

Thomasberg requested an amendment to the motion to state items 1, 3, 4, 5 & 6 will be completed by February 26. Item 2 has been completed and is not a requirement. This was acceptable to Malone, who stated that this had been the intent of his motion.

Nelson stated the Council was not giving a warranty to the Alps that this will control the sound--it should be clear that they are choosing this technique. Nelson seconded the motion.

Vote was called, and all voted yea with the exception of Viitala, who abstained.

It was noted by Mr. Carr that "numbers 4, 5 and 6" had not been actually so numbered in the minutes, he had assumed the numbering of the contents; Thomasberg stated it was clear to the Council and he would apply numbers to these areas.

The Council was requested to consider approval of a conditional use permit to enlarge the building and parking lot at 1701 West Old Shakopee Road in an R-3 zone, for St. Luke's Church.

The present building seating capacity is 440 with 129 parking spaces. 136 additional parking spaces will be provided with the new proposed building addition.

On January 25, 1968, the Planning Commission action had been to recommend approval of the conditional use permit for the church addition with the following conditions:

- 1) Installation of interior drain system and necessary catch basins to be approved by the City Engineer,
- 2) Dedication of additional right-of-way for Old Shakopee Road, based on an 80 foot cross section,
- 3) Provision of adequate 20 foot greenstrip as required by Ordinance,
- 4) Screening and landscaping to be as required by ordinance,
- 5) Submission of a detailed landscaping schedule including species size and location of plantings to be approved by the Planning Department prior to issuance of a building permit.
- 6) Church (old building) to be removed at the time of construction, and the parsonage to be removed as soon as possible.

Commission further recommended waiving the requirements of Section 11.13.A.1 in that less hazardous traffic movement will result if some church traffic will be directed onto residential streets.

Motion was made by O'Neil, seconded by Thomasberg, to uphold the recommendation of the Planning Commission, and approve the conditional use permit subject to compliance with the above conditions. All voted yea, except Belanger, who stated he did not see how the Council could waive conditions 11.13.a.1. and he voted nay.

The Council was requested to consider granting final approval of the plat of Nine Mile West Second Addition, at the north City boundary from approximately East Bush Lake Road to approximately Kentucky Avenue South.

This plat conforms to preliminary approval granted by the Planning Commission and City Council. Since this is an industrial platting, escrow deposits, agreements, and park donation have been waived.

Conditional Use Permit
to Enlarge Building
and Parking Lot R-3
St. Luke's Church
1701 W.O.S.R.
Case 3411A-68

Final Approval
Nine Mile West Second
Addition
E. Bush Lake Rd. to
Kentucky Avenue.
Case 6588

Final approval was recommended by the Public Works Department subject to a favorable title opinion by the City Attorney

The Director of the Public Works Department stated that the drainage and storage easements have been agreed upon, but they have not been shown on the plat, and these will be marked on the plat before the plat is signed by the City Manager.

Motion was made by Viitala, seconded by Malone, with all voting yea, to uphold the recommendation of the Public Works Department and adopt a resolution approving the final plat of the Nine Mile West Second Addition subject to compliance with the conditions of the Public Works Department and subject to a favorable title opinion by the City Attorney.

The Council was requested to consider the recommendation of the Planning Commission that commercial parking lots not be added to the uses permitted in the Freeway Development zoning district.

On January 8, 1968, the Council was requested to consider an application for a license for an open air motor vehicle parking lot for David P. Lempke at 2101 East 78th Street, in the FD-1 zoning district.

The Council referred this matter to the Planning Commission to determine if the proposed use might be added to the uses for Freeway Development zones.

At their meeting of January 18, 1968, the Planning Commission recommended that no change be made in the ordinance to permit commercial parking lots in the FD zoning district, as follows:
"No change be made in the ordinance to permit commercial parking lots in the FD zoning districts and that the Planning Commission cannot consider this use as it is not a use permitted in the zone, and further, a comment that the Planning Commission could not go along with approval of a substandard parking lot, but would recommend conformance with the ordinances"

Motion was made by Viitala, seconded by Belanger, with all voting yea, to uphold the recommendation of the Planning Commission.

The Council was requested to consider adoption of an ordinance relating to the consumption and serving of intoxicating liquors in "bottle clubs", amending Chapter 157 of the City Code.

The City Attorney stated he would request the Council to consider Section 1. of the ordinance, and not consider the balance of the ordinance, as he wished to make additional changes in the other sections. However, he pointed out that another item on the evening's agenda was contingent upon the decision of the Council in regard to Section 1.

John McNulty, attorney for the North Star Club, appeared before the Council to answer questions concerning the length of time his group had been in existence.

Motion was made by Belanger, seconded by Nelson, with all voting yea, to close the hearing and adopt the ordinance, insofar as Section 1. was concerned.

The Council was requested to consider approval of the application of the Observatory Club, 7901 Cedar Avenue South, for a State Bottle Club permit.

The Police Department had submitted a separate report.

Motion was made by Malone, seconded by Belanger, to approve the application as presented.

Discussion of Parking
Lots as Use in FD
Zoning District

Ordinance re:
Intoxicating Liquors
Bottle Clubs

Observatory Club
7901 Cedar Ave. So.
Bottle Club
Application

~~Vote was called and all present voted aye to approve the preliminary plat of Strand Estates 4th Addition plus review of the park donation.~~

Conditional Use Permit
Tennis & Swim Club
6701 West 78th Street
9-Mile West Corporation
Case 7104A-69

The Council was requested to consider approval of a conditional use permit for a tennis and swim club at 6701 W. 78th Street in a Freeway Development FD-2 district, requested by the Nine Mile West Corporation in Case 7104A-69.

