

City Council Minutes - June 14, 1965

~~Resolution Confirming Assessments 1964-2 Water and Sewer Project and 1964-6 Street Improvement Project~~ ~~The Council was requested to consider adopting a resolution confirming assessments for the 1964-2 Water and Sewer Project and 1964-6 Street Improvement Project with respect to the Fred A. Miller and Clarence Moe properties and with respect to the Miller lands, giving credit for prepayment in the amount of \$2,526.~~

The Council at its meeting of May 10 had tabled this matter for two years or until such time as the property owners requested confirmation of the assessments. Both of these property owners have now requested this action.

Motion was made by Hoffman, seconded by Nelson, and all present voting yea, to close the hearing and adopt a resolution confirming the assessments for the 1964-2 Water and Sewer Project and 1964-6 Street Improvement project with respect to the Fred A. Miller and Clarence Moe properties and crediting Fred A. Miller with the partial prepayment in accordance with the recommendation and opinion of the City Attorney.

Resolution re Flood Control

The Council was requested to consider adopting a resolution submitted by the Natural Resources Commission concerning flood control in Bloomington. Motion was made by Nelson, seconded by Malone, and all present voting yea, to lay over this item until later in the evening when a representative of the Commission would be present.

Resolution Confirming Emergency Purchase

The Council was requested to consider adopting a resolution authorizing the purchase under emergency conditions of 544 feet of 36 inch pipe with appurtenances for \$3,737.94 from Northern Culvert and Manufacturing Company. This purchase was made necessary to secure the erosion situation at the bluff at 102nd Street and 10th Avenue South, which resulted from recent storms. The resolution was needed inasmuch as the amount exceeded the \$1,000 limitation. A report detailing the work and the necessity for same was presented to the Council.

Motion was made by Hasselberg, seconded by Malone, and all present voting yea, to adopt a resolution confirming the emergency purchase as outlined above.

Approval of Eight Lot Subdivision at 108th and Russell
Case 4948

The Council was requested by Mr. E. G. Schlee to consider approving a subdivision of three lots into eight lots at 10816 to 10836 Russell Avenue South.

The Planning Commission at its meeting of December 8, 1964, had approved this subdivision subject to the petitioner petitioning for water and sewer on the lots fronting on Russell.

The Council at its meeting of December 21, 1964, had tabled this request pending determination by the petitioner if he could secure additional property so substandard lots would not be created. The petitioner indicated he was unable to secure any additional property to add to this property.

Motion was made by Hasselberg, seconded by Hoffman, and all present voting yea, to accept and uphold the recommendation of the Planning Commission and approve the subdivision subject to compliance with the requirements outlined.

New and Used Car Sales Conditional Use Permit
Case 5147

The Council was requested by Major Investment Company to consider approving a conditional use permit for a new and used motor vehicle sales operation in a B-3 zone at 9700 Lyndale Avenue South.

The Planning Commission at its meeting of May 19 approved the conditional use permit and the building and site plans subject to the following conditions: (1) the petitioner changing the trees (Schedule 1) on the Lyndale side of the lot to a lower type planting which will not screen the building too much; (2) landscape planting on the west side of the property being boulevard type planting, rather than a solid screen type which would actually define the property as if it were on a street; (3) fencing shall be provided to protect the

property and the Dairy Queen from each other, a solid type fence to be approved by the Planning Director, and (4) that the sign on the freeway and on Lyndale shall conform to the sign ordinance.

Motion was made by Hasselberg, seconded by Hoffman, and all present voting yea, to accept and uphold the recommendation of the Planning Commission and approve the permit subject to compliance with the requirements outlined.

~~Continuance of Nonconforming Use~~
Case 4411

The Council was requested by Mr. Alvin H. Krauss to consider approving continuance of a nonconforming use (Trio Cafe sign) at 9645 Lyndale Avenue South in a B-3 zone.

The Planning Commission at its meeting of May 19 approved extension of the time of the present conditional use permit for an additional six months at which time the sign must be removed.

Motion was made by Hasselberg, seconded by Malone, and all present voting yea, to approve extension of the conditional use permit for an additional six months.

Conditional Use Permit
for Apartments, 8923-
8941 Cedar Avenue South
Case 5178

The Council was requested by N.B.C. Apartments, Inc., to consider approving a conditional use permit for two 24-unit apartment buildings in an R-3 zone at 8923-8941 Cedar Avenue South.

The Planning Commission at its meeting of May 19 approved the concept for these apartments with the following provisions: (1) the petitioner look into the possibility of garages to be constructed concurrently with the apartments, one per unit; (2) that Lot "A" be subdivided as part of this approval; (3) that the petitioner be advised that he may have to plat this development and give 10% cash donation for park; (4) that more brick be considered on the elevations facing Cedar and the freeway on the first floor particularly, and (5) that either garages or screening be placed on the south side of the property to protect the other properties.

Motion was made by Hasselberg, seconded by Hoffman, and all present voting yea, to accept and uphold the recommendations of the Planning Commission and approve the concept of these apartments subject to compliance with the conditions outlined.

Conditional Use Permit
for Multiple Dwellings
1925-1931 West Old
Shakopee Road
Case 5180

The Council was requested by Mr. L. M. Loken to consider approving a conditional use permit for multiple dwellings at 1925 to 1931 West Old Shakopee Road in an R-2 zone.

The Planning Commission at its meeting of May 19 approved the concept of these apartments with the recommendation that in preparing final site plans that the petitioner use extreme care in preserving existing trees; consider screening the east driveway onto Old Shakopee Road; show all existing trees on the plan; include on the plan one garage per unit to be constructed concurrently with the construction of the apartment building and that the petitioner be made aware of the recently adopted Council policy on 10% donation for park.

Motion was made by Hasselberg, seconded by Nelson, and all present voting yea, to accept and uphold the recommendation of the Planning Commission and approve the concept of this use subject to compliance with the requirements outlined.

Conditional Use Permit
for Motel, Lounge,
Restaurant and Service
Station
Case 5182

The Council was requested by DeMac, Inc., to consider approving a conditional use permit for a 125-unit motel with liquor lounge, restaurant and service station.

The Planning Commission at its meeting of May 19 approved the concept of the motel and restaurant at this site but tabled the concept of a conditional use permit for a service station until a further study is made.

City Council Minutes - November 1, 1965

Notices of Council Action

The Council was requested by Councilman Malone to discuss means of obtaining wider notice in more understandable terms concerning pending Council actions. Malone said he was concerned because he felt there were times when the public hasn't been given adequate notice of items to be discussed at future Council meetings because people don't read the legal notices or miss news stories on inside pages of the newspaper. He suggested that the Bloomington Sun-Suburbanite be contacted regarding placing a box on the front page containing information on the Council's agenda for the next Monday.

The Manager indicated that the newspaper had agreed to do this if the City would give them a list of the items by Tuesday noon. Motion was made by Viitala, seconded by Malone, and all present voting yea, to try the procedure suggested and determine its effectiveness.

Vacation of Easements

A hearing was scheduled at 7:30 p.m. to consider vacation of a number of easements as follows:

Elmer Nord, 9640 - 14th Avenue (Auditor's Subdivision of Orchard Springs Addition)
Vacate two and one-half feet of drainage easement

Gary Nachbar, 10018 Colfax Avenue (Bluff View 4th Addition)
Vacate drainage and utility easement (has been replaced by alternate easement)

John Griggs, 2112 West 89th Street (Lundstrom's Penn Lake Terrace Addition)
Vacate one foot of utility easement

The Public Works Department indicated all utility companies were notified and had no objection, therefore, approval was recommended. Motion was made by Adams, seconded by Hasselberg, and all present voting yea, to close the hearing, approve the vacation of easements as requested and adopting an ordinance vacating these easements.

Grading Permit Application Case 5147

The Council was requested by Major Ford to consider approving their request for a grading permit for their property at 9700 Lyndale Avenue. They are presently redesigning their project but wished to begin grading before frost sets in and indicated the site will be substantially the same as under their old plan. The License and Inspection Department recommended approval with the stipulation that the drainage plan be approved by the Engineering Department and if the new building plan is not approved by the Council, some regrading of the site might be necessary.

The City Engineer indicated there was some problem with the drainage and that this department has suggested that the developer try to take their drainage to an existing storm sewer on Lyndale Avenue.

Following discussion, motion was made by Hasselberg, seconded by Malone, and all present voting yea, to approve the request subject to approval of the Engineering Department on the drainage pattern.

1965 License Applications

~~The Council was requested to consider approving the following 1965 Bloomington license applications:~~

Del Bultman
2408 Dupont Avenue South
Minneapolis 55405

Freeman Liquor Store
7834 Portland Avenue So.

1 Cigarette -
retail
\$3.00

City Council Minutes - February 7, 1966

The schedule would be:

Council approve plans	February 7
First advertisement	February 10
Bid opening	March 4
Award contract	March 7

Motion was made by Hasselberg, seconded by Hoffman, and all voting yea, to adopt a resolution approving the plans and specifications for the project and directing the call for bids in accordance with the schedule.

1966 License Applications The Council was requested to consider approving 1966 license applications per the attached listing made a part of this record. Motion was made by Hasselberg, seconded by Hoffman, and all voting yea, to approve the applications as submitted.

Change of Route - Twin City Lines, Inc. The Council was requested by Twin City Lines, Inc., who have been serving Control Data on a subsidized basis as an extension of their Chicago - 12th Avenue South line twice a day, to consider approving a new routing extending the 66th Street line because of a change of working hours at Control Data. The new route would be to 12th Avenue, to 70th Street, to 34th Avenue to Control Data and to operate subsequently over Cedar Avenue and I. H. 494.

