

## City Council Minutes

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9 p.m.; off-street parking will be restricted to 91st Street side of the property and that she should not request a permit for an oversize sign.

Motion was made by Viitala and seconded by Hoffman to uphold the recommendation of the Planning Commission and approve the request for conditional use permit based upon the conditions specified by that group. Hasselberg said he felt there was a misstatement in the conditions set forth by the Planning Commission as he said the Planning Director had recommended no sign and the Commission had said the petitioner should not ask for an oversize sign. He requested amendment of the motion to read that the petitioner shall not ask for a sign. Viitala and Hoffman agreed to the amendment of the motion as outlined by Hasselberg and all voted yea.

### Subdivision of Land Case 4153

The Council was requested by Mr. Ladislav J. Cikovsky to consider granting approval of a subdivision of his land at the intersection of County Road 18 and 494 in an R-1 zone. The property was cut up by Interstate 494 and the petitioner wants to establish three lots, each on a separate corner of the intersection. The Planner recommended that this be treated as a hardship since the owner had no control over the situation. Mr. Odegard indicated, however, that any further division of any of the lots would have to be considered as a separate matter. The Planning Commission at its meeting of October 8, 1963, recommended approval of the subdivision in accordance with the Planner's recommendation on a hardship basis. They further noted that any future division of these lots would have to be considered as a different matter and not on a hardship basis.

In answer to a query by the Council, the Planner stated he understood that the petitioner had no particular use planned for the property but wished permission for the division of the land.

Motion was made by Hasselberg, seconded by Nelson, and all voting yea, to uphold the recommendation of the Planning Commission and approve the

### Conditional Use Permit for Multiples Case 4163

The Council was requested by Mr. Robert Keller to consider approving a conditional use permit for a multiple dwelling development at 8201 Normandale Boulevard in an FD-1 zone.

The Planning Commission at its meeting of October 8, 1963, approved the concept of apartments in this area with the following provisions: (1) the petitioner obtain an architect; (2) that the street situation in the area be coordinated with the surrounding properties; (3) that the City staff study the street plans and help coordinate them with the architect's plans; (4) that the various types of apartment units be considered as to proper size; (5) that consideration be given to existing topography; (6) that the area between Bridgeman's and 82nd Street be reserved for apartment use, office use or other compatible use.

Nelson commented that it seemed the only dissenting opinion about these apartments was voiced by the City Planner and he asked him to present his views on this subject. Mr. Odegard said he did not favor apartments in this area because he does not believe residences should be placed in the middle of an industrial and commercial area. The Council discussed the location briefly and Viitala commented he felt there should be a plan for the complete parcel of land before any decision is made regarding this development.

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The City Engineer stated that the service road going past this property and Bridgeman's possibly will be extended in the future to 84th Street. He said in response to a question by Viitala about the turn-off into Bridgeman's that this would be expected to be eliminated at that time and this location would exit only onto the service road.

Motion was made by Hasselberg, seconded by Nelson, and all voting yea, to uphold the recommendation of the Planning Commission and approve the concept of apartments for this area based upon fulfillment of the conditions outlined by the Planning Commission.

Conditional Use Permit  
for a Multiple Dwelling  
Case 4162

The Council was requested to consider granting a conditional use permit to erect a 10-unit multiple dwelling at 10130 Penn Avenue South in an R-2 zone. The Planning Commission at its meeting of October 8, 1963, recommended approval of the concept of multiple dwellings in this area subject to the following conditions: (1) Mr. Ogdie's submitting suitable building and site plans utilizing a better layout of this area; (2) incorporating the property immediately north into the apartment complex, as agreed to by the petitioner; (3) some plan be made for utilizing the landlocked narrow property between the double bungalow and the triangular piece next to the railroad tracks; (4) an investigation of the accessibility to the area immediately west of Nine Mile Creek. The Planning Commission also asked for an economic study of the buildings in this area.