On May 15, 1969, the Planning Commission had recommended approval of the conditional use permit with the following conditions:

1. Final Plans be approved
2. The development be reviewed and approved by the Nine Mile Creek Watershed District Board of Managers.

Mr. Jack Roach, 385 Maple Island Road, Manager of the Club, appeared before the Council with two gentlemen whom he introduced as officers of the club. In response to questioning from Mayor Thomasberg, Mr. Roach indicated he was familiar with City Code requirements in Bloomington.

Motion was made by Belanger to uphold and adopt the recommendation of the Planning Commission for 2-year approval of the conditional use permit subject to conditions as noted above.

Mayor Thomasberg seconded the motion, and all present voted aye, except Councilman Hoffman who stated he would abstain as he was involved in the project.

~~Preliminary Plat Approval
Strand Estates 4th Add.
S. A. Eliason
Case 5181E-69~~

~~The Council was requested to consider approval of the preliminary plat of Strand Estates 4th Addition at about 103rd and Nesbitt in the Residential R-1 zoning district, requested by S. A. Eliason, in Case 5181E-69.~~

~~On May 15, 1969, the Planning Commission recommended approval of the preliminary plat of Strand Estates 4th Addition with the following conditions:~~

- ~~1. Rearrangement of lot lines to allow larger lot sizes for some of the lots undersized.~~
- ~~2. Consider eliminating the northern cul-de-sac on Colorado Road.~~
- ~~3. 5-foot utility easements along all internal lot lines.~~
- ~~4. Underground utilities be installed.~~
- ~~5. A 20-foot permanent utility easement be provided along the lot line from the southerly cul-de-sac to the pond in the southeasterly portion of the subdivision.~~
- ~~6. Park dedication to be in cash.~~
- ~~7. Street names to be in conformance with the ordinance.~~
- ~~8. Front yard setback to be 50 feet along Nesbitt Avenue from the new widened right-of-way.~~

~~The Planning Director advised that this was a planned development for single family development, therefore the lot sizes are different, with some larger and some smaller because of a large pond area which the developer offered to the City for a park. He stated the larger lots were on the outside, with a small cluster of lots about 12,000 square feet in the inside. He advised that with the area available it could be worked~~

Final Site and
Building Plans
Tennis and Swim Club
6701 West 78th Street
Nine Mile West Corp.
Case #7104A-69

The Council was requested to consider approval of final site and building plans for the Tennis and Swim Club at 6701 West 78th Street in the Freeway Development FD-2 zoning district as requested by the Nine Mile West Corporation in Case #7104A-69.

On December 4th the recommendation of the Planning Commission had been to approve final site and building plans for this club with the following conditions:

1. Complete drainage plan be approved by the Engineering Department.
2. Easements be dedicated as required by the Public Works Department, including an adequate area to locate required storm sewer around existing power transmission tower.
3. The applicant should be encouraged to provide additional parking spaces by lease arrangement, if no other way is available.
4. Nine Mile Creek should be protected from siltration pollution during construction and after construction is completed.

Following lengthy discussion concerning siltration, Councilman Malone made a motion to adopt and uphold the recommendation of the Planning Commission and approve the final site and building plans for the tennis and swim club as requested, subject to compliance to the conditions as listed above, and with the addition of Condition #5--no parking on the south side of the creek shall be allowed, and #6 incorporating the full recommendations of the Nine Mile Creek Watershed District.

Councilman O'Neil requested that an Item #7 include a report to be made by the Inspection Department whether or not the conditions are being met.

*add. corr.
1-19-70
A.*

Councilman Malone accepted the additional condition by Councilman O'Neil. *Councilman Belanger seconded the motion*

Vote was called and all present voted aye, except Councilman Hoffman, who abstained, 4-0, with one abstention.

Following further discussions between the City Manager and the Planning Director, the City Manager suggested that the petitioners be asked to present a plan of procedure and the Staff could report back to the Council.

A motion was made by Councilman Nelson to reconsider the matter for the purpose of postponing. Councilman Malone seconded the motion and all present voted aye, 5-0.

A motion was made by Councilman Nelson, seconded by Councilman Belanger, with all present voting aye, except Councilman Hoffman, who abstained, to postpone the petition for the Staff to present a definitive program to the Council.

* * *

Mayor Thomasberg returned at 10:20 p.m.

* * *

One of the petitioners, John Erickson, explained the background of the case. He said the building had been purchased from the original owner as a 15 unit apartment building but when he and his partner applied for a license for this number were told it was built as a 14 unit building and that the 15th unit was illegal.

Following a review of the circumstances and what recourse the petitioners had, motion was made by Viitala that the Council take no action and that the petitioners seek redress from the persons who sold the building to them. The motion died for lack of a second. Following further discussion, motion was made by Viitala, seconded by Pleasant, and all present voting aye (6-0) to deny the request for conditional use permit to allow alteration of an existing building to enlarge an illegal unit and bring the total apartment units to 15.

Conditional Use Permit
for Nine Mile West
Corporation
Case 7104A-71
Item 6.8

The Council was requested by Nine Mile West Corporation to consider approving a conditional use permit for a commercial recreational use (Minnesota Swim and Tennis Club) and sale of supplies for swim and tennis use at 6701 West 78th Street in a Freeway Development (FD-2) zone.

