

crosses school property and requires a sidewalk easement from the School District. The School Board does not agree with the deed for the sidewalk and has refused to grant the easement. The City Engineer said that although this is presently under contract, he did not feel that the contractor would object to deletion of this portion because it is a small part of the contract.

Following discussion, motion was made by Malone, seconded by Darr, and all present voting aye to reconsider the Council's previous action in ordering this sidewalk. Motion was made by Malone, seconded by O'Neil, and all present voting aye to delete this portion of the sidewalk from Street Project 1974-0311 due to the inability to get the necessary easement from the School District.

Reconsider Award of
Contract 1974-0911,
Cedarcrest Wading
Pool Equipment
Item 6.5

The Council was requested to reconsider the award of contract for the equipment at the Cedarcrest Wading Pool because of nonperformance by the contractor holding the contract. Master Pools was awarded the contract on July 15 and to date has not completed any of the work.

The Council was advised that since preparation of the agenda, a letter had been received from Russell D. Johnson of Master Pools indicating that the company expected to receive the equipment for the pool by Friday, August 9. Motion was made by O'Neil, seconded by Allen, and all present voting aye to table this matter for one week.

Preliminary and Final
Plat of Hays Penn
Avenue 2nd Addition
Case 6389G-74
Item 4.1

A public hearing was scheduled for consideration of the preliminary and final plat of Hays Penn Avenue 2nd Addition located at 2061 West 80th Street. The plat was submitted to divide the existing outlot into three buildable lots.

The proposed plat was reviewed by the Administrative Subdivision Review Committee on July 24 and was recommended for approval with the following conditions:

1. 20-foot sidewalk and/or bicycle easement be provided by deed along Knox Avenue,
2. 20-foot sidewalk easement be provided by deed along 80th Street,
3. if it is determined that a bus turnout is needed, an easement be provided by deed for it,
4. no park dedication be required.

Lawrence Arany, attorney for the applicant, appeared in support of the plat.

Following discussion, motion was made by Darr, seconded by Belanger, and all present voting aye to close the hearing, approve the preliminary and final plat of Hays Penn Avenue 2nd Addition, approve the subdivision agreement and adopt a resolution granting final approval.

Permit - Bottle Club
Renewal
Item 4.7

The Council was requested to consider approving an application for the renewal of a bottle club permit for the period of July 1, 1980, through June 30, 1981, for the following applicant:

Bloomington Lodge #2410
Benevolent & Protective Order of Elks of USA
9012 Lyndale Avenue South

Notice of the hearing was published in the official City newspaper and a report on the applicant was submitted to the Council by the Police Department. Following discussion, motion was made by Mahon, seconded by Herbst, and all present voting aye, to close the hearing and approve the renewal of the bottle club permit.

Resolution of Approval
of Laws, 1980,
Chapter 453
Item 4.8
R-80-76

The Council was requested to consider adopting a resolution approving Minnesota Laws, 1980, Chapter 453 establishing a Port Authority for the City of Bloomington. This action was necessary for the legislation to become effective. The City Attorney indicated that information about the applicability of this authority would be sent to the Council in the near future. Following discussion, motion was made by Mahon, seconded by Peterson, and all present voting aye, to adopt the resolution and to authorize its transmission to the Secretary of State.

1980 License
Applications
Item 6.1
(See Page 11)

The Council was requested to consider approving 1980 license applications per the listing attached to these minutes. The Council was advised that application 19380 for additional gasoline nozzles for Bloomington Easy Stop, 625 West Old Shakopee Road, should be considered, in conjunction with Item 7.4 of tonight's agenda, a request for a Class C food license application for this station.

Motion was made by Darr, seconded by Mahon, and all present voting aye, to approve all of the license applications except 19380. Motion was made by Peterson, seconded by Herbst, and all present voting aye, to continue application 19380 until later in the evening.

Award Contract for
Diseased Tree Removal
Item 6.2

The Council was requested to consider the bids received for the removal of diseased trees from public property in Areas 3 and 4. Bids were received as follows:

Shadywood Tree Experts	\$24,995.00
Klawitter-Walsh (Joint Venture)	\$30,540.00

Following discussion, motion was made by Darr, seconded by Mahon, and all present voting aye, to accept the low bid of Shadywood Tree Experts for \$24,995 and to award the contract to that firm.

