

GENERAL INFORMATION

Applicant:	Independent School District No. 271
Location:	9701 Nicollet Avenue South
Request:	Final Site and Building Plans for a stadium and site improvements at Kennedy High School
Existing Land Use and Zoning:	Public high school; zoned Single-Family Residential (R-1)
Surrounding Land Use and Zoning:	North – Pond Learning Center; zoned R-1 South – Single-family homes, office, and retail; zoned B-2 and R-1 East – Townhomes and Single-Family homes; zoned R-1(PD) and R-1 West – Convenience store, single-family homes, and apartments; zoned B-2 and RM-24
Comprehensive Plan Designation:	Public

CHRONOLOGY

Planning Commission:	10/20/2023 – Public hearing continued to 11/02/2023.
Planning Commission:	11/02/2023 – Public hearing held and continued to 11/30/2023.
Planning Commission:	11/30/2023 – Public hearing held and closed, and application indefinitely continued. Applicant extended agency action timeline to 06/04/2024.
Planning Commission:	05/09/2024 – Public hearing continued to June 6, 2024 to allow City Council to determine if an Environmental Assessment Worksheet is required for the stadium application.
City Council:	06/03/2024 – Determined an EAW was not required for the final site and building plan application.
Planning Commission:	06/06/2024 – Approved the final site and building plan application. Planning Commission approval appealed to the City Council.

City Council: 07/01/2024 – Public hearing scheduled.

DEADLINE FOR AGENCY ACTION

Application Date:	09/06/2023
60 Days:	11/05/2023
120 Days:	01/04/2024
Applicable Deadline:	08/02/2024 (Per State Statute 15.99, the deadline is now 60 days after completion of the last process required in the applicable statute)
Newspaper Notification:	Confirmed (06/21/2024 Sun Current – 10-day notice)
Direct Mail Notification:	Confirmed (500-foot buffer – 10-day notice)

STAFF CONTACT

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PROPOSAL

Currently, both high schools in the Bloomington School District share Bloomington Stadium, located at 8900 Queen Avenue South, formerly Lincoln High School. The Bloomington School District is proposing substantial upgrades to the outdoor athletic fields at Jefferson and Kennedy High Schools, so sharing a facility would no longer be necessary. Improvements at Kennedy High School would include:

- Stadium seating with a capacity of 2,500 and an approximate 500 square-foot coach and press box on the west side of the existing field;
- An approximate 500 square-foot concession stand;
- Replacement of field surface with new artificial turf;
- Relocate the discus field to the area west of the stadium;
- LED light system;
- Stadium sound system; and
- Accessibility improvements

A public hearing was held and closed on the subject application in November of 2023. Since that time, the applicant has prepared and submitted updated plans and application materials, which include:

- Architectural plans;
- Site and civil plans;
- Lighting plan and associated lighting study; and
- Noise/sound study and associated documents.

The application review and analysis that follows focuses on the updated plans and documents submitted in April 2024.

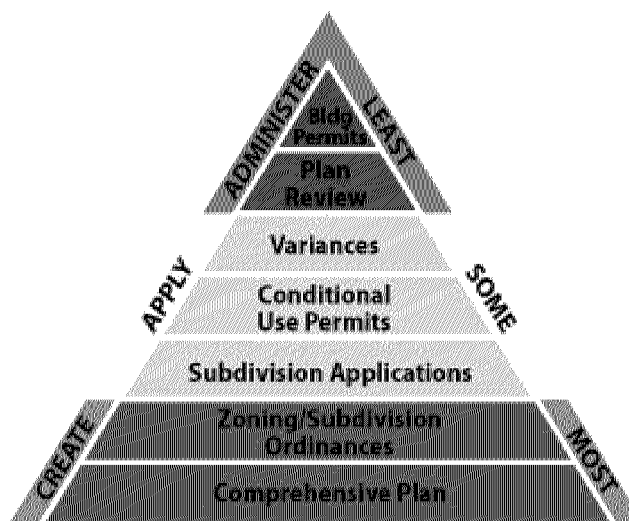
ANALYSIS

Legal Review

The Kennedy high school stadium project requires Final Site and Building Plan (“FSBP”) approval by the City Council. FSBP approval is essentially a site plan review and approval process for construction projects and site improvements. City Code Section 21.501.01 sets out the standards for FSBP applications and approvals. The Planning Manager or Planning Commission have review and decision-making authority for FSBP applications, subject to the rights of the applicant, the public, or both, to appeal a decision to the City Council. Public hearings are required at the Planning Commission, and at the City Council for appeals.