The Manager recommended approval of the request inasmuch as this is a subsidized route and not a necessity and convenience obligation.

Motion was made by Hasselberg, seconded by Hoffman, and all voting yea, to approve the change in service route.

Accept Findings and Approve Action of Variance Board The Council was requested to consider accepting the findings and approving the action of the Variance Board at its meeting of January 26 and February 2 in the following cases:

Case 5716-A - PDQ Stores, 8920 Penn Avenue South
Variance Board approved 26 foot height of pylon sign as requested.

Cases 5721-A & B - Minnesota Tractor, 1400 West 96th Street
Variance Board approved (A) second sign and (B) height of seven and one-half feet above outside wall.

Cases 5694-A, B, C & D - Mann Theater Company, 7800 France Ave.
Variance Board approved (A) two signs; (B) sign on back of screen approximately 1,080 square feet in size; (C) 400 square feet for attractions board and (D) a 15 foot setback.

Cases 5720-A & B - Major Investment Company, 9700 Lyndale Avenue
Variance Board approved (A) revised 400 square foot sign as requested and (B) sign with a maximum height of 50 feet at the highest point.

In Cases 5720-A and B George Connor, attorney for Major Investment Company, explained the reasons his client was requesting the variances and said it would be a hardship if the variances were not granted.

Motion was made by Malone and seconded by Hasselberg to accept the findings and approve the action of the Variance Board in Cases 5720-A and B and grant the variances. The vote on the motion was as follows: Ayes, Hoffman, Nelson, Crain, Malone and Hasselberg, and nays, Belanger and Viitala, and the motion so carried.

Viitala commented that in consideration of all of the variances requested for signs that there doesn't seem to be any relationship between the requests and the sign ordinance and questioned validity of the ordinance if these variances are necessary. Hoffman said he felt the Council was losing the perspective of what signs mean, because if the Variance Board feels these requests are justified, then the sign ordinance needs revamping.

Crain agreed that the sign ordinance needs studying but felt after reviewing the individual cases that the Variance Board was correct in granting these variances.

City Council Minutes - August 26, 1968

licated there was no relationship. In response to a statement that the requirements for the license include the manager residing in Bloomington, Mr. Sundberg stated there was no question at all but that the president of the corporation will be moving to Bloomington.

Thomasberg made a motion, seconded by O'Neil, to approve the license with the added comment that this seems to be an excellent addition to the restaurants in Bloomington.

Nelson offered the amendment to close the hearing and lay the matter over until September 9, 1968, as new intoxicating liquor license applications require two hearings. The maker of the motion, and the maker of the second accepted the amendment, and all present voted yea.

Ordinance Re: Conditional
Uses - Day Nurseries

The Council was to have considered an ordinance concerning conditional uses regarding Day Nurseries, but the City Attorney advised that an ordinance would not be necessary.

Request for Variance
Hearing - Freeway Ford
9700 Lyndale Avenue
Fascia Sign
Case 5147D-67

The Council was requested by Councilman Belanger to consider setting a hearing for September 9, 1968, pursuant to the provisions of Section 82.06 of the City Code for the purpose of hearing a variance requested by Freeway Ford for a sign which they propose to be put on the fascia of their building at 9700 Lyndale Avenue. Case Number is 5147D-67.

The City Manager recalled the Council's attention to the case, which had originally received a recommendation of approval from the Variance Board, and then had been denied by the Council on the grounds that the Board was erroneous in its finding of No. 4, which was the effect that the condition or circumstance which called for the variance did not result in the action of the applicant. Due to lapse of time, he advised, a new hearing should be held in the event that the City Council should elect to reconsider the matter.

Following discussion, motion was made by Belanger, seconded by Malone, with all present voting yea, to adopt a resolution setting a hearing date for September 9, 1968.

Meeting reconvened

The meeting was reconvened.

Ordinance Re: Licensing
Day Nurseries

The Council was requested to consider an ordinance establishing a licensing requirement for group care of pre-school and school age children, annual registration and fee, and penalties for violation and revocation for cause by the City Council.

A call was made for any persons who wished to speak on this ordinance, and there was no response.

Following lengthy discussion, motion was made by O'Neil, seconded by Thomasberg, to close the hearing and adopt the ordinance as presented.

After further discussion concerning Section 3.5, Nelson requested a short tabling of this item, to gather information for substitution.

Later, Nelson made a motion amendment offering the following language as a substitute for the third sentence of Section 3: "Such forms shall contain or be accompanied by the following:" Then the list followed, as in the original ordinance, with an amendment for #5 as follows: "A certificate of insurance which shall indicate bodily injury limits of at least \$50,000 per person and shall provide a ten-day notice of cancellation to the Department of License and Inspection." He stated he would have that wording substituted for the wording in the original item #5.

The City Attorney indicated his approval of the suggested wording.

Robert Barron of 411 Spring Valley Drive, appeared before the Council to state he would rather see this voted upon at this meeting, or to see the petition withdrawn, rather than to see it tabled--because then he stated he felt the petitioner could come in with town houses or some other form of multiples. He added that the residents would be unalterably opposed a year from now or 5 years from now.

Following discussion between the Council and the petitioner's attorney, the attorney stated he had no opposition to withdrawal as long as they can come in later with a plan, and therefore he would withdraw at this time.

Nelson offered an amendment to the motion to close the hearing.

Belanger restated his motion as follows: to allow the petitioner to withdraw his petition without prejudice and close the hearing. Viitala accepted the motion.

Upon inquiry from the City Manager, Mr. Happe stated he represented the developer who has a contract to purchase the property, with contingencies.

Vote was called, and all voted yea.

Concern was expressed by Viitala about notifying prospective purchasers of homes or lots for homes, of mixed uses in the areas, so they would be forewarned of impending apartment developments.

Nelson suggested a statement of acceptance by the purchaser, in writing.

John Houston, of 301 Spring Valley Drive, appeared before the Council to state he felt most of the residents had awareness of the R-5 zoning, but did not realize the buildings would be so close to them. Most of the people felt they would see only roofs, as the buildings would be built in a hollow.

A Mr. Weiss, no address given, appeared before the Council to state he would second Councilman Viitala's remarks on the difficulty of the purchaser not always knowing about mixed uses in an area. He said he knew, because he made a search.

Frank Enders, of 10025 Dupont Avenue South, appeared before the Council to state he was concerned about homeowner protection in mixed use areas, also. He noted that in Toledo this was solved by building the multiples first.

Subdivision Approval
Reservoir Park
2200 West 82nd Street
City of Bloomington
Case 6893

The Council was requested to consider a request for a subdivision approval for Reservoir Park at 2200 West 82nd Street, owned by the City, Case 6893.

The hearing had been scheduled for this meeting; however, the Planning Director requested that the hearing be continued to September 23, 1968, at 8:30 p.m. in order to consider the subdivision at the same time as a hearing that has been scheduled for 2 family dwellings for the 8 lots included in the subdivision.

Motion was made by Belanger to continue the hearing to September 23, 1968, per request of the Planning Department. O'Neil seconded the motion, and all voted yea.

Sign Variance Hearing
Freeway Motors, Inc.
9700 Lyndale Avenue So.
Case 5147D-67

The Council was requested to hold a hearing to reconsider a November 22, 1967 Variance Board recommendation to allow a third sign reading "Freeway Ford" for Freeway Motors, Inc., at 9700 Lyndale Avenue South, Case 5147D-67. This hearing had been set by the Council at their meeting of August 26, 1968.

Belanger stated that when this consideration had been before the Council previously, the petitioner had been in the audience, but had felt intimidated by the image projected by the Council in their discussion of the proposed parking ban just previous to his hearing, and so he had not come forward to speak; therefore, Councilman Belanger had requested the Staff to bring this back to the Council.

The City Manager stated the Attorney's office and the Planning Department have no objection to this petition, and feel the sign is basically well designed and its placement and dimensions show restraint.

Following advice of the City Attorney that the Council may find the Variance Board in error in its findings, and modify their finding, motion was made by Nelson, seconded by O'Neil, to close the hearing and note that the Council finds #4 of the criteria in the variance application to be in the negative, and to ratify the variances granted by the Board. Hoffman expressed concern over the lack of sufficient criteria on signs.

Vote was called, and all voted yea, except Hoffman, who stated he did not wish to join any vote on signs until the ordinances are revised on sign criteria.

