

**CITY OF BURNSVILLE
WORKSESSION MINUTES
MAY 9, 2006**

Council Present: *C. Crichton, T. Daly, D. Gustafson, and L. Workman*
Council Absent: *E. Kautz*
Staff Present: *C. Ebeling, T. Omdal, T. Hansen, B. Osmundson, M. Brooks, D. Garros,
C. Slania, G. Harker, B. Dalrymple, J. Dorshak, M. Brokl, J. Sedlacek*
Others Present: *J. Gessner, L. Goldsmith, M. Wentzell, L. Nachman, G. Dietz, D. McCready,
D. Kapke*

Acting Mayor Daly called the meeting to order at 6:30 p.m.

ITEM 1. PERFORMING ARTS CENTER UPDATE: CONCEPTUAL DRAWINGS

Mark Wentzell, Ankenny Kell Architects (AKA) provided a presentation of preliminary building diagrams that outline the basic relationships between significant portions of the building, indicate where the public spaces are located, and illustrate the relationship of the building to the park and other surrounding elements. The next step in the process is to review the business plan developed by Compass. Council discussed the following issues related to the project:

- Studio space versus visual arts space – the need to keep the building busy.
 - Mr. Wentzell explained that the spaces could be designed as multi-functional.
- Possible building layout to cross the property line.
 - Better layout for the building.
 - More interesting architecture.
 - Connection with the proposed adjacent development.
 - Issue would need to be addressed before RFP process for developers.
- Possible adjustment of kitchen space depending on business plan outcome.
- Adequate restroom space.
- Possible relocation of BECT.

ITEM 2. REVIEW 2003 NEIGHBORHOOD COUNCIL DISCUSSION RESULTS

Tom Hansen, Deputy City Manager, discussed the 2003 Neighborhood Measureables list. Mindful of current demands on staff time, Council consensus was to postpone discussion on uncompleted ideas until the all-day retreat in January 2007. An update on the rental licensing program is scheduled for the July Worksession.

ITEM 3. ENTRY/EXIT SURVEYS

Bridget Dalrymple, Management Assistant, presented entry and exit survey information.

- ❖ Entry Survey Highlights:
 - 28% return rate for surveys.
 - 37% of residents moved to Burnsville because of “style of home.”
 - 37% of residents moved to Burnsville because of “upkeep of neighborhood.”
 - 36% of residents chose Burnsville because of “cost of housing.”
 - 99.5% would recommend Burnsville to others.

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ITEM 3. ENTRY/EXIT SURVEYS (continued)

- ❖ Exit Survey Highlights:
 - 30% return rate for exit surveys.
 - 24% moved away because they built a new home.
 - 23% moved away because of family reasons.

- ❖ What did you like most?
 - Convenience of location
 - Accessibility
 - Close proximity to freeways/downtown/airport/shopping/work.

- ❖ What did you like least?
 - Traffic
 - Lack of upkeep of neighborhoods
 - Too many low income housing units

Staff requested Council recommendation for possible changes in format or questions that Council would like to implement. Reviewed costs of the surveys. Council discussed possible areas for consideration:

- Cultural opportunities.
- School District information.

**ITEM 4. SUNSET PROCESS FOR UNDEVELOPED PUDS/CONCEPT STAGE PUD POLICY/
DISCUSSION ON VARIOUS LAND USE ACTIONS**

Matt Brokl, City Attorney provided a general review of the Subdivision and Zoning Ordinances as well as the various land use clearance actions and legal documents:

- ❖ Preliminary Plat - Legally binding point.

- ❖ Tree removal and Grading

- ❖ Final Plat – Approval mandatory where the Final Plat substantially complies with preliminary approval.

- ❖ Variances
 - Permanent approval that runs with the land, not the owner.
 - No variances for “uses”.
 - May be revoked for non-use in 1 year or violation of variance conditions.

- ❖ Conditional Use Permits
 - Permanent approval that runs with the land, not the owner.
 - May be revoked for violations of terms.
 - Upon review, new conditions may not be added.
 - Unused CUP approvals should be removed at time of subsequent land use approvals.
 - No “sunset” allowed.
 - Must be compatible with the existing neighborhood.

