

application which was approved by the Council that he felt there was a breach of sign in erecting a different sign. The City Attorney said this would be reviewed with the licensee prior to his hearing before the Council. Motion was made by O'Neil, seconded by Belanger, and all voting aye to reschedule this hearing for 7 p.m. June 6 in the Council Chambers.

Preliminary and Final  
Plat of Motor Parts  
2nd Addition  
Case 8167A-77  
Item 4.3

A public hearing was scheduled for consideration of the preliminary and final plat of Motor Parts 2nd Addition located at 8800 Lyndale Avenue. The plat was submitted to change the description of an old lot to a lot and block description.

The proposed plat was reviewed by the Administrative Subdivision Review Committee on May 17 and was recommended for approval with the following conditions:

1. since this is a commercial plat, no park dedication is necessary,
2. a signed agreement for the joint access is necessary,
3. berm to be provided along Aldrich Avenue at the time of development (berm to be continuous with the berm on Lot 1, Block 1, Motor Parts 1st Addition).

These conditions have been or are being met.

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

Preliminary and Final  
Plat of Hays Penn  
Avenue 6th Addition  
Case 8159A-77  
Item 4.4

A public hearing was scheduled for consideration of the preliminary and final plat of Hays Penn Avenue 6th Addition located at 8001 Morgan Circle. The plat was submitted in order to split a large lot into two for construction of two separate buildings.

The proposed plat was reviewed by the Administrative Subdivision Review Committee on May 17 and was recommended for approval with the following conditions:

1. a section 8 feet wide by 180 feet long to be deeded from the northeast corner for use as a bus turnout (and right-turn lane),
2. agreement to be worked out with the Traffic Engineer for a clear-view-triangle to be located in the northeast corner of the plat,
3. sidewalk along Morgan Circle to be constructed at the developer's expense,
4. sidewalk and bikeway easement to be provided along 80th Street,
5. no park dedication is necessary.

These conditions have been or are being met. Following discussion, motion was made by Darr, seconded by Belanger, and all voting aye to close the hearing, to approve the preliminary and final plat of Hays Penn Avenue 6th Addition, to approve the subdivision agreement, and to adopt a resolution granting final approval.

Ordinances re Variance  
and Conditional Use  
Permit Administrative  
Hearings  
Item 4.5  
(See Page 5)

The Council was requested to consider adopting ordinances setting forth administrative procedure for handling of variances and conditional use permits. Councilman Spies indicated that he had talked to a woman who could not be at the meeting until after 8:30 p.m. and requested that this discussion be continued to that time. Following discussion, the Mayor indicated the item would be laid over to later in the evening.

1977 License  
Applications  
Item 6.1

The Council was requested to consider approving 1977 license applications per the listing attached to these minutes. Following discussion, motion was made by O'Neil, seconded by Malone, and all voting aye to approve the license applications submitted.

Award of Contract -  
1977-0211 and 0212  
Sanitary Sewer, Water  
and Storm Sewer  
Projects  
Item 6.2

The Council was requested to consider the award of contract for the 1977-0211 and 1977-0212 Sanitary Sewer, Water and Storm Sewer Projects. Bids were opened May 18 and a tabulation is as follows:

Contractor	1977-0211	1977-0212	Grand Total
Richard Knutson, Inc.	\$590,764.90	\$658,984.10	\$1,249,749.00
Nodland Associates, Inc.	617,537.00	675,476.50	1,293,013.50
Johnson Bros.	608,702.00	707,321.00	1,381,023.00
Orfei & Sons, Inc.	641,500.18	755,735.50	1,397,264.68
G. L. Contracting	680,042.00	762,206.75	1,442,249.25
Austin P. Keller Const. Co.	663,435.00	786,700.00	1,450,125.00
Barbados & Son, Inc.	682,525.40	789,734.10	1,472,259.50
C. J. McCrossan, Inc.	761,954.40	822,669.00	1,644,623.40
Consolidated Plumbing	598,922.50	--	--
Mueller Pipeliners, Inc.	616,499.75	--	--
Q.R.S. Construction	660,746.50	--	--
Peter Lametti Construction Co.	695,110.10	--	--
Engineering Estimate	653,000.00	721,000.00	374,000.00

Following discussion, motion was made by O'Neil, seconded by Malone, and all voting aye to accept the low bid of Richard Knutson, Inc., for \$1,249,749.00 and to award the contract for both projects to that company.

Event and "Special  
Event License -  
St. Bonaventure Church  
Fall Festival  
Item 6.1A

The Council was requested to consider approving the following license applications:

Father Howard Hansen Pastor St. Bonaventure Church 901 East 90th Street Bloomington 55420 at Fall Festival	1 - Bingo license Saturday, September 10 12 noon to 4 p.m. 1 - Dance "Special Event" Saturday, September 11 8:30 p.m. to 12:30 a.m.	\$38.00 \$45.00
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The applicant also requested the Council to waive the 35-day requirement for submission of bingo application, the \$10,000 fidelity bond for bingo and the license fees for bingo and dance "special event". The applicant did meet the 30-day State requirement for submission of a bingo application.