~~Conditional Use Permit
Over-sized detached garage
10119 Colfax Avenue So.
Delwin R. Olsen R-3
Case 6848~~

~~The Council was requested to consider a request for a conditional use permit for an over-sized garage at 10119 Colfax Avenue South, by Delwin R. Olsen, Case 6848, in an R-3 Zone.~~

~~The Planning Commission at their meeting of August 22, 1968, had recommended approval of the petition based on the affirmative findings required by Section 11.13.A.~~

~~Motion was made by Viitala, seconded by Malone, with all voting yea, to uphold and adopt the Planning Commission recommendation, and grant a conditional use permit for an over-sized garage at 10119 Colfax Avenue South.~~

~~Conditional Use Permit
Day Nursery
St. Stephen Evangelical
Lutheran Church R-3
8400 France Avenue So.
Case 4556C-68~~

~~The Council was requested to consider approval of a conditional use permit for a day nursery at St. Stephen Evangelical Church at 8400 France Avenue South, within existing facilities in an R-3 zone.~~

~~The Planning Commission action, at their meeting of August 22, 1968, had been to recommend approval of the conditional use permit for a day nursery in the church with the condition that all loading and unloading of passengers be on church property.~~

~~Approval of Final Site
and Building Plans
Evangelical United Brethren
Church Case 3537A-68
9920 Normandale Blvd. R-1~~

~~The Council was requested to consider approval of final site and building plans of the Evangelical United Brethren Church at 9920 Normandale Boulevard in an R-1 zone, case 3537A-68.~~

~~The Planning Commission action, on August 22, 1968, had been to recommend approval of final site and building plans with the following conditions: 1) access to Normandale Boulevard to be moved southerly to a point opposite Normandale Highlands Drive, 2) water main to Normandale Boulevard and adequate fire hydrants, as required by the Public Works Department be provided, 3) dedication of additional 50' right-of-way for a frontage road on Normandale Boulevard at such time as the City may require, 4) submission of an adequately prepared landscape plan to the Staff for approval, 5) increase off street parking to 80 parking spaces, as requested by the Building Department, 6) access to Normandale Boulevard to be temporary until the frontage road is constructed.~~

~~Motion was made by Viitala, seconded by Malone, with all voting yea, to approve and adopt the Planning Commission recommendation subject to the conditions noted above.~~

City Council Minutes - October 12, 1971

Request for Refund of
License Fees, Carter
and Gertz, Inc.
Item 7.3

The Council was requested by Carter & Gertz, Inc., to consider refunding to them \$520 which they paid for license fees to the City in 1965. According to the City Manager, this company paid \$300 for investigation fees and \$220 for food and beer licenses for a proposed location at 93rd and Lyndale. No processing or investigation was done on this application because of the proximity of a church to the site. The applicant had then asked that the license request and investigation be withheld until such time as they could find a suitable location. They have now determined that they cannot find a site suiting their purpose and requested that their money be refunded.

The City Attorney had indicated to the Director of License and Inspection that the City Code provides that the money may be refunded if the application is withdrawn before approval of the issuance by the City Council. He had also indicated that inasmuch as no investigation was conducted that this fee also could be refunded.

Following discussion, motion was made by O'Neil, seconded by Allen, and all present voting aye (5-0) to approve the refund of the license fees of \$520 to Carter & Gertz, Inc.

Purchase Right-of-
Way at Old Shakopee
Road and Cedar Avenue
Item 7.4

The Council was requested to consider the purchase of a triangular piece of property in the northeast quadrant of the intersection of Old Shakopee Road and Cedar Avenue which is needed to provide the right-of-way for a right turn at this intersection. The Public Works Department indicated that a price of \$1,000 has been negotiated with G. L. Running, owner of the property.

In response to a query by the Council, Russ Langseth indicated that this portion of the property had been appraised at \$200 and that the owner had been offered \$581 or approximately two and one-half times the assessed valuation. Mr. Running had indicated his unwillingness to sell at this price.

Mr. Langseth said if a right turn lane is to be provided at this intersection acquisition of this property is necessary. Following discussion, motion was made by O'Neil, seconded by Pleasant, and all present voting aye (5-0) to table for three months and to indicate to the property owner that the price he is asking is too high and if a settlement can't be reached, the property may have to be acquired by condemnation.

Conditional Use Permit
for Expansion of
Existing Car Agency
Case 5147A-71
Item 6.1

The Council was requested by Freeway Ford, 9700 Lyndale Avenue, to consider approving a conditional use permit to allow expansion at the north of the existing car agency in a General Business (B-3) zone. An additional area of 65,491 square feet is proposed in three separate parcels.

The Planning Commission at its meeting of September 30 recommended approval of the conditional use permit subject to the following conditions:

1. removal of Blackstone Realty sign,
2. removal of vacant, abandoned house located on Parcel 3210,
3. removal of structure on Parcel 0265 within a two year period,
4. entire property be platted in accordance with Chapter 20 of the City Code,
5. plans for expansion of parking lot or ingress and egress changes to be approved by City Traffic Engineer,
6. no construction to be commenced until such time as the final site plans and building plans are brought back to the Planning Commission for approval.

In further action the Planning Commission amended condition 3 to provide that the structure be removed or it be brought up to Code requirements for whatever use Freeway Ford and its operation puts it to.

Discussion was held on the property involved in this case and it was noted that this land is in the proposed redevelopment area being considered by the Housing and Redevelopment Authority. It was suggested that approval could be granted for use of the parcel on which the former Dairy Queen building is located and the remainder of the land could be considered by the HRA in their review of the proposed redevelopment area.

Motion was made by Allen and seconded by Belanger to approve the conditional use permit for Parcel 0265 (former Dairy Queen site) subject to the conditions specified by the Planning Commission including amendment of condition 3 and that Parcels 3210 and 2900 be referred to the Housing and Redevelopment Authority for their consideration when reviewing the area proposed for redevelopment.

Conditional Use Permit
for Horse Stables
Case 7607A-71
Item 5.2

The Council was requested by John F. Belanger, Jr., to consider approving a conditional use permit to have horse stables in a Residential (R-1) zone at 9641 Townline Avenue on a parcel of land containing approximately 18.51 acres.

The Planning Commission at its meeting of September 30 recommended approval of a temporary conditional use permit for the horse stables based on their making the findings in Section 11.13.E.1a through d.

Following discussion, motion was made by O'Neil, seconded by Allen, and all present voting aye (5-0) to approve a temporary conditional use permit for two years for the horse stables as recommended by the Planning Commission.

Conditional Use Permit
for Dance Studio
Jan Gillespie
Case 7661A-71
Item 6.3

The Council was requested by Jan Gillespie to consider approving a conditional use permit for a dance studio at 1201 West 106th Street in a Residential (R-2) zone.

The Planning Commission at its meeting of September 30 recommended approval of a temporary conditional use permit for a dance studio for a period not to exceed two years based on being able to make the findings in Section 11.13.E.1.a. through d. and based on the past action of the City Council on dance studios that are currently in operation and have been for several years.

Following discussion, motion was made by Belanger, seconded by O'Neil, and all present voting aye (5-0) to approve the temporary conditional use permit for two years for a dance studio as recommended by the Planning Commission.

Preliminary Plat -
MAC Investments, Inc.
Case 6760C-71
Item 6.4

The Council was requested by MAC Investments, Inc., to consider approving the preliminary plat of MAC Investments 1st Addition at 6000 West Old Shakopee Road. Lots 6, 7, 8 and 9 lie in a Residential (R-3) zone and Lots 1 - 5 are in the Residential (R-1) zone.

The Planning Commission at its meeting of September 30 recommended approval of the amended plat as submitted with the following conditions:

1. 10 foot planter and non-access easements be provided along Old Shakopee Road,
2. park donation be in cash,
3. Lots 1 through 5 to be restricted to single family dwelling units.

Following discussion, motion was made by Belanger, seconded by O'Neil, and all present voting aye (5-0) to approve the preliminary plat of MAC Investment 1st Addition with the conditions specified by the Planning Commission.

City Council Minutes - August 28, 1972

was ayes, Malone and Pleasant, and nays, Belanger, Anderson, Allen and King, and the motion failed 2-4. The vote on the original motion was all present voting aye except Malone and Pleasant, who voted nay, and the motion carried 4-2.

Malone asked if this meant the City was condoning the storage of wrecked autos at this site and King said he did not feel it was but that the staff knows of the dilemma and should be working on a solution to the problem.

Vacation of Easement Item 5.1

The Council was requested to consider adopting an ordinance to vacate an easement for drainage purposes at Poplar Bridge Road and Toledo Avenue South. The Public Works Department indicated that because storm sewer is being constructed along the proposed alignment of Collegeview Rd. the necessity of the existing easement is eliminated. They recommended approval of the vacation subject to dedication of a new easement as outlined on a map included with the agenda.

Following discussion, motion was made by Malone, seconded by Anderson, and all present voting aye (6-0) to close the hearing and adopt the ordinance contingent upon the dedication of the new easement as proposed.

Preliminary and Final Plat of Freeway Ford 1st Addition Case 5147G-72 Item 5.2

A public hearing was scheduled at 7:25 p.m. for consideration of the preliminary and final plat of Freeway Ford 1st Addition located at 9700 Lyndale Avenue South as submitted by the Grossman Corporation.

The plat was reviewed by the Administrative Subdivision Review Com. on August 16 and was recommended for approval with the following conditions:

1. Expand right-of-way to 40 foot half width along Lyndale Avenue,
2. Right-of-way be provided for a future cul-de-sac for Aldrich Avenue to extend south into this lot,
3. Sidewalk easement be provided along the east 10 feet of Lot 1, Block 1,
4. Existing buildings along the north be removed on or before November 1.

The Public Works Department indicated that items 1 and 2 have been accomplished on the final plat and a deed has been prepared for item 3. Item 4 will be reviewed and accomplished in conjunction with the conditional use permit for this property expansion.

Richard Hollenbeck of Reason Realty, representing the owners of the property as well as Freeway Ford, said the Dairy Queen building and the motel building will be removed and that the other conditions are being met.

Following discussion, motion was made by Malone, seconded by Anderson, and all present voting aye (6-0) to approve the preliminary and final plat of Freeway Ford 1st Addition, approve the subdivision agreement, and adopt a resolution granting final approval subject to compliance with the conditions stipulated and favorable title opinion by the City Attorney.

