

Koktan stated that he is supportive of the application. It's nice to see a business doing well. This application seems to make sense as it is an expansion of a business and they are taking precautions and going through City processes.

The item is a final decision unless an appeal is received by 4:30 p.m. on August 22nd, 2023.

ACTIONS OF THE COMMISSION:

M/Goltzman, S/Albrecht: To close the public hearing.
Motion carried 6-0.

M/Goltzman, S/Albrecht: In Case PL2023-104, having been able to make the required findings, I move to adopt a resolution approving a Conditional Use Permit for an expansion of an outdoor patio at an existing brewery at 9555 James Avenue South, subject to the conditions and Code requirements attached to the staff report.
Motion carried 6-0.

ITEM 2
6:18 p.m.

CASE:	PL2023-106
APPLICANT:	City of Bloomington
REQUEST:	Lyndale Avenue B-4 Rezoning

SPEAKERS FROM THE PUBLIC:

Rhett P. Schwichterberg 50 S 6th St, Floor 24, Minneapolis, MN 55233

PUBLIC HEARING DISCUSSION:

Thomas Ramler-Olson provided the Lyndale Avenue B-4 rezoning staff report. The proposal is to rezone a total of 28 parcels near Lyndale Ave. intersections with W. 86th St. and W. 98th St. from B-2 to B-4. This is a recommended action from the Lyndale Avenue Suburban Retrofit Plan. There are 11 parcels under consideration around the 86th street intersection and 17 around the 98th Street intersection. This process began in early May and there were mailers sent out to the property owners of the properties being considered for rezoning to inform them of the kickoff of this project. On May 11, Staff visited each property. On May 23, there was a virtual open house and on May 24, there was an in-person open house. The open houses weren't well attended. There were several email inquiries with no explicit support or opposition for the rezoning.

This is an action from Retrofit Plan approved in April 2021. This fulfills the vision by creating more opportunities for housing and mixed-use development as well as creating more of a walkable character along Lyndale Avenue. Other Planning actions took place that also support this rezoning. The 98th Street Station Area Plan had a group of parcels rezoned from B-2 to B-4. The Comprehensive Plan also supports this action as it adopted by extension the Retrofit Plan.

The guided land use of the parcels being considered is a mix of General Business, Community Commercial (CC), and one that is guided Public (PUB). The Publicly guided area is a transit station, which could be considered for re-guiding in the future as there is interest in the part of Metro Transit to seek mixed use development above the transit center. If the rezoning were to be approved and once there are firm plans put in place for the parcel, the City may consider re-guiding the parcel into a more appropriate land use designation. The current zoning is all B-2. The opposite side of Lyndale Ave around 86th was recently rezoned to Transitional Industrial from I-3. This is introducing mixed use development to these parcels.

B-2 is the General Commercial zoning district that allows certain uses that are not allowed in B-4 such as pawn shops, car washes, and gas stations. There are a variety of goals for the B-4 district that help fulfill the Retrofit Plan. Some of the difference in standards are the higher floor area ratio in B-4 if there is residential involved in the development. B-4 guides for parking to the side or rear of the building to encourage a more walkable streetscape. Additionally, B-4 has window requirements along streets to appeal to the pedestrian. Lastly, B-4 has a maximum front yard setback to bring buildings closer to the sidewalk.

A consideration for rezoning is the conformity status. Some lots would become nonconforming due to use, site characteristics, and/or building design. There are several sites that have uses that would be legally nonconforming due to the B-4 district standards. Legal use nonconformities would be able to continue but not expand. There are five properties that specifically do not conform with the B-4 district in terms of use.

There were study sessions at the June 22nd Planning Commission meeting and July 10th City Council meeting. The takeaways were that there was general support, there were questions about non-conformity, there have been inquiries from property owners but there

is no sense of support or being against the proposal. There were questions about the future of Lyndale. There is a working group looking at Lyndale to see what the next moves are and to gauge the progress of fulfilling the Retrofit Plan. Right now, there are no plans for restriping or reconstructing Lyndale. There is some interest in a corridor study which is dependent on the Work Plan approved by the City.

Albrecht asked for an example of an improvement that would not be an expansion.