Following discussion, motion was made by Mahon, seconded by Belanger, and all present voting aye to approve the license applications and to waive the license fees, the 35-day requirement and the requirement for the fidelity bond.

1977 License  
Applications  
Item 6.1

The Council was requested to consider approving 1977 license applications per the listing attached to the minutes. Following discussion, motion was made by O'Neil, seconded by Malone, and all present voting aye to approve the license applications as submitted.

Request for Hearing -  
Traffic Control,  
88th Street and  
Third Avenue  
Item 6.2

The Council was requested by Councilman Mahon to approve placement of an item on the Council agenda for September 19 for a hearing on traffic control at 88th Street and Third Avenue. Mahon advised that since making the initial request he had been informed by the residents of that area that they would prefer to have the hearing on September 26 because they would like to review this matter with the school PTA.

Following discussion, motion was made by O'Neil, seconded by Malone, and all present voting aye to set a public hearing for 8:40 p.m. September 26 for consideration of traffic control at 88th Street and Third Avenue.

Review Decisions of  
the Variance Board  
Item 6.4

The Council was requested to review the decisions of the Variance Board on the following variances at its regular meeting of August 24:

Case 8305A-77	Wesley Meyer, 8137 Blaisdell Avenue	Variance for 15 foot rear yard setback.
Case 8306A-77	Nordquist Sign Company, 8049 Morgan Circle	Variance to number and size of signs.
Case 8307A-77	Douglas Odenbreit, 8009 Harriet Avenue	Variance for 7.5 foot side yard setback.

Following discussion, motion was made by O'Neil, seconded by Malone, and all present voting aye to uphold the decisions of the Variance Board and approve the above variances as requested.

Purchase of Records  
Storage Equipment  
Item 6.5

The Council was requested to consider approving the purchase of records storage equipment to be used in sorting and organizing records of departments at the warehouse as part of a new records control system under the City's Records Management Program. Quotations were received as follows:

A. Shelving - 25 units

1. Borroughs Manufacturing	\$2,500
Viking Business Interiors	3,631

B. Fiberboard - 100 sheets 4' x 8' x 5/8"  
(not required with (A)(2))

1. R. B. Thompson Lumber	\$552
2. Federal Lumber	608
3. Hiawatha Lumber	672

C. Storage Boxes - 2,000 - 12" x 15" x 10"

1. Mohawk Records Center	\$1,100
2. Northern Package	1,318

D. Four-step ladder with Railings

1. Borroughs Manufacturing	\$94
2. Haldeman Home, Inc.	94
3. Modern Equipment	107

Staff recommendation was for the acceptance of low quotation in each instance for a total of \$4,222 which would be funded by transferring \$2,000 from 3702/510, \$722 from 3702/528 and \$1,500 from Contingency to 3702/553.

~~Temporary Conditional Use Permit for Billboard Case 7851A-93 Item 5.2~~ The Council was requested by Adams Outdoor Advertising to approve renewal of a temporary conditional use permit for a billboard at 9321 East Bloomington Parkway. The Planning Division staff and Planning Commission recommended approval of a one-year temporary conditional use permit subject to five conditions and one Code requirement. Following discussion, motion was made by Peterson, seconded by Wilcox, and all voting aye, to approve the renewal of a one-year temporary conditional use permit with the conditions and Code requirement recommended by the Planning staff and Planning Commission.

Conditional Use Permit and Final Site Plan and Building Plans Case 8306A-93 Item 5.3 The Council was requested by NuSports Systems, Inc. to approve a conditional use permit and final site plan and building plans review for a commercial recreation facility with a sports theme at 8049 Morgan Circle. The Planning Division staff and Planning Commission recommend approval subject to four conditions being satisfied prior to issuance of any grading or building permits, and subject to five Code requirements. Charles Touchfarber, president of NuSports Systems, Inc. appeared before the Council to answer any questions.

Peterson asked if a liquor permit is contemplated along with the food service. Mr. Touchfarber responded absolutely no alcohol will be permitted. In response to a question by Ramthun, the facility will also be tobacco free. Heintzeman asked what precautions have been taken for drop and pickup sites, as well as loitering. Mr. Touchfarber responded NuSports is currently operating a similar facility in Fridley and typically there are eight employees on-site at any time. NuSports wants to attract the family unit, with one or more parents coming with the children. Those individuals loitering will be asked to leave the center. There is a large vestibule area in the front of the building and children can wait inside, away from traffic, to be picked up. In response to a question by Ramthun, Mr. Touchfarber responded admission to the facility is free and then it is a "pay as you play" system.