Administrative Variance
Front Yard Setback
Case 8718A-80
Item 6.4

The Council was requested by the Peerless Land Company, developer of property at 8000 Knox Avenue in a B-2 district, to consider approving a variance to allow a 63.20-foot front yard setback. Section 19.41(c) of the City Code requires a 65-foot minimum front yard setback for a permitted structure in a B-2 (General Business) district.

The City Hearing Examiner, after a hearing on May 14, recommended approval of the variance. Following discussion, motion was made by Darr, seconded by Mahon, and all present voting aye, to approve the variance as requested.

Administrative Variance
to Required Side Yard
Setback
Case 8719A-80
Item 6.5

The Council was requested by Karl and Selma Koop, 9911 Humboldt Avenue, in a single-family residence district, to consider approving a variance to allow the construction of an addition to their dwelling which will be within 5.4 feet of the side lot line.

The City Hearing Examiner, after a hearing on May 14, recommended approval of the variance. Following discussion, motion was made by Darr, seconded by Mahon, and all present voting aye, to approve the variance as requested.

Approve Use of Valley
View Pool for Aquatic
Clubs
Item 6.6

The Council was requested by the Bloomington Aquatic Swim Club and Aquatic Diving Club to allow them to use the Valley View Pool for their meets this summer. The Aquatic Diving Club wishes to use the pool on July 18, 19 and 20 for the annual Aquatennial Diving Meet, and they have also requested the use of the pool on Tuesday afternoon, July 1, for a small novice meet. The Aquatic Swim Club has requested the use of the pool for the weekend of July 12 and 13 for hosting of a Bloomington Senior Swim Meet.

The Park and Recreation Advisory Commission at its meeting of May 14 recommended approval of the Staff recommendation for use of the pool at the specified times and charges being made on the same basis as in the past. Spies asked if this is for additional time over that approved in the past several years, and was advised by the Director of Community Services that the request was for the same number of times as last year. Following discussion, motion was made by Darr, seconded by Mahon, and all present voting aye, to approve the use of the pool as requested with the charges as recommended by the Staff.

Mechanical License
Application
Item 6.7

The Council was requested to consider approving a gas installer license for Shore Plumbing and Heating, 625 East 1st Street, Waconia 55387. Motion was made by Darr, seconded by Mahon, and all present voting aye, to approve the license application.



2215 West Old Shakopee Road • Bloomington MN 55431-3096 • (612)948-8700 • TDD: 948-8740

August 22, 1995

Douglas Sailor
Midwest Management, Inc.
750 Pennsylvania Avenue
Suite 200
Minneapolis, Minnesota 55426-1629

RE: Case 8718AB-95

Dear Mr. Sailor:

At its regular meeting of August 21, 1995 the City Council adopted an ordinance approving the rezoning of the property from B-2 Retail Business to B-2(PD) Retail Business (Planned Development) at 8000 Knox Avenue (Case 8718A-95).

Also, at the August 21, 1995, the City Council approved the preliminary and final development plan for a Class I and Class II motor vehicle sales dealership at 8000 Knox Avenue (Case 8718B-95) subject to the following conditions being satisfied prior to the issuance of any grading and/or building permits:

- 1) A development agreement including all conditions of approval be executed by the applicant, the fee owner and the City;
- 2) Trash and recyclable storage be provided in a designated area within the building as approved by the Fire Marshal and the Planning Manager;
- 3) A uniform sign design consisting of a wall sign and pylon sign be submitted for approval by the Planning Manager;
- 4) A SAC questionnaire be completed and submitted to the Department of Public Works;
- 5) Access, circulation and parking plans, including deletion of the four inventory parking spaces parallel to the south property line, be approved by the City Traffic Engineer;
- 6) Erosion control measures be in place prior to issuance of grading permits;
- 7) Exterior lighting plan and building security plans be approved by the Crime Prevention Officer, Bloomington Police Department and the Planning Manager;
- 8) Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal;
- 9) All inventory and customer parking spaces be striped;
- 10) On-site inventory, including demonstration units, not to exceed 68 vehicles;
- 11) Outdoor vehicle display limited to circular display pads in front of the building and no display allowed in any landscaped yard area;
- 12) Concrete islands be constructed at the end of all rows of parking that are parallel to the west property line;
- 13) Temporary signs, balloons and banners be used only as permitted by ordinance;