The Planner was asked if the conditions specified by the Planning Commission had been met by the developer. Mr. Odegard said he understands that the petitioner is working on these recommendations and expects to comply with all conditions. Motion was made by Malone to uphold the recommendations of the Planning Commission and approve the concept of a multiple dwelling for this location subject to compliance with the requirements as set forth by the Planning Commission. Hoffman, in seconding the motion, asked if it would be agreeable to Malone to include as a part of the motion that there be a clarification of number four pertaining to accessibility to the area west of this property. He suggested that this study be completed and that the Traffic Engineer report to the Council on a plan for this access. The amendment was agreed to by Malone and all voted yea on the motion. Adams inquired before the voting took place, however, what Malone meant by approving the concept, whether it meant issuance of the conditional use permit, approval of the permit or if it was stating the Council's intention to look favorably upon such a request after all the conditions have been met. Malone said the last statement was what he meant by approval of the concept with which the remainder of the Council agreed.

Conditional Use Permit  
for Oversize Garage  
Case 4165

The Council was requested by Mr. Tom P. Young to consider approving a conditional use permit to erect an oversize garage (22 feet by 30 feet) at 10301 First Avenue South in an R-2 zone. The Planning Commission at its meeting of October 8, 1963, recommended approval on the basis that neither this garage or any part of it be converted to another use by this owner or any subsequent owner. The garage is to be located at a 40-foot setback from 103rd Street to match the house and five feet west of the rear property line.

Motion was made by Viitala, seconded by Knudsen, and all voting yea, to uphold the recommendation of the Planning Commission and approve the conditional use permit based upon the same conditions specified by that group.

Assessment Hearing -  
1963 Weed Cutting  
and Spraying

A hearing was scheduled at 8 p.m. for the proposed 1963 weed cutting and spraying special assessment roll. Proper legal notice was published and affected property owners were notified. Appearing at the meeting were the following persons:

William Pearson, 7881 East Bush Lake Road, who said he was charged \$5 for spraying weeds and that he couldn't see where they had been sprayed. He said he had retained his yard for five years and doesn't need it.

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~~requested by the petitioner and the area between the petitioner and Pure Oil be rezoned General Business (B-3) provided that all the property owners involved consent.~~

~~Mr. Wilson and Mr. Anderson were present to discuss their plans with the Council. Discussion was held on the proposed rezoning and the area to be encompassed. Motion was made by Hasselberg, seconded by Malone, and all present voting yea, to instruct the Attorney to draft two ordinances effecting a rezoning, with one ordinance to encompass the entire area as recommended by the Planning Commission and the other to include only the petitioner's property.~~

Rezoning Northwest  
Quadrant of Interstate  
494 and Normandale  
from B-2 and R-5 to  
FD-1  
Case 4341

~~The Council was requested to consider rezoning the northwest quadrant of Interstate 494 and Normandale Boulevard from B-2 and R-5 to FD-1.~~

~~The Planning Commission at its meeting of January 28, 1964, recommended the rezoning of the northwest quadrant of 494 and Normandale (the area bounded by the northern boundary of Bloomington, Highway 100, Highway 494 and Nesbitt Road) from B-2 and R-5 to FD-1.~~

~~Mr. Philip Zimmerscheid, who said he is an abutting property owner, opposed the rezoning.~~

~~Motion was made by Adams, seconded by Malone, and all present voting yea, to table this item to give the Council more time to study the petition.~~

Approval of Site and  
Building Plans  
Case 4332

~~The Council was requested by the Biltmore Motor Hotel, Inc., to approve site and building plans for a multiple complex at 8200 Fremont Avenue South in an R-5 zone.~~

~~The Planning Commission at its meeting of January 28, 1964, approved the building and site plans subject to working out with the City prior to the Council meeting the question of the parking. The Commission also made a motion suggesting that the Council consider having sidewalks along 82nd Street beside this piece of property.~~

~~Mr. Harry Gerrish, an architect, represented the Biltmore Corporation. He indicated that there will be four buildings with 46 units. Mr. Larry Stein, 8355 Fremont Avenue South, said he had seen the plans at the Planning Commission meeting and because Fremont is a well-traveled street he felt the parking area should face the Freeway and all exits should be to the Service Road instead of Fremont.~~