Following discussion, motion was made by Lenczewski, seconded by Wilcox, and all voting aye, to approve a conditional use permit and final site plan and building plans review for a commercial recreation facility subject to the four conditions and five Code requirements identified.

~~Temporary Conditional Use Permit for Ballet Studio in a House Case 5724A-93 Item 5.4~~ The Council was requested by Vijay and Nirmalene Gupta to approve a temporary conditional use permit for a ballet dance studio in the lower level of a home located at 5256 West Old Shakopee Road. The Planning Commission recommended approval of a one-year temporary conditional use permit subject to eight conditions. Heintzeman expressed concern over possibly setting a precedent that a ballet studio would be fine while a mechanical shop in a house designed for it is not OK. Peterson stated it is a matter of uses in residential districts; are the uses compatible and non disruptive to the neighborhood environment. Wilcox expressed concern over the amount of activity the school will generate. Ramthun noted the primary students are intended to be children attending the Montessori School, just to the west of the ballet studio; however, it is not structured that students have to come from the school, but can come from the outside. Lenczewski pointed out that satisfactory plans have not been made to ensure the security and safety of children traveling from the school to the ballet studio. The City Planner noted that one of the conditions of approval requires the applicant to establish and maintain a personal safety program for the use of the Montessori parking facility and movement to and from the studio for evening and Saturday classes as approved by the Crime Prevention Office, Bloomington Police Department prior to the commencement of any instruction. In response to a question by Heintzeman, the Planning Manager clarified that all classes at the studio shall end by 7:00 p.m. and shall not begin before 9:00 a.m.

Following discussion, motion was made by Peterson, seconded by Henry, to approve a one-year temporary conditional use permit subject to the eight conditions identified. The vote on the motion was ayes, Ramthun, Henry and Peterson, and nays, Lenczewski, Heintzeman and Wilcox, and the motion was defeated 3-2.

Peterson directed Council that a request for a Resolution of Denial was needed. The City Attorney will prepare the Resolution. Motion was made by Lenczewski, seconded by Wilcox, and all voting aye, to request the City Attorney prepare a Resolution of Denial.



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

December 6, 1994

Dr. Nick Gatto  
Best Friends Animal Hospital, Inc.  
10259 Concord Drive  
Eden Prairie, Minnesota 55437

RE: Case 8191B-94

Dear Dr. Gatto:

At its regular meeting of December 5, 1994, the City Council approved a conditional use permit to allow an animal hospital or clinic at 8049 Morgan Circle, subject to the following conditions:

- 1) Clinic remodeling and improvement plans be reviewed and approved by the City's Environmental Services Division to assess odor and noise control measures;
- 2) No overnight boarding or kenneling of animals except for medical observation or surgical recovery;
- 3) Trash storage facility be provided within the building as approved by the City Fire Marshal;
- 4) A fully enclosed space be provided for the collection, separation and temporary storage of recyclable materials within or adjacent to the building;

and subject to the following Code requirement:

- 1) Handicapped accessible toilet facilities be provided.

Should you have any questions regarding this action, please contact Robert Sharlin at (612) 948-8920.

Sincerely,

A handwritten signature in cursive script that reads 'Clark Arneson'.

Clark Arneson  
Planning Manager

cc: Lois M. Bredahl, Commers-Klodt

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94



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2215 West Old Shakopee Road • Bloomington MN 55431-3096 • (952) 563-8920 • FAX: 563-8949 • TDD: 563-8740  
e-mail: [planning@ci.bloomington.mn.us](mailto:planning@ci.bloomington.mn.us)

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May 8, 2001

Mr. John Wieser  
Bloomington Crime Prevention Association  
200 West 98th Street, Suite 150  
Bloomington, MN 55420

RE: Case 8306A-01

Dear Mr. Wieser:

At its regular meeting of May 7, 2001, the City Council approved a conditional use permit for a commercial recreation facility at 8049 Morgan Circle subject to the following conditions:

- 1) Any changes to hours of operation or operational programming that can result in different traffic characteristics shall be reviewed and approved by the Planning Manager;
- 2) Any food and/or beverage service shall be reviewed and approved by the Environmental Health Services Division, Department of Community Development; and
- 3) All signage shall conform to an approved Uniform Sign Design for the property.

Should you have any questions regarding this action, please contact Londell Pease, Planner at (952) 563-8926.

Sincerely,

A handwritten signature in black ink that reads 'Bob Hawbaker'.

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,

A handwritten signature in black ink, appearing to read "Glen Markegard", written in a cursive style.

Glen Markegard,  
Planning Manager

Planning\xmit13\10002A-13



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