When considering a FSBP application, the Council acts in a *quasi-judicial* capacity, as contrasted with its *legislative* capacity. When considering comprehensive plan adoption or amendment, text amendments to City Code, or property rezoning, the Council is acting legislatively and has broad discretion to consider the public health, safety, and welfare. Conversely, when considering a land use variance, conditional use permit, development plans, interim use permit, or FSBP, the Council has much less discretion. The Council’s role is to determine the facts of an application and apply those facts to the approval criteria and standards in the zoning ordinance.

It can be helpful to visualize this as a “pyramid of discretion” - municipalities have greater discretion when making land use decisions at the base of the triangle, and less as decision-making moves up the pyramid. Discretion is greatest when officials are creating local laws (legislating) and the least when officials are administering those laws (quasi-judicial approval). An FSBP application is generally a low-discretion review, similar to a “Plan Review” in the following visualization:



The Council's role is to determine the facts of the FSBP application, and grant approval if it can make *all* of the following four findings:

1. The proposed development is not in conflict with the Comprehensive Plan;
2. The proposed development is not in conflict with any adopted district plan for the area;
3. The proposed development is not in conflict with city code provisions or state law; and
4. The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

In its review and deliberation, the Council may consider the record and decision of the Planning Commission but is not required to give deference to the Planning Commission's decision. The final decision must be supported by substantial record evidence relevant to the four required findings.

Land Use

Athletic fields are customarily incidental and accessory to schools. The School District's intent to improve athletic facilities for students and spectators is consistent with the Comprehensive Plan's Public land use designation. All public schools in the City of Bloomington are located within the R-1 Single-Family Residential zoning district; no changes to the Comprehensive Plan land use or zoning designations are necessary.

Code Compliance

The proposed development complies with City Code requirements, subject to the recommended conditions of approval attached to the staff report. Given the site's proximity to residential areas, the proposed lighting, parking, and stadium speakers may impact nearby residential areas during larger athletic contests, which occur on a limited basis throughout the year. Third Avenue South is at the site's eastern border. The east side of Third Avenue is comprised entirely of residential uses. As discussed in more detail below, staff previously expressed concerns related to potential lighting and sound impacts for those neighbors, which have been generally addressed by the applicant through the submission of updated plans and documents. In addition, parking and traffic considerations must be addressed as noted below.

Access, Circulation, and Parking

Except for improvements to the stadium entrance area, access, circulation, and parking would largely remain the same as the existing condition. The stadium would utilize the Kennedy High School campus and neighboring Pond Learning Facility parking lots. In total, there would be 652 off-street parking spaces available. Parking requirements for assembly spaces are equal to one-third of stadium capacity. With a capacity of 2,500, the parking requirement is 833 stalls. The School District is proposing a 193-stall proof of parking lot to exceed the difference between the Code requirement and the existing supply.

The proposed proof of parking area would be located to the north of the Kennedy Activity Center,

which is currently a sports field. The drawing is included with the revised plans. With the proposed proof of parking, the available parking supply for the stadium would exceed City parking requirements. The Kennedy High School campus also includes an activity center, large auditorium and separate athletic fields that host events that can have a significant parking demand. The auditorium is used for school-related activities and leased for special events/presentations. The Pond Center operations also have a separate parking demand. To ensure parking does not overflow the site onto nearby residential streets, the School District must enter into a non-concurrent use agreement that the other facilities will not be operational during larger stadium events. Staff is recommending a condition of approval that the nonconcurrent use agreement be executed and recorded prior to building permit issuance.

Staff has prepared a map of nearby streets where on-street parking is permitted. While these areas do not count toward meeting the off-street parking requirement, stadium attendees may independently decide to park on nearby streets rather than in the provided off-street parking areas due to proximity or for the ease of exiting after events. Staff anticipates increased on-street parking in the area during the limited number of larger events.