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ITEM 4. SUNSET PROCESS FOR UNDEVELOPED PUDS/CONCEPT STAGE ... (continued)

- ❖ Interim Use Permits
 - Allows a use that is presently acceptable but that, with anticipated development, will not be acceptable in the future.
 - Compliance with conditions may be reviewed at any time after notice to property owner.
 - May be revoked for violations of terms.
 - Upon review, new conditions may not be added
 - “Sunset” allowed.

- ❖ Straight Subdivision v. PUD Subdivision – differences

- ❖ Planned Unit Development - A zoning district, which may include single or mixed uses, one or more lots or parcels, intended to create a more flexible, creative and efficient approach to the use of land and subject to the procedures, standards and regulations contained in this Title.

- ❖ Concept Stage PUD
 - Zoning Code applies.
 - Applies only to PUD.
 - Useful for developer to obtain Council feedback.
 - Subject to major changes through remaining process
 - If approved, Findings of Fact allow developer to proceed with general idea to Development Stage with expectation of approval.

- ❖ Development Stage PUD
 - Final approval of PUD terms and conditions.
 - Usually accompanied by Final Plat and Final PUD Agreement.
 - Frequently accompanied by Comprehensive Plan Amendment.
 - Allows Developer to apply for building permits, subject to meeting approval terms and paying fees and escrows.

Discussed terminating approved PUD Agreements that have not moved forward. Mr. Brokl explained that a PUD agreement is not technically “revocable,” but a rezoning is potentially possible.

Staff presented background templates for planning department items. Council supported the new templates and sent the planning background template to the Planning Commission for review. Council requested staff to prepare a similar format for non-planning items. Discussed possibility of televising Economic Growth Committee meetings, review with EGC first.

ITEM 5. LIQUOR STORE SEPARATION – MEASUREMENT PARAMETERS

Jake Sedlacek, Licensing Coordinator, presented information on current locations of liquor stores and separation distances. Matt Brokl, City Attorney, reviewed the current ordinance, explaining that measurements by driving distance are less uniform and the current measurement parameters are used in several ordinances for other land use regulations as well. Mr. Brokl explained that if goal is to free up more area for possible off-sale liquor locations, the Council should reduce the requirement to less than one mile. Council consensus was not to change the current ordinance.

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ITEM 6. ROUNDTABLE**➤ Discuss Allowing Sports/Fitness Centers in Southcross**

Council discussed the issue of allowing sports training facilities in the I-3 district. Council directed staff to prepare an ordinance reflecting the following issues, send the amended ordinance to the Planning Commission first, and place on Council consent agenda:

- Add definition of trade and business school to the Code.
- Add definition of sports arena to the Code.
- Amend the Code to list and define sports training facilities as permitted/conditional uses.

➤ Discuss Committee/Commission Applicant Term Limits

Council discussed committee/commission applications and possible exceptions to the term limits policy. Council consensus was not to make exceptions to the three term limitation, but agreed to interview applicants who have already applied and readvertise for any unfilled positions.

Council supported adding the issue of an expanded role for Burnsville/Eagan Telecommunication Commissioners to the next Joint Session Agenda with Eagan.

Council agreed to honor the request of Michael Esch to waive the interview process, however cautioned that it may affect his reappointment.

➤ Hwy 13 / Co. Road 5 Update

Bud Osmundson, Director of Public Works/City Engineer reviewed the Compressed/Folded Diamond model proposed for the CSAH 5/TH 13 Interchange and the timeline set for MnDOT approval.

- Currently meeting with affected businesses.
- Modeled Noise Wall – delete or approve at municipal consent time.

➤ Reports on Advisory Boards & External Organizations**Councilmember Crichton:**

- MHA meets tomorrow
- Fire Muster meets Thursday

Councilmember Daly:

- BV Medical Alliance
 - Medical company association meeting–forum to put Burnsville on the radar screen.
- EGC - Speaker on trends of industry cluster.

Councilmember Gustafson:

- I-35W meets Thursday

Councilmember Workman:

- I-35W meets Thursday
- EGC - Discussed PAC/Local Option Sales Tax – Advised Council to proceed slowly. Concerned about residential input. Would like opportunity to review business plan before the Council votes.

WORKSESSION MINUTES

May 9, 2006

The Council set a Special Closed Worksession to discuss Magellan litigation for Monday, May 15, 2006 at 6:30 p.m.

The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Macheal Brooks, Deputy City Clerk

Approved by the City Council of the City of Burnsville this 15th day of May 2006.

Elizabeth B. Kautz, Mayor