Latest action of the Planning Commission was on September 23 when that Commission recommended approval of a conditional use permit, for two years subject to the following conditions:

1. final site plans and building plans to be approved by the Planning Commission and City Council,
1. complete drainage plan be approved by the Engineering Department,
3. easements be dedicated as required by the Public Works Department, including an adequate area to locate required storm sewer around existing power transmission tower,
4. Nine Mile Creek should be protected from siltation pollution during construction and after construction is completed,
5. no parking be permitted on the south side of the creek,
6. full recommendations of the Nine Mile Creek Watershed be followed,
7. report be made by the Inspection Department as to whether or not those conditions are being met during construction.

Following discussion, motion was made by Viitala, seconded by O'Neil, and all present voting aye (6-0) to approve the conditional use permit for two years subject to compliance with the recommendations of the Planning Commission, especially that concerning the control of siltation into Nine Mile Creek.

Conditional Use Permit
for Restaurant -
Tom Gray Company, Inc.
Case 5775E-71
Item 6.6

The Council was requested by the Tom Gray Company, Inc., to consider approving a conditional use permit for a restaurant in an existing building at 7801 Bloomington Avenue in a Freeway Development (FD-1) zone.

The Planning Commission at its meeting of September 23 recommended approval of the conditional use permit subject to the following conditions:

1. property be platted in accordance with Chapter 20 of the City Code,
2. final plans for the parking lot be approved by the Traffic Engineer and include the area indicated on the plan for overflow traffic,
3. landscape plan be approved by the Planning Director.

The City Manager said that the petitioner has indicated his intention to apply for a liquor license for the restaurant.

Following discussion, motion was made by Pleasant, seconded by King, and all present voting aye (6-0) to table until the liquor license is brought to the Council in about four weeks.

Final Site Plans and
Building Plans for
Commercial Recreational
Use
Minnesota Swim and
Tennis Club
6701 West 78th St.
Case 7104A-71
Item 6.8

The Council was requested to approve the Final Site Plans and Building Plans of the Nine Mile West Corporation for a commercial recreational use, (Minnesota Swim and Tennis Club) and sale of supplies for swim and tennis use at 6701 West 78th Street in a FD-2 zone. The conditional use permit was approved on October 4, 1971.

Discussion was held relative to provision for sidewalks and the concern of the Nine Mile Creek Watershed District relative to the plan on draining of the parking lot storm water into the creek.

It was stated that the sidewalks would not be put in now, but if they were requested in the future the right of way would be provided for. Conditions 1, 2, and 3 of the Planning Commission recommendations provide for the parking lot drainage into Nine Mile Creek, and the plan specifically provides for a holding pond into which the salt laden water and debris could settle before going into Nine Mile Creek.

Councilman Pleasant wanted to know if it would be feasible to establish a policy or pass an ordinance requiring holding ponds when a planned development is adjacent to a creek. It was suggested that a topic of this nature should be arranged for a study meeting with the City Engineering staff and the Natural Resources Commission present. The City Manager was requested to arrange such a meeting.

Councilman Viitala moved, seconded by Councilman Malone, with all present voting aye, 7-0, to approve the Final Site Plans and Building Plans for a commercial recreational use for the Minnesota Swim and Tennis Club, 6701 West 78th Street, subject to the following conditions of the Planning Commission meeting of October 21, 1971:

1. Complete drainage plan to be approved by the Engineering Department which would preclude surface runoff from parking areas directly into Nine Mile Creek.
2. Nine Mile Creek should be protected from siltation pollution during construction and after construction is completed.
3. Full recommendations of the Nine Mile Creek Watershed District should be followed.
4. Easements be dedicated as required by the Public Works Department including an adequate area to locate required storm sewer around existing power transmission tower and also to provide sidewalk along 78th Street.
5. Utility plan be approved by the Engineering Department.
6. Access road slope be reestablished in accordance with the recommendations of the Traffic Engineer.

Preliminary Plat
Kings-Wood Addition
8140-8141 Lea Road
Normandale Corporation
Case 7659A-71
Item 6.9

The Council was requested to consider and approve the preliminary plat of Kings-Wood Addition at 8140-8141 Lea Road.

The Planning Commission was not in agreement with the Administrative Subdivision Review Committee for the 3-lot plat. They recommended that Lot 3 be used as open space.

Mr. Tom Stahl representing the Normandale Corporation, stated that that Lot 3 was heavily laced with utility lines with virtually three roads around it. They recommended that the lot be developed naturally and landscaped so it would not have to be maintained.

Councilman Belanger moved, seconded by Councilman Malone, with all present voting aye, 7-0, to approve the Planning Commission recommendations of a 2-lot plat for Kingswood Addition excluding Lot 3 and leaving it as an outlet to the Kingslee Heights Addition.

Final Plat Approval
MAC Investment, Inc.
1st Addition
6000 W. Old Shakopee Rd.
Case 6760C-71
Item 6.10

The Council was requested to consider final approval of the plat of "MAC Investments 1st Addition", at 6000 West Old Shakopee Road.

Conditions of approval were as follows:

1. 10 foot planter and non-access easements be provided along Old Shakopee Road.

Conditional Use
Permit for Addition
to Tennis and Swim
Club
Case 7104B-72
Item 6.7

The Council was requested by Marvin Wolfenson representing the Normandale Tennis and Swim Club at 6701 West 78th Street to consider approving a conditional use permit to make an addition to four enclosed and three exterior tennis courts to the existing development. The four interior courts proposed were originally shown as exterior and the three new exterior courts proposed will be west of the building addition.

The Planning Commission at its May 18 meeting recommended approval of the conditional use permit based on being able to make the necessary findings and with the following conditions: (1) approval of final grading and drainage plans by the Engineering Division; (2) continued protection of the creek during the additional construction period, and (3) no addition to the parking lots other than outdoor tennis courts be used for parking.

A letter was submitted to the Council from the managers of the Nine Mile Creek Watershed District asking that in view of the adequate parking that now exists on the property that there be a delay in approving additional parking for the club.