The original plans did not adequately accommodate pedestrian traffic between the parking areas and the stadium entrance. Most of these issues have been corrected with the addition of curb ramps, a 10-foot-wide sidewalk, and a large concrete area at the stadium entrance. One issue remains, however, and that is the location of the entrance fence. The entrance fence is located too close to a curb ramp to adequately allow safe pedestrian traffic, queuing, and spacing. Staff will continue to work with the design team on the entrance area design.

Building Information

Only two buildings are proposed – the concession stand and the press box located atop the bleachers. The concession stand is proposed to be a brick exterior and located near the northwest corner of the field. Signage is commonly installed on stadium press boxes. All signage must be reviewed and approved by the City prior to installation through the issuance of a sign permit.

Lighting

The Kennedy athletic field currently does not have any illumination. Four 90-foot light poles are proposed – two along the west and two along the east sides of the stadium. The City Code includes an exemption for temporary public sports event lighting. The lighting must be designed to reduce light pollution, light trespass, glare, and offensive light sources onto neighboring properties and the public right-of-way.

The proposed lighting would be entirely LED and have improved lighting control. The plans demonstrate compliance with light trespass limitations, which is critical so adjacent residential uses are not significantly impacted. Lighting plans initially presented by the applicant depicted “up-lit” fixtures, which are prohibited. Revised lighting plans would remove those up-lit fixtures. The applicant has acknowledged the requirement and is awaiting revised lighting plans.

Noise

City Code noise standards match state standards (MN Administrative Rules 7030.0040), which are enforced by the Minnesota Pollution Control Agency (MPCA). Cities are not allowed to have noise standards that are less stringent than the State. These standards, which are in Section 10.29.02 of the City Code, are summarized in Table 1. The “L₁₀” standard is the sound level, expressed in dBA, which is exceeded 10 percent of the time for a one-hour survey. Similarly, the L₅₀ standard is the sound level which is exceeded 50 percent of the time for a one-hour survey.

Table 1: Noise Standards

Noise Area Classification	Daytime (7:00 a.m. to 10:00 p.m.)		Nighttime (10:00 p.m. to 7:00 a.m.)	
	L50	L10	L50	L10
1	60 dB(A)	65 dB(A)	50 dB(A)	55 dB(A)

“Receiving” households fall under Noise Area Classification (NAC) 1, which is the most restrictive. The areas that are impacted the most by the stadium improvements are the residences located to the east along Third Avenue S.

The applicant has submitted a sound study from a professional acoustics firm. The conclusion of the sound study, which is modelled using high school football games with speaker, crowd, and band noise, is that the proposed stadium noise levels will be Code compliant with *daytime* noise standards. The model results, however, would not be compliant with *nighttime* noise standards (between 10:00 p.m. and 7:00 a.m.). Included in the packet is the School District Superintendent’s acknowledgment and commitment to compliance with noise limits.

Signage

The School District proposes to retain the existing scoreboard. A pylon-style sign was originally proposed for the stadium’s entrance, but revised plans no longer include a freestanding sign. The applicant would need to procure sign permits prior to installation of any freestanding and/or on-building signage. Any lit signage would need to comply with both the lighting and sign ordinances.

Stormwater Management

Stormwater will need to be managed to meet the City’s and Watershed District’s requirements for stormwater rate control (quantity), stormwater quality, and volume. Final stormwater management plan calculations and narrative will need to be reviewed by Staff to confirm they meet the requirements in the City of Bloomington Comprehensive Surface Water Management Plan. A maintenance plan has not yet been provided and will be required to be signed and filed at Hennepin County. This site is located within the Nine Mile Creek Watershed District, so an additional watershed permit is required.

Utilities

The plans submitted propose a new watermain be installed to serve the proposed concession stand. This new watermain would run east from the concession stand, connecting with an existing private watermain that serves the school building. The new water service will be required to be metered, depending on the building design the meter will need to be located within the heated structure or within a meter maintenance hole.

A new sanitary sewer connection to the concession stand is also proposed. There is sufficient City sanitary sewer network capacity to handle the increased flows from the proposed concession stand building. Depending on the type of food offerings proposed grease interceptor equipment and a grease interceptor maintenance agreement may be required as determined by the Utilities Division.