1972 License Applica- tions Item 4.1

~~The Council was requested to consider approving the following 1972 license applications:~~

Gold Medal Beverage Co.
553 N. Fairview Avenue
St. Paul 55104
for

Cedar 66 Service 1 Food Vending Machine \$15.00
9000 Cedar Avenue South

The Moore Way Co.
5301 Edina Ind. Blvd.
Edina 55435
for

The Normandale Tennis & Swim Club 1 Cigarette Vending Machine \$12.00
6701 West 78th Street 4 Food Vending Machines \$45.00



REQUEST FOR COUNCIL ACTION

Originating Department Community Development	By rms	Approved for Agenda by:	Date: Time:	Number:
Agenda Section DEVELOPMENT BUSINESS		Item Revised final site plan and building plans for a building addition		

Item 3

Case 5147A-95

GENERAL INFORMATION

Applicant: Freeway Ford

Location: 9700 Lyndale Avenue

Request: Revised final site plan and building plans for a building addition to an existing automobile dealership

Existing Land Use and Zoning: Automobile dealership; zoned CB

Surrounding Land Use and Zoning: North -- Retail and light manufacturing; zoned CB and I-3
East and South -- Retail commercial; zoned CB and CB(PD)
West -- Interstate Highway I-35W

Comprehensive Plan: The Comprehensive Land Use Plan recommends Retail Commercial land use for the property

PROPOSAL

This item was continued at the request of the applicant to April 20, 1995 Planning Commission to allow for the modification of plans.

The applicant is proposing a 2,300 square foot addition to the north side of the existing dealership building. The addition would extend out approximately 60 feet and have a general building depth of 30 feet. The addition would include spaces for sales offices, file room, conference room and restrooms. Primary exterior building materials include stucco with an acrylic finish coat, metal window framing, and metal roof/fascia panels. No site or circulation changes are proposed. Proposed changes to front roof fascia on the south side of the front of the building have been deleted from the revised plans.

COUNCIL ACTION

Motion by _____ Second by _____ to _____

PL2017-18 PL201700018

APPLICABLE REGULATIONS

Section 19.37(h)(1)

REQUIRED FINDINGS

Section 19.40.12(d)(1),(2),(3),(4) and (5)

CHRONOLOGY

Planning Commission Agenda: 03/23/95 -- Public hearing scheduled.

Planning Commission Action: 03/23/95 -- Continued to April 20, 1995
at applicant's request.

Planning Commission Agenda: 04/20/95 -- Continued public hearing.

RECEPTION AREA

OFFICE

CONFERENCE ROOM

STAIRS

1-25

A-Z

Dimensions: 10'-0", 12'-0", 14'-0", 16'-0", 18'-0", 20'-0", 22'-0", 24'-0", 26'-0", 28'-0", 30'-0", 32'-0", 34'-0", 36'-0", 38'-0", 40'-0", 42'-0", 44'-0", 46'-0", 48'-0", 50'-0", 52'-0", 54'-0", 56'-0", 58'-0", 60'-0", 62'-0", 64'-0", 66'-0", 68'-0", 70'-0", 72'-0", 74'-0", 76'-0", 78'-0", 80'-0", 82'-0", 84'-0", 86'-0", 88'-0", 90'-0", 92'-0", 94'-0", 96'-0", 98'-0", 100'-0"

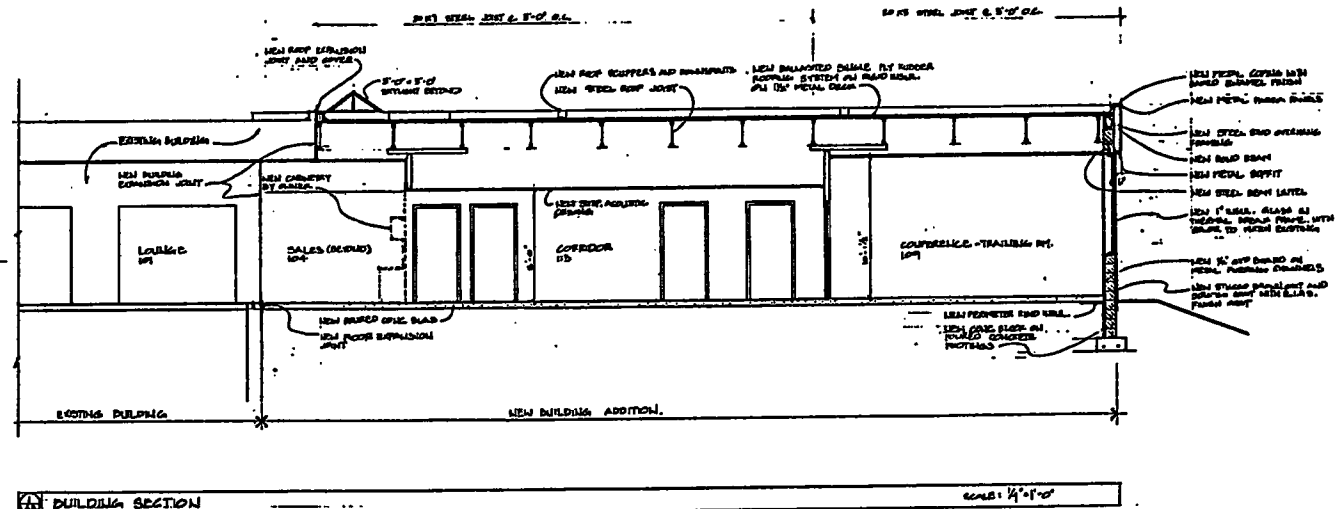
FLOOR PLAN OF SECOND FLOOR OF FBI BUILDING, NEW YORK CITY, 1964. THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

Scale: 1" = 100' North

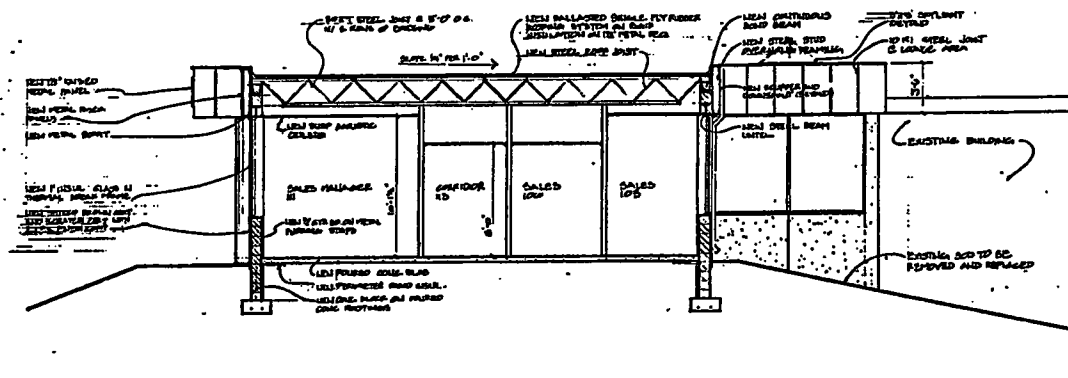
4. THE CITY OF BIRMINGHAM REQUESTS A NEW FIRE HYDRANT AND INSPECTION MANHOLE TO BE INSTALLED ON THE SANITARY SEWER LINE, CONTRADICTION SHALL VERIFY LOCATIONS AND REQUIREMENTS FROM CITY ENGINEER TO DETERMINE AND EXECUTION.

95

A1



BUILDING SECTION SCALE: 1/4"=1'-0"



BUILDING SECTION SCALE: 1/4"=1'-0"

NOTES:

1. EXTERIOR GUTTER BLOCK TO BE FILLED WITH EXHAUSTION DRAINAGE OR ARCHITECT APPROVED EQUAL.
2. ROOF MEMBRANE TO BE SDPM-45.
3. LOCATION AND QUANTITY OF SCUPPERS AND DRAINAGE TO BE PROVIDED BY CONTRACTOR. SEE TEST DRAWINGS AND REQUIREMENTS.
4. SEE EXHAUSTION JOINT BE PROVED FROM NEW BUILDING. ADDITIONAL JOINTS TO NEW ROOF JOINT FROM NEW.