Following discussion, motion was made by King, seconded by Belanger, and all voting aye (7-0) to make the necessary findings and approve the conditional use permit subject to compliance with the conditions specified by the Planning Commission.

Preliminary and
Final Plan
Plan for Townhouses
Case 5733A-71
Item 6.8

The Council was requested by Thomas C. Wakely to consider approving the preliminary and final development plan for townhouses at 9005-18 and 9020-38 Cedar Avenue and 9005-23 and 9025-39 Eighteenth Avenue.

The Planning Commission at its May 18 meeting recommended approval of the preliminary and final development plan as presented based on being able to make the applicable findings in Section 14.G.1 through 7.

Following discussion, motion was made by King, seconded by Belanger, and all voting aye (7-0) to approve the preliminary and final development plan subject to the Planning Commission recommendations and making the required findings.

Conditional Use
Permit for Day
Nursery
Case 5724C-72
Item 6.9

The Council was requested by Louis J. Kopnick to consider approving a conditional use permit for a day nursery at 10837 Normandale Boulevard in a Residential (R-2) zone.

The Planning Commission at its meeting of May 25 recommended approval of the conditional use permit based on being able to make the findings in Section 11.13.A.1 through 4 and 6 with the following conditions:

1. property be platted in accordance with Chapter 20 of the City Code;
2. final site plan and building plan be approved by the Planning Commission and the City Council;
3. landscape plan be approved by the Planning Commission;
4. fence be provided along the railroad tracks;
5. access, driveways and parking be approved by the City Traffic Engineer;
6. approval of drainage and utility plans by the Engineering Division;
7. the occupancy load of the building meet the Uniform Building Code standards.

Following discussion, motion was made by King, seconded by Belanger, and all voting aye (7-0) to approve the conditional use permit subject to the Planning Commission recommendations.

Final Site Plans
and Building Plans
for Phase I; Final
Development Plan
Case 177C-71
Item 6.11

The Council was requested by the Normandale Corporation to consider approving the final development plans for the townhouse complex in Outlot C of Highwood Estates Replat. Forty-eight townhouses are proposed in two separate groupings. The preliminary development plan and rezoning to R-3 (PD) were approved by the Council on June 1, 1971.

1. no signs be permitted,
2. no on-street customer parking be permitted,
3. the business be restricted to one operator,
4. no new customers be accepted.

Following discussion, motion was made by Lindau, seconded by Blessum, and all present voting aye, to approve a two-year temporary conditional use permit based on making the findings and on compliance with the conditions set forth by the Planning Commission.

Revised Final Site
Plan and Building
Plans for Parking
Ramps
Case 7104A-84
Item 5.2

The Council was requested by KMR Architects, 6701 West 78th Street, to consider approving the revised final site plan and building plans for a parking ramp. This will be a 76-space parking deck above the existing parking lot on the west side of the Normandale Racquet and Swim Club.

The Planning Commission, at its meeting of November 15, recommended approval of the revised plans with the following conditions:

1. parapet wall of parking deck fronting on West 78th Street be no less than three feet above deck surface,
2. occupancy of converted storage space be allowed only upon completion of parking deck,
3. alterations to existing utilities be at developer's expense,
4. sidewalk panel be placed through new driveway as approved by the City Traffic Engineer.

Following discussion, motion was made by Lindau, seconded by Blessum, and all present voting aye, to approve the revised final site plan and building plans based on compliance with the conditions set forth by the Planning Commission.

The Council was requested to consider the bids received by Hennepin County for the purchase of automobiles and to award a contract for the purchase of eight administrative cars. Bids were received as follows:

<u>Bidders</u>	<u>Make/Model</u>	<u>Base Price</u>	<u>+ or - Options</u>	<u>Net Bid</u>
Coon Rapids Chrysler Plymouth	Plymouth Reliant	\$7,476.00	-700.00	6,776.00
Thane Hawkins Polar Chevrolet	Chev. JC69	7,467.00	-591.00	6,876.00
Thomas Pontiac-Buick-GMC	Pontiac B-69	7,575.00	-620.00	6,955.00
Brookdale Ford, Inc.	Ford Tempo	7,647.00	-626.00	7,021.00
Trail Dodge	Dodge Aries	7,774.00	-730.00	7,044.00
Midway Ford Co.	Ford P-22	7,676.00	-627.00	7,049.00
Meritt Chevrolet, Inc.	Chev. Cavalier	7,591.00	-535.00	7,056.00
Hauger Brown Ford, Inc.	Ford Tempo	7,775.00	-617.00	7,160.00
Superior Ford, Inc.	Ford Tempo	7,698.00	-627.00	7,271.00
Bill Gonzalez Buick	Buick S-69	7,261.34	-724.82	7,536.52

Following discussion, motion was made by Lindau, seconded by Blessum, and all present voting aye, to accept the low bid of Coon Rapids Chrysler Plymouth for \$6,776 each and to award the contract for the purchase of eight automobiles to that firm, under Hennepin County Contract 5506B, and to authorize the sale of the replaced units at a Hennepin County auction.

Consider 1985
Recreational Facilities
Budget
Item 7.5

The Council was requested to consider approving the 1985 Operating Budget for the Recreational Facilities which includes the Dwan and Lyndale Golf Courses and the Ice Garden. Included in the proposed budgets for the golf courses are fee increases which have been reviewed by the Park and Recreation Advisory Commission, and which have been recommended for approval by that body.