Ramler-Olson stated that an improvement might be something exterior, as long as it is not a physical expansion that would be an expansion of the use. Things like site improvements and landscaping would keep the site within legal non-conformity status.

Albrecht asked if the physical square footage is what would be considered an expansion.

Ramler-Olson stated that as long as the area of the footprint does not expand then they still comply with the legal nonconformity status.

Koktan asked why there is only rezoning and no reguiding.

Ramler-Olson stated that the guidance agrees with the rezoning of B-4. Where there might be issues is the parcel that's guided Public. The long term plans by Metro Transit for the property are for mixed use, which would require a future amendment from the guiding Public.

Goltzman asked why there is a property that is not included.

Ramler-Olson stated that he is unsure of why this was not included but that the graphic is outdated.

Curry asked about non-conforming uses. The auto uses are non-conforming going forward and the park and ride parking lot is conforming. Why is this different?

Ramler-Olson stated that those are considered public uses and those would still be allowed under the proposed zoning of B-4. It's more helpful to think of them as a transit station and that the focus of those lots are there to facilitate the routes that come through the 98th Street Station.

Curry stated that he drove the Lyndale Ave. neighborhood and hasn't seen any new developments since the plan was put in place. Was there an expectation of when there might start to be re-development in this area? Or does the City need to look at the Plan and do something different.

Koktan stated that this is a long-term plan. The Lyndale Avenue retrofit calls it a 20-to-25-year plan. The market will not absorb that much redevelopment in a very short timeframe.

Markegard stated the plan was adopted in April of 2021 and in that time there have been two major developments. One at 94th and Lyndale—the Lyndale Flats Apartments and one that is under construction right now at 95th street—the Oxboro Heights Senior apartments. Two large developments in two years is good progress.

Koktan stated that some of Lyndale has been moved to the Transitional Industrial district and now there is this change from B-2 to B-4. Is this all the rezonings in this area or is there a potential for more?

Markegard stated that there are no additional plans discussed within the Lyndale Avenue Retrofit Plan. However, the developments discussed earlier have caused a change of character and there are two large redevelopment opportunities in that area. Given the change in character, Staff is of the perspective that the City should look beyond what is in the original Retrofit Plan and potentially have some discussion to further evaluate rezoning in that area, specifically at 94th and Lyndale. In terms of potential development on the two sites that are being discussed, there are some buyers interested in the B-2 style of development and others interested in the B-4 style of development. Staff would like the Commission's guidance on that understanding that it's not in the Lyndale Avenue Retrofit Plan.

Koktan opened the public hearing.

Rhett Schwichterberg stated that he is counsel for the Pawn America tenant at 8650 Lyndale Ave S. as well as the landowner which is a related business affiliate of Pawn America. Schwichterberg asked that the Commission table their review and recommendations until next month's meeting. Pawn America learned of this rezoning only 10 days ago when it received notice of tonight's hearing in the mail. We received the packet and materials last Friday afternoon and we have reviewed those. There are unintended consequences of the proposed rezoning specifically as it concerns Pawn American and pawn stores being moved from a conditional use to a prohibited use under the proposed rezoning in the B-4 District. There were several outreach attempts, however Pawn America did not engage in any dialogue with City Staff other than a brochure being dropped off at the store. We would appreciate a one-month period to review the Comprehensive Plan and the materials in the report. What happens if the owner wants to redevelop the property in accordance with the Retrofit Plan to accommodate pedestrian traffic and mix-used development for residential areas? Pawn America wouldn't be able to revitalize business to accommodate the goals of the Retrofit Plan and the B-4 district. We think this would have a negative impact on Pawn America and ask for more time to discuss with Staff members. The outreach wasn't successful in that there wasn't much dialogue. Other business owners would want to weigh in if they understood the ramifications of the rezoning.

The public hearing was closed.

Curry stated that based on what was heard about the two-year history of redevelopment, it seems that everything is going well but businesses shouldn't be displaced.

Goltzman stated that she has been on the commission for five years and has seen how this process has gone because the Commission is intimately involved. Sometimes the Commission forgets that the rest of the City might not know. Commends City Staff for doing outreach and asking what the community wanted to see on Lyndale Ave. The B-4 zoning district makes sense, especially since businesses can continue to operate. Changes need to be made to meet the vision and make it a walkable and vibrant community.