The City Engineer must review and approve utility plans prior any permits being issued for building construction or utility installation.

Traffic Analysis

With the proposed improvements and subsequent increased usage of the stadium site, it is anticipated that there will be increased traffic activity at the site peaking just prior to and immediately after the conclusion of larger events at the stadium. The School District will need to provide an operations plan that includes proposed wayfinding, pick-up and drop-off areas, site circulation, and traffic control measures (if necessary) during events.

Clear guidance for drivers and pedestrians visiting the site will be necessary to optimize the parking supply and site circulation on site while minimizing the potential traffic impacts on the adjacent public roadway network.

Staff discussed the proposals with the Bloomington Police Department. The Bloomington Police Department representative stated they have not had traffic or congestion issues for games at Lincoln Stadium. There is usually one police sergeant and four officers present for football games.

Status of Enforcement Orders

There are no open enforcement orders.

FINDINGS

Required Final Site and Building Plan Findings - Section 21.501.01(d)(1-4):

Required Finding	Finding Outcome/Discussion
(1) The proposed development is not in conflict with the Comprehensive Plan.	Finding Made – The subject property is guided Public. Upgrading an existing athletic facility at Kennedy High School is not in conflict with the Comprehensive Plan’s Public Land Use Designation.
(2) The proposed development is not in conflict with any adopted district plan for the area.	Finding Made – There is no adopted district plan for the area.
(3) The proposed development is not in conflict with City Code provisions.	Finding Made – The application materials, plans, and reports submitted to date demonstrate Code compliance. Subject to the conditions approval attached to the staff report, the development is not in conflict with City Code provisions.
(4) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and welfare.	Finding Made – Compliance with noise level and lighting requirements have been addressed by the applicant and are subject to ongoing conditions of approval. While a limited increase of the number of larger athletic events associated with the proposed stadium represents a change to the surrounding area, the development is not anticipated to be harmful to the public health, safety, and welfare of the community.

RECOMMENDATION

The Planning Commission and staff recommend approval using the following motion:

Motion by _____, second by _____, to approve Final Site and Building Plans for site and stadium improvements to the Kennedy High School athletic campus, subject to the conditions and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL202300157

Project Description: Final site and building plans for stadium and site improvements at Kennedy High School located at 9701 Nicollet Avenue S.

Address: 9701 Nicollet Avenue S.

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Permit A Site Development Agreement, including all conditions of approval, operational restrictions and nonconcurrent use provisions, must be executed by the applicant and the City and must be properly recorded by the applicant with proof of recording provided to the Director of Community Development.
2. Prior to Permit A Code complying Proof of Parking plan and Agreement must be approved and filed with Hennepin County.
3. Prior to Permit Access, circulation, traffic operations and parking plans must be approved by the City Engineer.
4. Prior to Permit Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
5. Prior to Permit A Construction Management Plan must be submitted for review and approval by the City.
6. Prior to Permit Lighting plans must be modified to satisfy the requirements of City Code Section 21.301.07 including louvers and other methods to minimize glare or light onto nearby residential uses.
7. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
8. Prior to Permit Bicycle parking spaces must be provided and located on site as approved by the City Engineer.
9. Prior to Permit Food service plans must be approved by the Environmental Health Division (City Code Sec. 14.360).
10. Prior to Permit An erosion control surety must be provided (16.08(b)).
11. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 21.301.15).
12. Prior to Permit Storm Water Management Plan must be provided that demonstrates compliance with the City's Comprehensive Surface Water Management Plan. A maintenance plan must be signed by the property owners and must be filed of record with Hennepin County.
13. Prior to Permit A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division.
14. Prior to C/O Development must comply with the Minnesota State Accessibility Code (Chapter 1341).

15. Ongoing Activities where parking demand has the potential to exceed parking supply may not occur concurrently.
16. Ongoing Signs must be in compliance with the requirements of Chapter 21, Article III, Division D of the City Code.
17. Ongoing All loading and unloading must occur on site and off public streets.
18. Ongoing All pickup and drop-off must occur on site and off public streets.
19. Ongoing Noise generation must meet City noise code standards. (Section 10.29.02).
20. Ongoing A building permit for all required changes to accommodate the proposed use be obtained.