In response to a question by Blessum as to elimination of the senior card at Dwan Golf Course, the Director of Community Services said the senior card is being eliminated at Dwan but senior citizens who purchase a senior patron's card, either for a resident or non-resident, would have reduced fees. He said last year, because of a mix-up seniors were able to get the senior patron discount at Dwan as well as the discount allowed by the senior card.

Following discussion, motion was made by Blessum, seconded by Spies, and all present voting aye, to approve the 1985 Recreational Facilities budget as proposed.

Oxboro Redevelopment
IDB Financing
Item 7.6

The Council was requested to consider granting concept approval to applications for industrial development bond financing for two projects in the Oxboro Redevelopment Project, applications for which are being prepared but have not yet been presented to the City or State. The Assistant Director of Staff Services indicated that the federal government has denied the carry-over of unsold IDB allocations for the Hennepin County solid waste disposal project, which will leave \$100 million available in the State IDB pool for applicants who can qualify and issue bonds before December 31, 1984. He noted that procedures for applications to the pool for the remaining balance have not yet been finalized.

Mr. Shuck said the Oxboro Redevelopment Company is prepared to make applications for two projects - \$7,250,000 for Oxboro Theme Retail Center and \$7,950,000 for Oxboro Professional Building, both of which would be located on the northeast quadrant of Lyndale and 98th Street. He said because of the time constraints, as all applications must be approved before December 31, the Council was being requested to give concept approval to the projects and to consider the

Resolution Amending
Comprehensive Plan
Item 4.10
Ordinance Rezoning Property
to RM-50
Item 4.11
Final Site and Building
Plans
Case 9379BC-86
Item 5.1

The Council was requested to consider approving an amendment of the Comprehensive Land Use Plan for property at 304, 312, 316 and 324 West 98th Street, 9746 Pleasant Avenue and 9711, 9717, 9731, 9741 and 9745 Grand Avenue, to adopt an ordinance rezoning that property to RM-50, and to approve the final site plan and building plans for a multiple-family development to be constructed on the property. The City Manager requested that these three items be postponed to the February 23 meeting as the HRA is redoing the plans because of neighborhood opposition to the plans as presented. Mr. Pidgeon said the revised plans would be reviewed by the HRA at its meeting Wednesday evening and by the Planning Commission on February 19. Motion was made by Lindau, seconded by Peterson, and all present voting aye, to postpone the amendment to the Comprehensive Plan, the proposed rezoning ordinance, and the final site plan and building plans to the February 23 meeting. Question was raised by Mahon as to whether the neighborhood would be advised of the HRA and Planning Commission meetings, and the HRA Administrator said they would be notified by mail.

Revised Final Site Plan and
Building Plans for Day Care
Addition
Case 7104A-86
Item 5.2

The Council was requested by the Northwest Racquet, Swim and Health Club, 6701 West 78th Street, to consider approving a revised final site plan and building plans for a day care addition to the club.

The Planning Commission, at its meeting of January 8, recommended approval of the revised plans with the following conditions:

1. addition not to exceed 1,457 square feet,
2. day care services be limited to members while they are using the facility,
3. building be sprinklered as approved by the Fire Marshal,
4. a revised SAC questionnaire be submitted to the City Engineer.

Following discussion, motion was made by Lindau, seconded by Mahon, and all present voting aye, to approve the revised plans based on compliance with the conditions set forth by the Planning Commission.

Temporary Conditional Use
Permit for Outside Storage
of Towed Vehicles
Case 7940B-86
Item 5.3

The Council was requested by Mark Bonstrom to consider approving a temporary conditional use permit for outside storage of towed vehicles at 9331 East Bloomington Freeway.

The Planning Commission, at its meeting of January 22, recommended approval of a 120-day temporary conditional use permit for storage of towed vehicles with the following conditions:

1. all storage be inside the fenced area,
2. name and phone number be prominently displayed to inform people how and during what hours they may retrieve their vehicle from the lot and a disclaimer of any responsibility on Amoco's part for stored vehicles on the lot,
3. all vehicles be removed from the lot within 120 days.

The applicant said he has been unable to find another location on which to store the vehicles he tows. He asked if he would be able to apply for another temporary conditional use permit if he was able to correct the problems that have occurred. The Director of Planning said the Planning Commission had stated it did not feel this was a proper use for the property in question, but had approved a temporary conditional use permit to allow the applicant to find another site. He said the matter was brought to the Planning Commission after a complaint from the neighborhood. In response to a question by the Council, he said an applicant always has the right to reapply.

Following discussion, motion was made by Lindau, seconded by Peterson, and all present voting aye, to approve a 120-day temporary conditional use permit based on compliance with the conditions set forth by the Planning Commission.

Legislation
Item 5.6
(See Page 10)

The Council continued its discussion of the City's 1987 legislative goals and positions. Mahon questioned why the Council was discussing the position to take on proposed legislation when a meeting is being scheduled with the legislators for Wednesday morning.

Variance for Front
Yard Setback -
6701 West 78th Street
Case 7104A-90
Item 6.6
R-90-145

The Council was requested by Lommen, Nelson, Cole & Stageberg, representing Northwest Health Clubs, owners of property located at 6701 West 78th Street, to consider approving a variance to allow a front yard setback for an existing building to be 32 feet.

The City Hearing Examiner, after a hearing on September 19, recommended approval of the variance. A survey of the property, preparatory to refinancing of the property, showed the existing building encroached three feet into the front setback area. Following discussion, motion was made by Johnson, seconded by Mahon, and all present voting aye, to adopt a resolution granting the variance.

Variance for Side Yard
Setback - 10041 Portland
Avenue South
Case 912A-90
Item 6.7
R-90-146

The Council was requested by Lloyd Lindquist, 10041 Portland Avenue South, to consider approving a variance to allow replacement of an existing gravel driveway with a side yard setback of two feet.