REVISED PLANS

5147 A

95

BID SET ONLY
NOT FOR CONSTRUCTION

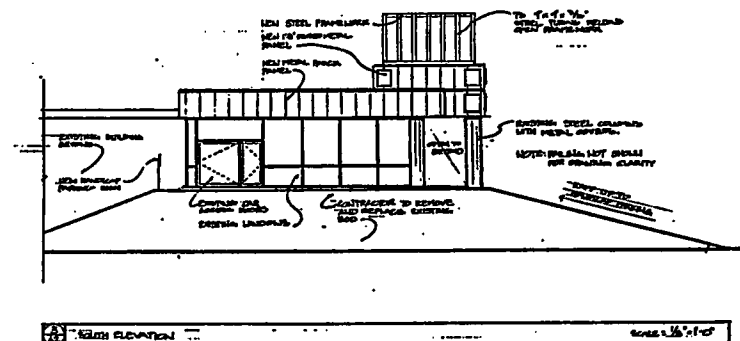
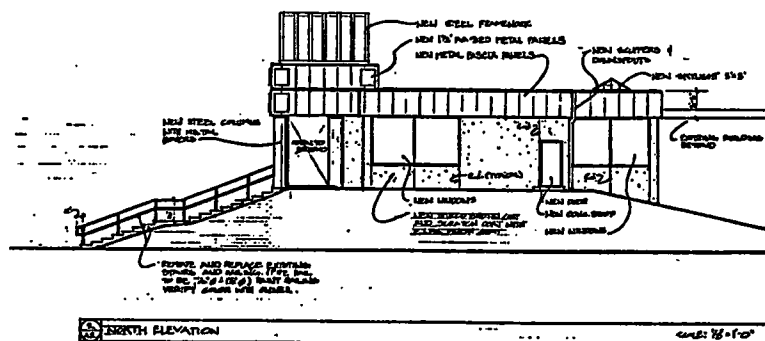
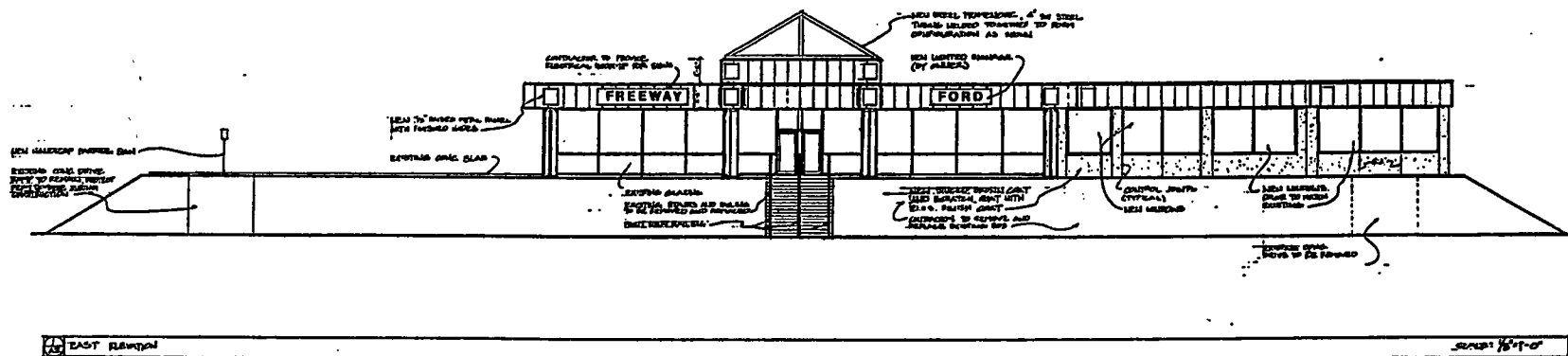
DATE: 11-20-94
CITY PLANNING DEPT.
REVIEW DATE: 02-20-95
REVISIONS (SEE SHEET 24-03-95)

A3

**FREEWAY FORD
9700 LYNDALE AVENUE SOUTH
BLOOMINGTON, MN**

SHUCKLER
ARCHITECTS
1000 WASHINGTON AVENUE SOUTH, 2ND FLOOR
BLOOMINGTON, MN 55408

7/3



- Notes:**
1. NEW LININGS TO HAVE 1\"/>

REVISED PLANS

5147 A

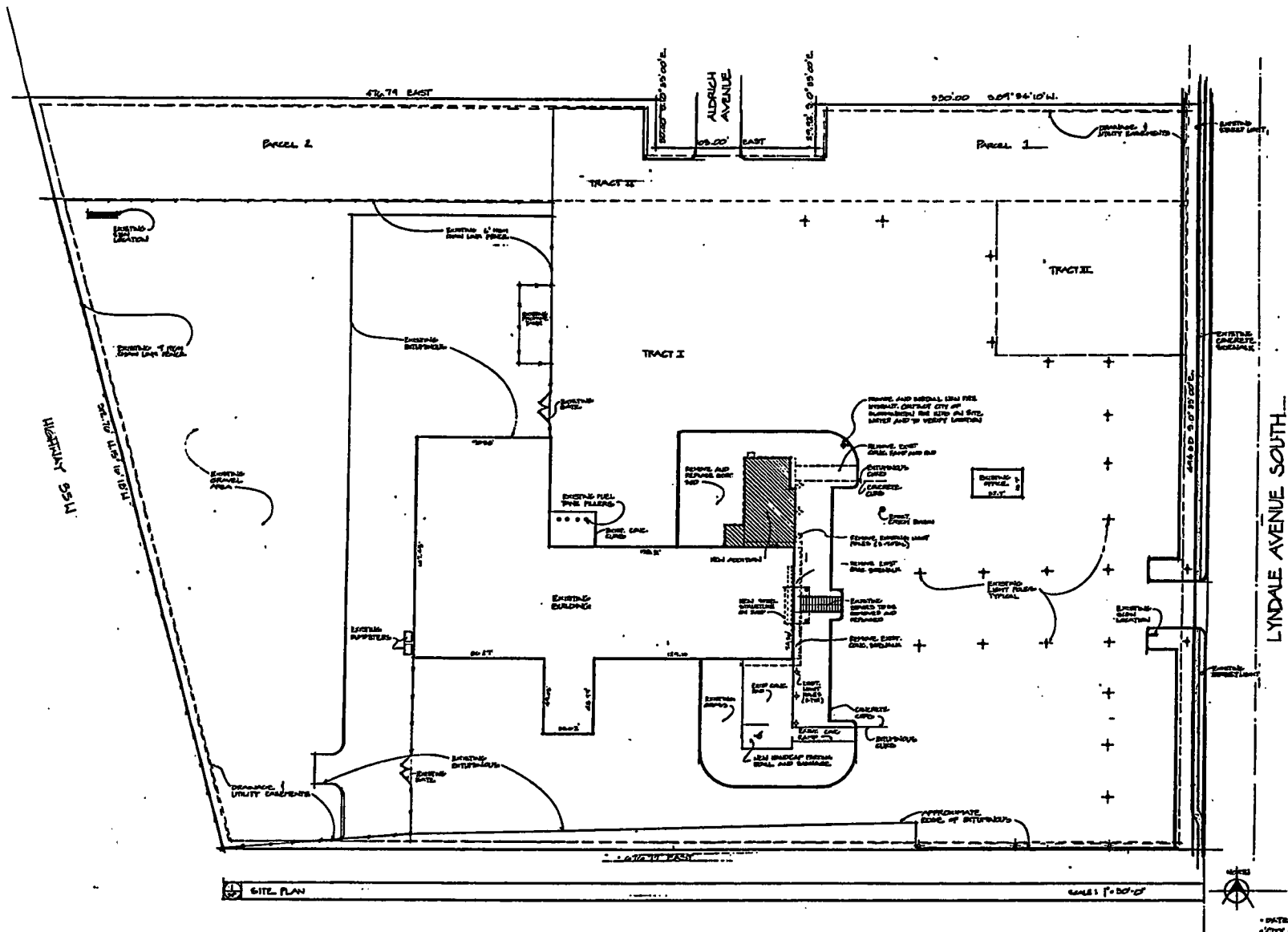
95

DATE: 11-25-94
 CITY: TOWNSHIP OF
 TOWNSHIP: TOWNSHIP
 TOWNSHIP: TOWNSHIP

A2

FREWAY FORD
 9700 LYNDALE AVENUE SOUTH
 BLOOMINGTON, MN

ARCHITECTURE
 1000 WASHINGTON AVENUE SOUTH, SUITE 100
 BLOOMINGTON, MN 55408



REVISED PLANS

5147 A

95

BID SET ONLY
NOT FOR CONSTRUCTION

SP

- 2) The second floor of the facility shall have an occupancy of no more than 10 persons;
- 3) The program of neighborhood communication be maintained during the permit period;
- 4) All recreation equipment and activity be contained on the facility property;
- 5) The property be maintained in a neat and orderly manner;
- 6) All applicable City, County, and State licenses be maintained;
- 7) No sleeping area be permitted in the basement unless a second means of egress is provided as approved by the Fire Marshal;
- 8) Physical and operational deficiencies identified by the Fire Marshal and Environmental Health Services staff shall be corrected to their approval within 30 days of City Council action; and
- 9) ~~Further renewal of the temporary conditional use permit may be heard by the Hearing Examiner.~~

ITEM 4
5:49 p.m.

CASE:	5147A-95
APPLICANT:	Freeway Ford
LOCATION:	9700 Lyndale Avenue
REQUEST:	Revised final site and building plans for an addition to an existing automobile dealership

APPEARING FOR THE APPLICANT:

No one.

SPEAKING FROM THE PUBLIC:

No one.

DISCUSSION BY THE COMMISSION:

Hawbaker said he received a letter from Todd L. Seidell requesting a continuance to the Planning Commission meeting of April 20, 1995.

ACTIONS OF THE COMMISSION:

M/Thorson, S/Mahowald: To continue the hearing to the Planning Commission meeting of April 20, 1995.. Motion carried 6 - 0.

Item 3

GENERAL INFORMATION

Applicant: Freeway Ford

Location: 9700 Lyndale Avenue

Request: Revised final site plan and building plans for an addition to an existing automobile dealership

PROPOSAL

This item was scheduled for consideration at the March 23, 1995 Planning Commission meeting. The item was continued at the request of the applicant to the meeting of April 20, 1995 to allow for the modification of plans.

The applicant is proposing a 2,300 square foot addition to the north side of the existing dealership building as originally proposed. The addition would extend north approximately 60 feet and have a building depth of about 30 feet. The addition would include space for sales offices, file room, conference room, and restrooms. Primary exterior building materials include stucco with an acrylic finish coat, metal window framing, and metal roof/fascia panels.

The front fascia of the existing building will be renovated, as previously planned, utilizing the same exterior building materials as those of the building addition. The area south of the front entrance was to be a columnar display area with fascia panels; this improvement to the building has been deleted from the project. This area will remain an open display patio adjacent to the building. No site or circulation changes are proposed.