8718 AB 95

Mr. Sailor
August 22, 1995
Page Two

- 14) The City grants temporary approval to reduce the landscaped yard depth measured from the planned widened right-of-way of West 80th Street (60 feet) and the 80th Street/Knox Avenue intersection from 20 feet to 0 feet. Upon receipt of notice by the City Traffic Engineer, Midwest Management Inc./Harold Chevrolet, the applicant in Case 8718AB-95, shall, within sixty (60) days, or other period approved by the City Traffic Engineer, not to exceed nine (9) months, commence installation of landscaped yard areas 12 feet in depth along West 80th Street and the 80th Street/Knox Avenue intersection, in accordance with a plan approved by the Planning Manager which is substantially in conformance with the landscaping existing on the property and in conformance with the original landscaping plan prior to the street reconstruction. The reconstruction shall be completely at the expense of Midwest Management Inc./Harold Chevrolet and at no cost to the City.

and subject to the following Code requirements:

- 1) Landscape plan be approved by the Planning Manager (Sec 19.52);
- 2) Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn Bldg. Code 3802; Uniform Fire Code Ch. 10.306);
- 3) Fire lanes be posted as approved by the Fire Marshal (Sec. 8.73);
- 4) Handicapped parking be designated with standard signage as approved by the Planning Manager (Mn Bldg. Code Chapter 1340);
- 5) Handicapped access be provided to the building (Mn Bldg. Code Chapter 1340); and
- 6) Handicapped accessible toilet facilities be provided (Mn Bldg. Code Chapter 1340).

Should you have any questions regarding this action, please contact Robert Sharlin, Associate Planner at (612) 948-8925.

Sincerely,



Clark Arneson
Planning Manager

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8718 AB 95

February 5, 2004

David H. Knoblauch
Peerless Land Company, LLP
102 Mar-Ten Building
921 Marquette Avenue
Minneapolis, MN 55402

RE: Case 8718A-04

Dear Mr. Knoblauch:

On February 5, 2004, the Director of Community Development administratively approved a minor revision to the final development to reduce the landscaped yard from 20 feet to 12 feet along American Boulevard West at 8000 Knox Avenue, subject to the following conditions:

- 1) The variances shall apply only to the setbacks along land areas which right-of-way acquisitions were completed as shown on the site survey submitted in Case 8718A-04; and
- 2) No change in the approved use mix without review and approval by the Planning Manager.

Should you have any questions regarding this action, please contact Becky Schindler, Planner at (952) 563-8927.

Sincerely,



Bob Hawbaker
Senior Planner

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July 16, 2013

RE: Case 10002A-13

To File:

At its regular meeting of July 15, 2013, the City Council adopted an Ordinance amending the zoning map by rezoning the primary zoning district of land located at 2001 and 2101 American Boulevard West from General Business, B-3 to Freeway Mixed Use, C-5 and by rezoning the primary zoning district of land located at 1901 and 1951 American Boulevard West, 8049 Morgan Circle and 8000 Knox Avenue South from General Commercial, B-2 to Freeway Mixed Use, C-5

Should you have any questions regarding this action, please contact me at (952) 563-8923.

Sincerely,

Glen Markegard,
Planning Manager

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May 21, 2019

Knox & American I LLC
ATTN: Ryan Dunlay
1000 West 80th Street
Bloomington, MN 55420

Bloomington Housing and Redevelopment Authority (HRA)
ATTN: Doug Grout, HRA Administrator
1800 West Old Shakopee Road
Bloomington, MN 55431

RE: Cases #PL2019-40 and #PL2018-255 – Phase III of the Penn American Development
1901 and 1951 American Boulevard W, 8049 Morgan Circle, and 8000 Knox Avenue S

Mr. Dunlay and Mr. Grout:

At its regular meeting of May 20, 2019, the City Council approved the following applications associated with Phase III of the Penn American development:

- 1) Rezoning 8049 Morgan Circle, 1951 American Boulevard West, and a portion of 1901 American Boulevard West from C-5 to C-5(PD) (Case #PL2019-40)
- 2) Preliminary Development Plans for two four-story multiple-family residential apartment buildings (248 total units) and an existing restaurant (Case #PL2019-40)
- 3) Final Development Plans for two four-story multiple-family residential apartment buildings totaling 248 units and an existing restaurant (Case #PL2019-40)
- 4) Variances to reduce the lot size and lot width of Lot 2, Block 1, Knox American Addition from 80,000 square feet to 78,691 square feet and from 250 feet to 191.7 feet (Case #PL2019-40)
- 5) Platting Variance to defer payment of park dedication fees for Lot 2, Block 1, Knox American Addition until prior to the issuance of a building permit (Case #PL2019-40)
- 6) Preliminary and Final Plat (Type III) of Knox American Addition - create three lots and four outlots (Case #PL2018-255)

The approval of the Preliminary and Final Development Plans 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. The following conditions apply to the Preliminary and Final Development Plans:

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 A building permit for all required changes to accommodate the proposed use must be obtained.

3. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
4. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
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 Grading, Drainage, Utility and Erosion Control plans must be approved by the City Engineer.
7. 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.
8. Prior to Permit A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division.
9. 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 (State of MN and Federal regulation).
10. Prior to Permit An erosion control surety must be provided (16.08(b)).
11. 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 (State of MN).
12. 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 (State of MN).
13. Prior to Permit The properties must be platted per Chapter 22 of the City Code and the approved final plat must be filed with Hennepin County prior to the issuance of building permits (22.03(a)(2)).
14. Prior to Permit Permanent roadway and utility easements must be provided for improvements constructed on 8100 Knox Avenue South, 2000 and 2200 West 82nd Street and 8050 Morgan Circle as approved by City Engineer and proof of filing must be provided to the Engineering Division.
15. Prior to Permit A Construction Management Plan must be submitted for review and approval by the City.
16. Prior to Permit Haul Route and Construction Traffic Control Plans must be approved by the City Engineer.
17. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52).
18. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
19. Prior to Permit Parking lot and site security lighting plans must be provided to satisfy the requirements of Section 21.301.07 of the City Code.
20. 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).
21. 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).
22. Prior to Permit Private common driveway and access agreements as approved by the City Engineer must be filed with Hennepin County and proof of filing provided to the Engineering Division.
 23. 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.
 24. Prior to C/O Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
 25. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
 26. 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.
 27. Prior to C/O 80th 1/2 Street must be approved to be open for traffic by the City Engineer prior to issuance of certificates of occupancy for the multiple-family residential buildings.
 28. Ongoing Alterations to utilities must be at the developer's expense.
 29. Ongoing All construction related drop-off, pick-up, loading, unloading, stockpiling, staging and parking must take place on site and off adjacent public streets and public right-of-way.
 30. Ongoing Three foot high parking lot screening must be provided along American Boulevard West as approved by the Planning Manager (Sec. 19.52).
 31. Ongoing All rooftop equipment must be fully screened (Sec. 21.301.18).
 32. Ongoing All trash and recyclable materials must be stored inside the principal buildings (Sec. 21.301.17).
 33. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.
 34. Ongoing Development must comply with the Minnesota State Accessibility Code (Chapter 1341).
 35. Ongoing The residential buildings must maintain a minimum of 125 storage units that are compliant with City Code (Sec. 21.302.09(d)(7)).
 36. Ongoing Proposed modifications within the public right-of-way, including loading areas, are not allowed unless specifically approved by the City Engineer.

The approval of the Variances to reduce lot size and lot width of Lot 2, Block 1, Knox American Addition is subject to the following condition:

1. Ongoing The lot size and lot width variances for Lot 2, Block 1, Knox American Addition are limited to those as shown in the approved plans in Case #PL2019-40.

The approval of the Platting Variance to defer payment of park dedication fees associated with Lot 2, Block 1, Knox American Addition until prior to the issuance of a building permit is subject to the following condition:

1. Ongoing Park dedication fees must be paid prior to the issuance of a building permit on Lot2, Block 1, Knox American Addition. Park dedication fees on all other lots must be paid prior to recording the plat.

The approval of the Preliminary and Final Plat of Knox American Addition is subject to the following conditions:

1. Prior to Recording A title opinion or title commitment that accurately reflects the state of title of the property being platted, dated within 6 months of requesting City signatures, must be provided.
2. Prior to Recording A consent to plat form from any mortgage company with property interest must be provided.
3. Prior to Recording Right-of-way on American Boulevard West and Knox Avenue South must be dedicated to the public as approved by the City Engineer.
4. Prior to Recording Public drainage and utility easements must be provided as approved by the City Engineer.
5. Prior to Recording Public sidewalk and bikeway easements must be provided along all street frontages as approved by the City Engineer.
6. Prior to Recording Park dedication must be satisfied, except for Lot 2, Block 1, Knox American Addition, which must be satisfied prior to the issuance of a building permit.
7. Prior to Recording Morgan Circle must be vacated according to the procedures outlined in City Code Section 10.15.
8. Prior to Recording A permanent access agreement must be provided for 8050 Morgan Circle granting access to a public roadway as approved by the City Engineer.

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