The City Hearing Examiner, after a hearing on September 25, recommended approval of the variance based on a condition that the finished driveway grade slope to the north in order to direct driveway drainage onto the applicant's property.

Following discussion, motion was made by Johnson, seconded by Mahon, and all present voting aye, to adopt a resolution granting the variance based on compliance with the condition set forth by the Hearing Examiner.

Variance for Side
Yard Setback -
8211 Johnson Circle
Case 9814A-90
Item 6.10
R-90-149

The Council was requested by Robert and Annette Bruder, 8211 Johnson Circle, to consider approving a variance to allow replacement of an existing driveway with a side yard setback of zero feet at the garage corner and two feet at a corner of the drive at approximately the midpoint of the drive from the garage to the street right-of-way.

The City Hearing Examiner, after a hearing on September 25, recommended approval of the variance based on compliance with a condition that there be no exterior trash storage on the south side of the existing garage.

Following discussion, motion was made by Johnson, seconded by Mahon, and all present voting aye, to adopt a resolution granting the variance based on compliance with the condition set forth by the Hearing Examiner.

Award Contract for New
Garage Doors at James
Avenue Building
Item 6.12

The Council was requested to consider the bids and to award a contract for the furnishing and installation of two replacement overhead doors at the City garage, 9750 James Avenue South.

Bids were received as follows:

Steel Structures, Inc.	\$12,600.00
Twin City Garage Door Company	13,358.00

Following discussion, motion was made by Johnson, seconded by Mahon, and all present voting aye, to accept the low bid of Steel Structures, Inc., for \$12,600, and to award the contract to that firm.

Approve Purchase of
Portable Welder
Item 6.13

The Council was requested to authorize the purchase of a replacement gas engine driven portable welder for use by the Maintenance Division. This unit would replace a 15-year old Airco welder which is no longer functional. This unit was not budgeted for replacement but money is available in the Equipment Replacement fund from savings on other budgeted purchases. This unit would be placed in the Equipment Pool and be used by the various activities in the Maintenance Division with costs reimbursed by the user.

ITEM 5.2A continued

and subject to the following Code requirements:

1. Operations on the site must comply with the noise standards in Sec. 10.29.02;
2. Exterior building materials shall be approved by the Planning Manager (Sec. 19.62.08);
3. Landscape plan be approved by the Planning Manager and landscape board be filed (Sec. 19.52);
4. All rooftop equipment be fully screened (Sec. 19.52.01);
5. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec. 19.64);
6. All trash and recyclable materials be screened and stored inside the principal building (Sec. 19.51);
7. Recyclable materials shall be separated and collected (Sec. 10.45);
8. Building shall be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903);
9. Fire lanes be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3);
10. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, MN State Fire Code Sec. 508);
11. Electronic utility as-builts per City of Bloomington requirements, shall be submitted to the Public Works Department prior to the issuance of the Certificate of Occupancy.
12. Connection charges shall be satisfied;
13. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code; and
14. A Uniform Sign Design in conformance with the requirements of Chapter 19, Article X of the City Code shall be approval by the Planning Manager.

No public testimony was received.

**Accepted Feasibility
Study & Adopted
Resolution Ordering
Improvement Project
(City Project 2010-003)
ITEM 5.3A
R-2010-20**

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to accept the Feasibility Study and adopt a resolution ordering improvements for the 2010-2013 Richfield Bloomington Credit Union Improvement Project. The project consists of replacing a curb along Lyndale Avenue and West 96th Street, constructing sidewalk along Lyndale Avenue and West 96th Street, constructing driveway approaches on Lyndale Avenue and West 96th Street, and modifying the traffic signal at Lyndale Avenue and West 95th Street.

The estimated project cost is approximately \$290,000 with 100% assessment to the petitioning property owner, Richfield Bloomington Credit Union.

No public testimony was received.

**Adopted Ordinance
Rezoning Multiple
Parcels to C-4,
Freeway Office
Case 10002A-10
ITEM 5.4A
O-2010-6**

Senior Planner Glen Markegard provided the staff report on an application by the City of Bloomington to rezone 25 parcels to a new commercial zoning district C-4, Freeway Office. He stated the three areas to be rezoned include: The area west of East Bush Lake Road (3 separate areas), the area south of 98th Street (west of 35W) and (south of 106th Street east of 35W). He stated these are currently zoned FD-1 and FD-2 Freeway Development and allow office, hotel, warehouse and manufacturing uses among others. The C-4 District would also allow office and hotel uses, office warehouse and health club uses that are currently existing among others. He stated manufacturing and pure warehousing would not be allowed. He stated one comment letter was received from Kraus-Anderson supporting tonight's rezoning but expresses concern about future unrelated rezonings. He stated staff and Planning Commission recommend approval.

Elkins asked staff if they were aware of the signage issues for one of these properties located on the north side of 494, Advanced Auto Parts headquarters.

Bernhardson reported staff is aware of it and is working on a response.

ITEM 5.4A continued

Speaker #1: Parham Javaheri, Representing Lifetime Fitness (Owners of 6701 West 78th Street & 9930 Bloomington Freeway)

Javaheri expressed two concerns; one with each parcel. He stated one concern is the change in allowed uses for the property at 6701 West 78th Street. Their concern is about losing the marketability and resale of that property due to the changes in the office/warehouse use. They are also concerned with the change in residential use going from a conditional use to an accessory use, as that property could be a candidate for a high density residential use. They would prefer it stay a conditional use. They understand what the City is trying to do but the office market is not a hot real estate market at this time so it will extend the period that they hold onto this property. He stated this will limit the potential uses on their property. He asked the Council to do something about high density and office/warehouse. He stated the grandfathering of existing fitness clubs is helpful. He requested this be grandfathered as a fitness club regardless of whether it changes names. This particular club has had a high membership so they want to have the ability to improve it in the future. He asked what would happen if they want to add onto it or rebuild in its place in the future. They don't want to hinder the progress of this club in Bloomington.