ANALYSIS

The deletion of the columnar display area from the project is a minor change in the original plan. The primary improvements are the proposed office addition and the remodeling of the front of the main sales building. The office addition and remodeling of the existing sales building exterior up to the outdoor display area are important elements in upgrading the function and appearance of the facility.

The proposed addition and remodeling of the main sales building is a minor expansion of the existing automobile dealership. The addition on the north side of the existing building will add 2,300 square feet of space for sales offices, a conference room, file room, lounge, and a handicapped accessible toilet facility. The additional space is complementary to the utilization of the existing building and does not result in a major expansion of the use on the parcel.

Site of the building addition will be on the elevated building pad in an area currently used for outdoor vehicle display. The front of the addition would be along the same building plane as the existing building

and would conform to the existing front setback of 265 feet from Lyndale Avenue. A setback of 207 feet (approximate) would be maintained from the proposed north building wall to the north side property line. Construction of the building addition would not result in any alteration of existing site or circulation improvements.

In conjunction with the minor expansion of building space, the front of the existing building and entryway will be remodeled to provide for a visually integrated building design. The center showroom area will retain display windows with a new entry canopy. The new office addition will be a combination of stucco building walls with an overlay of an acrylic finish coat. New business identification signage is proposed and should be consistent with signage in the adjacent Oxboro Redevelopment Area where the usage of individual channel letters is a standard. The existing roof sign is shown to be removed from the top of the building.

This project was originally reviewed by the Fire and Life Safety Committee at the meeting of Tuesday, March 14, 1995. Committee recommendations related to building sprinklering, exterior lighting and building security plans, utility alterations and trash enclosure have been included in the Staff recommendation as appropriate. A copy of the Public Works Department comment sheet is attached.

RECOMMENDATION

In Case 5147A-95, Staff recommends approval of the revised final site and building plans (received April 10, 1995) for an addition and remodeling to an existing automobile dealership subject to the following conditions being satisfied prior to the issuance of any grading or building permits:

- 1) Exterior building materials be approved by the Planning Manager;
- 2) An interior trash storage room be provided as approved by the Planning Manager and Fire Marshal;
- 3) Grading, drainage, utility and erosion control plans, as appropriate, be approved by the City Engineer;
- 4) Erosion control measures be in place prior to issuance of grading permits;
- 5) Exterior lighting plan and building security plans be approved by the Crime Prevention Officer, Bloomington Police Department;
- 6) Handicapped parking locations and building access be approved by the Planning Manager and Manager of Building and Inspection;

and subject to the following additional conditions of approval:

- 7) Alterations to utilities be at the developer's expense;
- 8) Roof sign be removed prior to the issuance of any new sign permits;
- 9) New signage to be a wall sign consisting of individual, internally illuminated channel lettering as approved by the Planning Manager;

and subject to the following Code requirements:

- 1) All rooftop equipment be fully screened (Sec. 19.52.01);

- 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) Utility plan, as appropriate, showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (Sec. 6.20, Uniform Fire Code Ch. 10.301-C); and
- 4) Parking and building be in conformance with the requirements of the Americans with Disabilities Act.

planning\pc\reports\5147.doc

City Council Minutes - May 15, 1995

location is being investigated by Building & Inspections, and is not part of the karate school. Following discussion the vote was called on the motion, with all voting aye.

Temporary Conditional
Use Permit - Bethany
Academy
Case 8974A-95
Item 5.2

Following discussion, motion was made by Ramthun, seconded by Lenczewski, and all voting aye, to approve a temporary conditional use permit for a private parochial school, Bethany Academy, in a church at 2201 West 108th Street, extending to August 31, 1995, subject to the following conditions set forth by the Planning Staff and Planning Commission:

1. All school related parking, pick-up and drop-off occur on the site and not on the public streets.
2. Students be allowed to park vehicles on the campus by permit only, with a maximum of 43 permits at any time.
3. Fire lanes be posted and maintained as approved by the Fire Marshal.
4. Exterior lighting and building security be maintained pursuant to plans approved by the Crime Prevention Officer, Bloomington Police Department.

Revised Final
Development Plan -
T.G.I. Fridays
Case 9936A-94
Item 5.3

Following discussion, motion was made by Wilcox, seconded by Heintzeman, and all voting aye, to approve the revised final development plan for an outdoor dining and parking lot revision at T.G.I. Fridays, 2251 Killebrew Drive, subject to the following conditions set forth by the Planning Division Staff and Planning Commission being satisfied prior to the issuance of any grading and/or building permits:

1. Exterior building materials be approved by the Planning Manager.
2. Grading, drainage, utility and erosion control plans be approved by the City Engineer.
3. A SAC questionnaire be completed and submitted to the Department of Public Works.
4. Access, circulation and parking plans be approved by the City Traffic Engineer.
5. Erosion control measures be in place prior to issuance of grading permits.
6. Common driveway easement in favor of Lot 3 Block 1 Bloomington 36th Addition be provided and of record across Lot 1 Block 1 Bloomington 36th Addition.

And subject to the following Code requirements:

1. Revised landscape plan be approved by the Planning Manager.
2. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands.
3. Fire lanes be posted as approved by the Fire Marshal.
4. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer.
5. Food service plans be approved by the Environmental Services Division.

Revised Final Site &
Building Plans - Freeway
Ford
Case 5147A-95
Item 5.4

Planning Manager Clark Arneson provided background information on a request by Freeway Ford for consideration of the revised final site plan and building plans for a building addition to the existing auto dealership. Mr. Arneson noted staff strongly recommends condition of approval #2, removal of trailers located on the site, remain. Following discussion, motion was made by Ramthun, seconded by Wilcox, to approve the revised final site plan and building plans (received April 10, 1995) for an addition and remodeling to an existing automobile dealership, Freeway Ford, located at 9700 Lyndale Avenue, subject to the following conditions set forth by the Planning Division Staff and Planning Commission being satisfied prior to the issuance of any grading or building permits:

1. Exterior building materials be approved by the Planning Manager.
2. An interior trash storage room be provided as approved by the Planning Manager and Fire Marshal and trailers located on the south side of the building be removed from the site.
3. Grading, drainage, utility and erosion control plans, as appropriate, be approved by the City Engineer.
4. Erosion control measures be in place prior to issuance of grading permits.
5. Exterior lighting plan and building security plans be approved by the Crime Prevention Officer, Bloomington Police Department.
6. Handicapped parking locations and building access be approved by the Planning Manager and Manager of Building and Inspection.

And subject to the following additional conditions of approval:

7. Alterations to utilities be at the developer's expense.
8. Roof sign be removed prior to the issuance of any new sign permits.

9. New signage to be a wall sign consisting of individual, internally illuminated channel lettering as approved by the Planning Manager.

And subject to the following Code requirements:

1. All rooftop equipment be fully screened.
2. Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal.
3. Utility plan, as appropriate, showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer.
4. Parking and building be in conformance with the requirements of the Americans with Disabilities Act.

Todd Seidell, representing Freeway Ford, responded to Council questions of condition of approval #9, and Mr. Arneson explained the reasons for this condition. Mr. Arneson also noted staff will look into the banner sign Councilmember Heintzeman noticed on the property. Mr. Seidell and Mr. Grossman, owner of Freeway Ford, spoke in opposition to condition of approval #2 as the trailers are not part of the construction. City Manager Mark Bernhardson spoke to the intention of the City Code on this matter. Following discussion of a reasonable timeline for removal of the trailers from the property, motion was made by Winstead, seconded by Lenczewski, to amend condition of approval #2 as follows:

2. An interior trash storage room be provided as approved by the Planning Manager and Fire Marshal and trailers located on the south side of the building be removed from the site **within 18 months.**

Councilmember Winstead clarified the intention of his amendment is to get the trailers off-site. Following discussion the vote was called on the amendment, with all voting aye. The vote was then called on the main motion, with all voting aye.

Temporary Conditional
Use Permit - Napoleon's
Bakery
Case 8926B-95
Item 5.5

The Council was requested to consider a conditional use permit for outdoor seating at Napoleon's Bakery. Planning Manager Clark Arneson responded to Council questions of parking, trash, lighting and signage.

Following discussion, motion was made by Henry, seconded by Lenczewski, and all voting aye, to approve a one year temporary conditional use permit for the expansion of an existing bakery/cafe, Napoleon's Bakery, 3919 West Old Shakopee Road, subject to the following conditions set forth by the Planning Commission:

1. No more than five 30-inch tables with 15 chairs be permitted and there shall be no blocking of sidewalk ingress and egress.
2. The total indoor and outdoor seating shall not exceed 53 seats.
3. The trash container size and location be approved by the Planning Manager.
4. No outdoor seating will be provided until all of the conditions on Case 8926B-94 are completed.
5. A SAC questionnaire be completed and submitted to the Department of Public Works.
6. Storage area for the tables and chairs be approved by the Environmental Services Division.

Cable Television
Franchise Transfer
Item 4.7
R-95-62

City Attorney Dave Ornstein provided background information on Nortel Cable Associates, L.P. d/b/a Paragon Cable, intention to transfer its ownership interest in the City's cable television franchise to Time Warner, Inc., and explained the transfer. Mr. Ornstein also noted additional language concerning guaranty of performance has been added to the resolution approving the transfer. Mr. Ornstein presented the Staff and Telecommunications Advisory Commission recommendations. Paragon Cable General Manager Wayne Knighton responded to Council questions of name change and management team. In response to Council questions, the City's Cable Administrator, Mary Andrews, explained the 36 month holding requirement for transfers.