Albrecht stated her appreciation of the public engagement that has been done. She understands how it might be frustrating to feel like you are not heard. There is an attempt for engagement and sometimes business owners engage and sometimes they do not. City Staff is open to hearing feedback, but it seems a little late. It would be a difficult situation to rezone and say parcels are non-conforming and they can't exist. The idea of a legal non-conforming use shows that you can make improvements. You wouldn't be able to expand the footprint but there can be improvement to address some of the ideas of the Lyndale Avenue Retrofit Plan. She is in support of the parameters that have been in place surrounding the legal non-conformity uses in the fact that they can still exist and make improvements.

Koktan stated that rezoning is tough because it always comes with consequences. It is the Commissioner's job to weigh the difficult decisions and whether that meets the greater good or not. There is consideration of the legal non-conforming use. In this case, there is greater good in creating some of these legally non-conforming uses for the long-term vision of Lyndale Avenue. He is in strong support of the Lyndale Avenue Retrofit Plan and the rezoning tonight.

Koktan also stated support for Staff bringing forward further discussion on potentially rezoning additional land at the intersection of 94th and Lyndale. The Commission wants to be sure the guiding and zoning of the area is in place for the future of the corridor. He asked for insight from the other Commissioners.

Curry asked if this was related to the B-2 versus the B-4 zoning. He asked for clarification if this would be an alteration of B-4 to B-2 within the corridor.

Koktan clarified that the question is not a part of this application. Planning Manager Markegard asked for input on a separate item to potentially bring another application for rezoning in other areas.

Goltzman stated support of Staff looking at the 94th Street area.

Curry stated support of the potential review.

Curry stated that it is interesting that only Pawn American has spoken.

The item moves to the September 18th City Council meeting as a public hearing.

ACTIONS OF THE COMMISSION:

M/Albrecht, S/Goltzman: To close the public hearing.
Motion carried 6-0.

M/Albrecht, S/Curry: In Case #PL2023-106, I move to recommend approval of an ordinance amending the City's Official Zoning Map to rezone 28 lots shown on Exhibit A attached to this staff report from General Commercial (B-2) to Neighborhood Commercial (B-4)
Motion carried 6-0.

ITEM 3 6:58 p.m.

APPLICANT: City of Bloomington

REQUEST: 98th Street Interchange Study

PUBLIC HEARING DISCUSSION:

Kirk Roberts provided the subject property location and surrounding uses. The study area extends from Lyndale Avenue to James Avenue. This interchange in particular has become prominent as a transit hub. The 98th street station is one of two key stations in the City and they are significant regionally as well. There was a planned developed in the 1990s for the interchange. This plan was adopted by the state, city, and county. Property was acquired for the future ramps and Metro Transit asked if there could be a temporary transit station there which has now become the 98th street transit station. The plan remains to put freeway access. Transit stations are vital to the city. The idea of removing a successful transit station to put in a freeway ramp is not adequate. Additionally, questions came up about supporting transit-oriented development above the transit station. Transit oriented development is primarily residential and some commercial; it is oriented to those who are transit-dependent. Minnesota Department of Transportation (MNDOT) has their ideas for ramps so the City needs to have its own ideas and plans of what to do with this area. The vision for Lyndale Avenue is development that is at much greater densities and has less auto dependency. Can this interchange support what we see as the future? The area has a lot of amenities but is not very bike and pedestrian friendly. Is there a long-term design that is much better for the public by maintaining vehicular traffic and improving pedestrian conditions? The engagement for this project was extremely important. Staff has engaged with a lot of stakeholders such as Hennepin County, Metro Transit, Metropolitan Council, etc. There are a raft of projects to improve and maintain the interchange. Brian Niemuth will discuss the projects.

Brian Niemuth stated that as far as engagement goes there was publicity such as a social media blast, website posts, emails, pop-up events, and focused conversations. It was important to include all ages and racial groups to see how different people use the corridor. The City did a transportation use survey and the results showed that people will still drive but there is a big interest in more bicycling and walking and public transit uses. There were a lot of conversations about different aspects of the corridor that people liked or didn't like.