Winstead asked the question ... what would happen if they want to expand or rebuild.

Markegard explained for the existing health club south of 98th Street, that use will remain a conforming use. It would not be a grandfathered use. If they were to totally redevelop that site, that use would still continue to be a conforming use and they would be able to expand but they would have to meet the C-4 development standards, which includes setback differences and Floor Area Ratio (FAR) differences. They could scrape the building, expand it, or remodel. He stated office/warehouse, similar to health clubs, is allowed as an existing use but it won't be allowed as a new use. As a result, that parcel would be affected in terms of limiting the scope of potential redevelopment. He stated residential uses are allowed in C-4 as accessory uses. Residential should be accessory to a commercial use rather than a pure freestanding residential use. He stated retail is an accessory use. It could be oriented towards the hotel's internal users or an office building could have a shop or two, which would be oriented towards the office tenants. He stated office/warehouse is allowed as an existing use if it is in use as of January 2, 2010, but not as a new use.

Grady commented retail is prohibited in District C-4 per the Zoning District Comparison chart.

Markegard stated the Chart is incorrect. He said commercial retail would be allowed as an accessory use.

Hulting inquired as to the driving force behind some of these rezoning initiatives. Why is the City initiating these before a developer comes in to ask for something different?

Markegard stated the City adopted a series of new commercial zoning districts three years ago to be applied over time and now is the time to implement those rezonings. He explained the main difference between the C-4 and Freeway Development Districts is that the Freeway Development Districts allow manufacturing and warehousing uses, which was the initial vision along the freeways. He stated that vision has changed and new industrial uses occurring now should be focused on those established areas. He stated freeway adjacent sites are to be reserved for higher employment uses. He stated a lot of new manufacturing and warehousing uses are looking for cheaper land, which is not located along the freeway.

Elkins stated this is a top to bottom modernization of our zoning districts.

Peterson stated the Duke parcel is an example similar to this and that Council is trying to find the closest fit.

Javaheri stated they understand what is going on and they're not opposed to it just expressing some concerns.

ITEM 5.4A continued

Winstead stated for the record they can enlarge, rebuild, enhance, etc.

Speaker #2: Bruce Malkerson, Representing Lifetime Fitness

He stated the Code required the intent be codified for the future. He suggested adding the codification as a footnote. He stated he met with Planner Elizabeth Shevi and she suggested they send a letter to the City. He stated he would like to submit a letter for Council to vote on regarding its legislative intent.

Bernhardson suggested they send a letter so staff can review it and get back to them.

Speaker #3: Bruce Warner, 9026 Kell Circle, JGM Properties (Tenant at 10740 Lyndale)

He stated their concern is what if they convert some of the space in the office/warehouse to office and then want to change it back to warehouse again in the future.

Markegard stated staff would view the use as an office/warehouse. He stated the main issue is parking but it appears this site has a fair amount of parking.

Bernhardson stated the owner is the one ultimately responsible and Warner is the tenant so it would be a private party matter. He stated the property rights stay with the owner.

Speaker #4: Ken Vinje, Kraus-Anderson Realty

He referenced the letter they sent expressing concerns with 6301 Cecelia Circle. He too requested a letter of confirmation regarding the future.

Motion was made by Grady, seconded by Elkins, and all voting aye, to adopt an ordinance amending the Zoning Map to rezone certain properties located at 9801 Dupont Avenue, 9930 Bloomington Freeway, 7801, 7807, 7815 & 7825 Washington Avenue, 6625, 6701, 7500, 7504 & 7700 West 78th Street, 7801 & 7807 Creekridge Circle, 6301 & 6401 Cecilia Circle, 7800 and a portion of 8000 East Bush Lake Road from FD-2, Freeway Development to C-4, Freeway Office; properties located at 801 West 106th Street, 10640, 10700, 10740 & 10800 Lyndale Avenue from FD-1, Freeway Development to C-4, Freeway Office; a portion of the property located at 10800 Lyndale Avenue from RO-50, Residential Office to C-4, Freeway Office; and properties located at 7508, 7600 & 7610 West 78th Street from R-1, Single Family to C-4 Freeway Office.

Staff indicated they would provide Council with more information clarifying future circumstances.

**Adopted Ordinance
Modifying Driveway
Approach Standards
Case 10000B-10
ITEM 5.4B1
O-2010-7**

City Engineer Shelly Pederson explained these multiple miscellaneous amendments regarding driveway materials are recommended for approval by the Planning Commission. She stated the first three feet from the curb is the area in question. She reviewed the existing Code requirements for asphalt and concrete. She stated staff recommends Modified Option 2B which would require the City to reimburse the property owner for the cost of a replacement standard Portland cement driveway approach for the disturbed area due to a City construction project. She showed some driveway approaches and the 3-foot driveway behind the curb. She stated there are a multitude of decorative driveways in Bloomington. She stated after all of the studies and a review of the neighboring codes from other cities, a modified Option B was determined to be the best. She stated decorative bricks would be removed by the City's contractor and they would be piled gently on the driveway. The City would calculate the area that was disturbed and would reimburse the homeowner for the cost of the concrete. He won't need to make the apron, won't need to sign an encroachment agreement and the City will give him an equivalent of a concrete driveway. He would be responsible for the installation of any different materials.