Speaking from the public was Vince Riehm, 9216 Collegeview Circle, regarding unburied cable.

Following discussion, motion was made by Houle, seconded by Henry, and all voting aye, to adopt a resolution approving the transfer of control requested by Time Warner, Inc. and Nortel Cable Associates, L.P. d/b/a Paragon Cable., with the following additional language in the last paragraph.

City Council Minutes - October 1, 2001

Continued to November
5 the Sign Variances for
Freeway Ford, Inc. at
9700 Lyndale Avenue
Case 5147ABCD-01
Item 4.5

Motion was made by Fossum, seconded by Wilcox, seconded by Peterson, and all voting aye, to continue to the November 5, 2001, Regular Council meeting, the requests for variances by Freeway Ford, Inc. at 9700 Lyndale Avenue, Case 5147ABCD-01, regarding their proposal to change their sign.

Larry Lee, Community Development Director explained that the Planning Division Staff and the Planning Commission recommend approval of three variances and denial of the other.

Speaker #1: Tom Grossman, Freeway Ford Owner

He stated that he has been in business in Bloomington for over 40 years and that he has only been before the Council regarding sign issues. He explained that he is requesting that he be able to replace the sign that he had brought from his Lake Street location 45-50 years ago with a new sign that is one foot lower, one-third smaller, and that is the new Ford identification. He does not agree with staff's request that in order to replace a sign, the setback needs to be changed, the height needs to be lowered, etc. He explained that he desires to change the fascia of an existing sign and not replace the entire sign. His concern is that one of the conditions is that the sign must be set back 20 feet in order to allow for the possible future expansion of Lyndale Avenue but that that location would put the sign in the middle of his car lot making it barely visible from the street. He does not want to commit now to the setbacks just in case Lyndale Avenue is widened in the future.

Lee explained that the Council can't issue a variance now for a future right-of-way and that it has to be applied for at the time that there is a future right-of-way. He stated that Condition #7 stating, "When the freestanding sign along Lyndale Avenue is relocated, it shall be to a complying position first approved by the Planning Manager" would address the option for the applicant to come to the Council to request a variance in the future should Lyndale Avenue be widened.

Bernhardson suggested that perhaps the condition could be worded, "this would not preclude the owner from coming in and requesting a variance at this point."

Lee stated that the issue on sign height is uniformity because people get used to seeing signs at a certain height. He explained that the intent of the ordinance is to get compliance of the signs when they are changed out and that in this case it would require a drop in the sign height to 20 feet.

Grossman explained that it is his desire to put a new sign face on the existing post which would actually make the sign one foot lower than the existing one.

Winstead stated that he would support all four variances because the sign is going to be one foot shorter anyway.

Wilcox inquired of staff if the signs in the Oxboro Redevelopment District are all 20-foot signs.

Lee concurred that they are monument signs but that they are 20 feet tall. He stated that this is not a requirement that is arbitrary but that it is in the ordinance and staff is applying it when an over-height sign is being changed out.

Peterson stated that because efforts have been made to reduce the visual impact of signs in that particular part of town, he believes Council should uphold the 20-foot sign height as stated in the Code. He stated that height matters more to him than size.

Wilcox agreed with Peterson and stated that if one business is allowed to go back to 26 feet then all of the surrounding neighbors will want to come back to Council.

Fossum stated that he does not see a problem with the size or height of the Freeway Ford sign and it doesn't stand out, therefore, it must not be an eyesore. He does believe Council should be micromanaging signs and sign heights and would support granting all four variances.

Item 4.5 continued

Abrams stated that first it should be determined if this case is considered a new sign or not. He stated that according to the way the ordinance is written, this would be considered a new sign and Mr. Grossman would have to come into compliance on all of these conditions.

Motion was made by Fossum, seconded by Harden, to grant approval of all four variances including the suggested language by the City Manager that would apply to Condition #7. Motion failed 3-3 (Peterson, Wilcox and Abrams opposed).

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to continue action on the variances to the November 5 Regular Council meeting and that because the 60-day notice will expire, a new notice would need to be sent.

Postponed to an October 22 Joint Special Meeting with the Port Authority the Applications for the Mall of America Company
Item 4.6

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to postpone to a special joint meeting with the Port Authority on October 22, 2001, the revised preliminary development plan, final development plan for an office building, and the preliminary plat of Mall of America 5th Addition at 7901 Cedar Avenue and 2000 Lindau Lane, Case 6917BCD-01.

Bernhardson explained that as staff and the proponent continue their discussions on this matter, it is requested that the Council agree to meet in a joint session with the Port Authority on Monday, October 22, 2001, for action on this item. He stated that a closed session with the Port Authority would probably take place at 5:15 p.m. before the public hearing on the item.

Bill Griffith, representing the Mall of America Company stated that he would provide the City Attorney with an extension letter.

Postponed to October 15 the Final Site and Building Plans for Kensington Investments at 1901 West 96th Street and 9601 Newton Avenue
Case 7992B-01
Item 4.7

Motion was made by Wilcox, seconded by Peterson, to postpone to the October 15, 2001, Regular Council meeting, the final site and building plans for an expansion to an office-warehouse building for Kensington Investments at 1901 West 96th Street and 9601 Newton Avenue, Case 7992B-01. Motion passed 4-0-2 (Harden and Winstead abstaining).

Bernhardson stated that this item is being recommended for postponement until the October 15, 2001, Regular Council meeting.

Postponed to October 15 the Purchase Agreement for a Portion of 1901 West 96th Street
Item 6.9

Motion was made by Peterson, seconded by Wilcox, to postpone to the October 15, 2001, Regular Council meeting, the purchase agreement for the portion of 1901 West 96th Street. Motion passed 4-0-2 (Harden and Winstead abstaining).

Approved Three-Year Temporary Conditional Use Permit for Korby L. Marusich at 3229 West Old Shakopee Road
Case 10439A-01
Item 5.1

Motion was made by Wilcox, seconded by Peterson, to approve a three-year temporary conditional use permit for a home beauty shop at 3229 West Old Shakopee Road, Case 10439A-01, for Korby L. Marusich, subject to the following 4 conditions of approval as set forth by the Planning Division Staff and the Planning Commission. Motion passed 5-0-1 (Harden temporarily absent).

1. No more than two customers shall be on the premises at any time;
2. No customer appointments shall be scheduled before 8:00 a.m. or after 8:00 p.m.;
3. No exterior signage except as permitted by Article X of Chapter 19;
4. All patron parking, pick-up and drop-off shall occur on-site and off the public street; and
5. The existing driveway accessed from West Old Shakopee Road shall not be used for the home beauty shop business and the driveway shall be removed and the curb replaced prior to the expiration of this conditional use permit.

Lee stated that this applicant had a temporary conditional use permit in another location but has moved and that staff recommends approval.

No public testimony was received.

City Council Minutes - November 5, 2001

Approved Variance to
Increase Sign Height for
Freeway Ford, Inc. at
9700 Lyndale Avenue
South
Case 5147A-01
Item 4.3A

Motion was made by Ornat, seconded by Wilcox, to approve a variance to increase the height of a sign from 20 feet to 26 feet for Freeway Ford, Inc., located at 9700 Lyndale Avenue South. Resolution to adopt this variance was combined into one motion made in Item 4.3BCD-01. Motion passed 5-2-0 (Abrams and Peterson opposing).

Larry Lee, Community Development Director explained that the applicant is requesting approval of four variances and that one is in dispute: 1) Increase the height of a second free-standing sign from 20 feet to 26 feet (staff and Planning Commission recommend denial), 2) Increase the sign area of the second free-standing sign from 75 square feet to 100 square feet, 3) Increase the total site sign area from 350 square feet to 570 square feet, and 4) Reduce sign setback from 20 feet to 2 feet inside the planned widened right-of-way. He explained that the applicant disagreed with condition of approval #1 that requires that he comply with the location of the sign setback if and when the right-of-way is increased on Lyndale Avenue. He highlighted the responses to the questions posed by the Council during the last meeting provided in the agenda materials:

1. What are the heights of other signs in that area of Lyndale Avenue?
(An inventory of signs in the area was provided and Lee indicated that one sign, the US Bank sign was grandfathered in under the new sign code.) He added that the average sign height in that area is 20 feet or less.
2. Existing signs that trigger compliance in the Code include a replacement of the sign cabinet because that is a major cost component and is an appropriate trigger to make the sign come into compliance with the provisions of the Code including height.
3. To explain Council's inquiry as to why this application went through the Planning Commission rather than through the administrative process, Lee stated that the applicant had the option of going through the administrative process but elected to go directly to the Planning Commission to save time because he anticipated a denial by the Hearing Examiner.

Lee explained that one purpose of the sign ordinance is to set limitations on the sign height and area to prevent businesses from competing with one another to install bigger and taller signs and the other reason is that it provides an objective standard by which staff can review individual applications.

Harden inquired if the City has required other businesses in the area to go to the expense of replacing a pole to comply with the height ordinance.

Lee stated that since adoption of the sign ordinance in 1996, Freeway Ford was granted a variance for their historic sign that is on I-35W because the Council determined there was historic visual value to that sign.

Hawbaker stated in many cases the poles can be cut off to shorten the height of the sign when a new sign is to be installed on an existing pole. However, on older signs a new pole might be necessary due to outdated mounting systems. He stated that Clover Center replaced their sign from a tall pylon sign to a monument sign that did comply with the Code requirements, as it is a shorter sign.