~~Discussion was held on the placement of the parking area and Mr. Gerrish said the exit to Fremont would serve only 10 units with the exits for the remainder going onto the Service Road. Hasselberg commented he felt that this exit for 10 units would generate no more traffic than if homes had been erected on this property with their separate driveways entering onto Fremont.~~

~~Motion was made by Hasselberg, seconded by Crain, to uphold and accept the recommendation of the Planning Commission and Planner and approve the site and building plans for the multiple dwellings. All present voted yea with the exception of Adams, who voted nay, and the motion so carried. Adams said he voted against the motion, not because he is opposed to multiple dwellings at this location, but because he feels the Council is not keeping a prior commitment made by a previous Council of which he was a minority member.~~

Conditional Use Permit  
for Multiples at 8201  
Normandale Boulevard  
Case 4163

~~The Council was requested by Mr. Robert A. Keller to consider granting approval to final landscape, site and building plans for a multiple dwelling development at 8201 Normandale Boulevard in an FD-1 zone.~~

~~The Planning Commission at its meeting of January 28 approved the final landscape, building and site plans for the apartments and recommended that the Council study the possibility of a variance being~~

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authorized to allow a 53-foot setback on the 82nd Street end of the buildings and that the landscape plan be adjusted to the new site plan administratively by the staff as long as it follow substantially the existing plans.

Mr. Keller and Mr. Bob Jones, general contractor, appeared for the petitioner. Following a discussion of the plans and the request for a 53-foot setback rather than 60 feet as required in a Freeway Development district, motion was made by Hasselberg, seconded by Adams, and all present voting yea, to uphold and accept the recommendation of the Planning Commission and approve the final landscape, building and site plans with a variance in the setback as requested. The Attorney brought to the Council's attention the ordinance stating that a conditional use permit can not be granted if a variance is necessary and stated that amendment to this ordinance had been discussed in the past but no change had been authorized.

Motion was made by Nelson and seconded by Malone to instruct the Attorney to draft an amendment to the ordinance which states a conditional use permit can not be approved if a variance is required. All present voted yea with the exception of Adams, who abstained, and the motion so carried.

~~Ordinance re Public Spiking      The Council was requested to consider adopting an ordinance relating to the prohibiting of public spiking.~~

~~Mr. Marvin Pahl, owner and operator of Mar-Thel's, spoke briefly and outlined what he hoped the ordinance would encompass. He said he did not wish to see an ordinance which would permit public spiking, but one that would allow those places of business in operation prior to July of 1961 to be allowed to having spiking at private parties in private rooms of their establishment. He said he and other businesses, which had built facilities for banquets and parties, and had been allowed to have spiking, had been seriously affected by the passage of the state law requiring the signature of the Police Chief and Mayor on the permit to be granted by the State Liquor Commissioner.~~

~~The Attorney stated that what Mr. Pahl was suggesting would be discriminatory and could make the entire ordinance invalid.~~

~~A lengthy discussion was held and Malone stated he felt allowing spiking as proposed would be incompatible with the private liquor licenses issued by the City to restaurants meeting the requirements of the ordinance. Nelson commented that allowing spiking at certain establishments as proposed by Mr. Pahl would be granting a monopoly to those places. Malone indicated he felt the ordinance which had been proposed had been to enforce the state commissioner's request for an ordinance which would empower him to continue the practice of granting permits only when the applicant has the approval of the Mayor and the Chief of Police.~~

~~Hasselberg stated that the relief being sought would be for those businesses which had invested money in building facilities for banquets and parties at a time when spiking was permitted and that these places had been seriously handicapped by the change in the state law. He said he felt some consideration should be given to those places, which had been in business in Bloomington prior to the date of this state law, and that this privilege should be restricted only to those places.~~

~~The Attorney indicated he would study this matter further and see what could be drafted. Motion was made by Nelson, seconded by Crain, and all present voting yea, to lay over consideration of this ordinance for further study by the Attorney. It was suggested that Mr. Pahl consult with the Attorney to outline his suggestions. Malone stated that he wished to have the ordinance prepared in such a manner that the Council could maintain the "status quo" by deleting paragraphs if they so desired.~~