Grady inquired if someone could remove their own bricks/pavers.

Pederson stated the contractor would carefully remove the pavers and then staff would credit the cost of a concrete driveway so the homeowner could install his decorative driveway. They would not have to sign an encroachment agreement.



July 24, 2018

Opus Development Company, LLC
ATTN: Joe Mahoney
10350 Bren Road West
Minnetonka, MN 55343

RE: Case # PL201800191 – Rezoning from C-4(FH) to C-4(PD)(FH), PDP and FDP for a 186-unit residential care and senior living facility w/100 person day care, and a CUP for a residential care facility
6701 West 78th Street

Mr. Mahoney:

At its regular meeting of July 23, 2018, the City Council approved the Rezoning of 6701 West 78th Street from C-4(FH) to C-4(PD)(FH), a Conditional Use Permit for a residential care facility in the C-4 zoning district, and Preliminary and Final Development Plans for a four-story, 186-unit residential care and senior living facility with a 100-person day care (Case #PL201800191).

The approval is subject to conditions that must be satisfied prior to the issuance of a Grading, Footing, Foundation or Building Permit. While the conditions list includes selected City Code requirements of particular interest, the development must comply with all applicable local, state and federal codes.

1. Prior to Permit A Site Development Agreement, including all conditions of approval, 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 Access, circulation and parking plans must be approved by the City Engineer. The applicant must provide the Code-required quantity of parking or enter into a proof of parking agreement.
3. Prior to Permit A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division.
4. Prior to Permit Street modification agreement must be executed by the developer and the applicant and proof of filing be provided to the Manager of Building and Inspection.
5. Prior to Permit Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
6. Prior to Permit An erosion control surety must be provided (16.08(b)).
7. Prior to Permit Landscape plan must be revised to be Code Compliant, must be approved

- by the Planning Manager and landscape surety must be filed (Sec 19.52).
8. Prior to Permit Parking lot and site security lighting plans must be revised to satisfy the requirements of Section 21.301.07 of the City Code.
 9. Prior to Permit Building must be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903).
 10. Prior to Permit Utility plan showing location of existing and proposed water main and fire hydrant locations must be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, Minnesota State Fire Code Sec. 508).
 11. Prior to Permit Food service plans must be approved by the Environmental Health Division (City Code Sec. 14.360).
 12. Prior to Permit Revise sign plans to be Code compliant except for the deviation granted to reduce the freestanding sign setback along W. 78th St. from 20 feet from planned widened right of way to ten feet. Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.
 13. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
 14. Prior to Permit Tier 2 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
 15. Prior to Permit A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) must be provided if greater than one acre is disturbed.
 16. 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.
 17. Prior to Permit A Minnesota Pollution Control Agency (MPCA) Sanitary Sewer Extension or Modification Permit must be obtained or notification from the MPCA that this permit is not required must be submitted to the City.
 18. Prior to Permit A Minnesota Department of Health (MDH) watermain review and approval must be obtained or notification from MDH that this permit is not required must be submitted to the City.
 19. Prior to Permit Shore Area Permit must be obtained prior to any grading or development activity in the shore area of Nine Mile Creek (Sec. 19.87.04).
 20. Prior to Permit An odor control system meeting the approval of the Environmental Health Division must be provided.
 21. Prior to Permit An external grease interceptor must be provided if the proposed tenant will have food preparation and service that will produce fats, oils, grease or wax in excess of 100 mg/L. The external grease interceptor design must be approved by the Utilities Engineer. A grease interceptor maintenance agreement must be filed with the Utilities Division, if an external grease interceptor is installed.
 22. Prior to Permit A building permit for all required changes to accommodate the proposed use be obtained.

23. Prior to Permit Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
24. Prior to C/O The developer must submit electronic utility as-builts to the Public Works Department prior to the issuance of the Certificate of Occupancy.
25. Prior to C/O A 10-foot sidewalk/bikeway easement must be provided by document along West 78th Street as approved by the City Engineer and proof of filing must be provided to the Manager of Building and Inspection.
26. Prior to C/O Sidewalk must be installed along West 78th Street behind the planned widened right-of-way at the developer's expense and private sidewalks must comply with City Code (Sections 21.301.04(b)(1) and (2)).
27. Prior to C/O Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
28. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
29. Prior to C/O A building security system for the residential care facility must be approved by the Bloomington Police Department (Sec. 21.302.23(d)(3)(E)).
30. Prior to C/O Buildings must meet the requirements of the Minnesota State Fire Code Appendix L (Emergency Responder Radio Coverage) adopted through City Ordinance to have approved radio coverage for emergency responders based upon the existing coverage levels of the public safety communication systems.
31. Ongoing All pickup and drop-off must occur on site and off public streets.
32. Ongoing Three foot high parking lot screening must be provided along W. 78th St. as approved by the Planning Manager (Sec. 19.52).
33. Ongoing Poured-in-place concrete curbs must be provided on the perimeter of parking lots and traffic islands (Sec 19.64).
34. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
35. Ongoing All rooftop equipment must be fully screened (Sec. 19.52.01).
36. Ongoing A uniform sign design must be submitted for approval by the Planning Manager (Section 19.109).
37. Ongoing Compliance with MN Rules Chapter 7030 Noise Pollution Control is required.
38. Ongoing The nonresidential space proposed as a day care must remain in nonresidential use.
39. Ongoing Alterations to utilities must be at the developer's expense.

Should you have any questions regarding this action, please contact Nick Johnson, Planner, at (952) 563-8925 or nmjohnson@BloomingtonMN.gov.

Sincerely,



Glen Markegard, AICP
Planning Manager