Speaker #1: Tom Grossman, Applicant

He questioned the height of the newer Wells Fargo sign in the area. He explained that he is voluntarily trying to update his 40-year old sign without paying a penalty to do it and that it doesn't need replacing. He stated that the sign is intended to be put on the same pole and that the new sign is actually a foot shorter than the existing sign.

Wilcox requested Grossman's feedback regarding the relocation issue.

Grossman stated that he should not have to agree to a penalty 15 years in advance of something that may or may not occur because he has always been very cooperative with the City and will continue to do so.

Item 4.3A continued

Ornat explained that conditions are imposed to protect the future and preserve areas and that the City needs to be forward thinking in that regard. She stated that she supports his sign but would like to see the applicant take care of a possible problem if there is a time when it come forward.

Wilcox stated that he concurred with Ornat that the future needs to be protected and that he could support the height variance.

Adopted a Resolution
Approving Variances to
Increase Sign Height,
Sign Area, Total Site
Sign Area and Sign
Setback for Freeway
Ford, Inc. at 9700
Lyndale Avenue South
Case 5147ABCD-01
Item 4.3BCD
R-2001-166

Motion was made by Ornat, seconded by Wilcox, and all voting aye, to adopt a resolution approving variances to increase the height of a sign from 20 feet to 26 feet (Case 5147A-01), increase sign area from 75 square feet to 100 square feet (Case 5147B-01), increase total site sign area from 350 square feet to 570 square feet (Case 5147C-01), and to reduce sign setback from 20 feet to 2 feet inside the planned widened right-of-way on Lyndale Avenue (Case 5147D-01) for Freeway Ford, Inc. located at 9700 Lyndale Avenue South, subject to the following 7 conditions of approval:

1. Prior to the issuance of a sign permit, the applicant shall submit to the Issuing Authority a recordable document signed by the owner guaranteeing relocation of the sign to a complying position and of a complying height immediately upon notification of an approved street improvement project along that frontage of Lyndale Avenue and the provision of an escrow amount equal to that cost;
2. Allowed site business signage shall consist of the existing historic sign along I-35W, the existing wall sign on the east elevation of the building, and the new freestanding sign along Lyndale Avenue which total 570 square feet.
3. The site shall be considered to have maximized both the allowed number and area of freestanding signs for a Class I Motor Vehicle Sales site as per the Sign Code based on the signage in Case 5147ABCD-01;
4. A freestanding sign permit may only be issued for the freestanding sign as approved in Case 5147B-01, subject to the provisions of Condition of Approval #1;
5. A permit for a new wall sign otherwise in compliance with the Sign Code may be issued without variance for total site sign area if the wall sign does not increase total site sign area over 570 square feet;
6. The awning sign on the used car building shall be removed before issuance of a sign permit for the new freestanding sign; and
7. When the freestanding sign along Lyndale Avenue is relocated, it shall be to a complying position first approved by the Planning Manager.

Winstead stated for clarification that the adoption of the resolution to approve all four variances would require the applicant to move the sign to bring it into compliance at the time Lyndale Avenue is widened.

~~Postponed to November
19 the Ordinances to
Amend the
Comprehensive Land
Use Plan and Rezone
Properties for Sand
Companies, Inc. at 8916
Lyndale Avenue South
Case 4637ABC-01
Item 4.4~~

~~Motion was made by Peterson, seconded by Wilcox, and all voting aye, to postpone to the
November 19, 2001, Regular Council meeting, the ordinances to amend the Comprehensive Land
Use Plan and to rezone properties and the preliminary and final development plans for a 47-unit,
three-story apartment building for Sand Companies, Inc. located at 8916 Lyndale Avenue South,
Case 4637ABC-01.~~

~~Winstead stated that this item was intended to be continued to November 19, however, there was
a mix up in some of the postings and advertising of the hearing resulting in people attending
tonight's meeting.~~

Request for Council Action

Originator COMMUNITY DEVELOPMENT	Item Rezone all land zoned CB to B-2	#
Agenda Section	By GDM	Approved Date

Description

Item 3

Case 10002B-10

GENERAL INFORMATION

Applicant: City of Bloomington

Location: Multiple parcels (see attached map and list of parcels)

Request: Rezone all land zoned CB to B-2

Existing Land Use and Zoning: Mixed commercial; zoned CB

Surrounding Land Use and Zoning: Mixed industrial, residential and commercial; zoned I-3, B-2, R-1, R-4, RM-24, RM-50 and FD-2

Comprehensive Plan: Community Commercial, General Business and Public

REQUEST

As part of an ongoing effort to update and streamline Bloomington's zoning ordinance and map, the City Council has initiated consideration of rezoning all land in Bloomington zoned CB Central Business to the B-2 General Commercial zoning district. All overlay districts, including Planned Developments, that apply to areas zoned CB would continue to apply after the rezoning. The CB district applies primarily to commercial areas along Lyndale Avenue south of 90th Street and to commercial areas along 98th Street between I-35W and Nicollet Avenue (see attached map).

CHRONOLOGY

City Council Action: 11/16/09 – Initiated rezoning.

Administrative Hearing: 2/23/10 – Administrative hearing held.

Planning Commission Agenda: 3/25/10 – Public hearing scheduled.

City Council Agenda: 4/26/10 – Public hearing (tentative date).

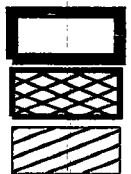
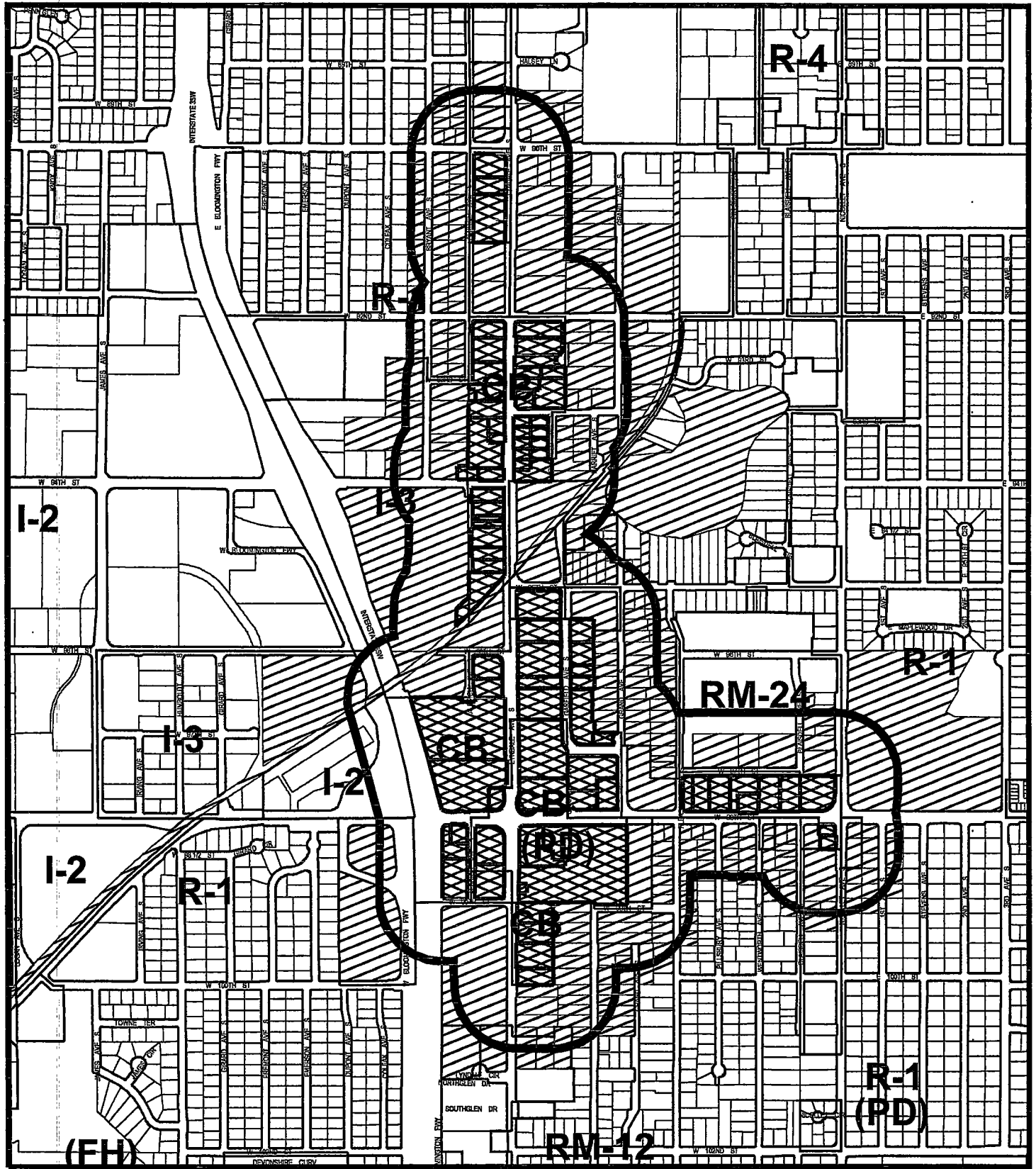
Council Action

Motion by _____ Second by _____ to _____

DEADLINE FOR AGENCY ACTION

Application Date:	2/17/10
Agency Action Deadline:	Waived by Applicant

City of Bloomington Notification Map



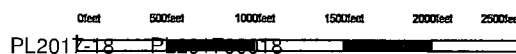
Notification Boundary
Applicant Property
Notified Properties

Zoning District Boundary
(Labels Refer to Zoning District)

CASE
10002B-10

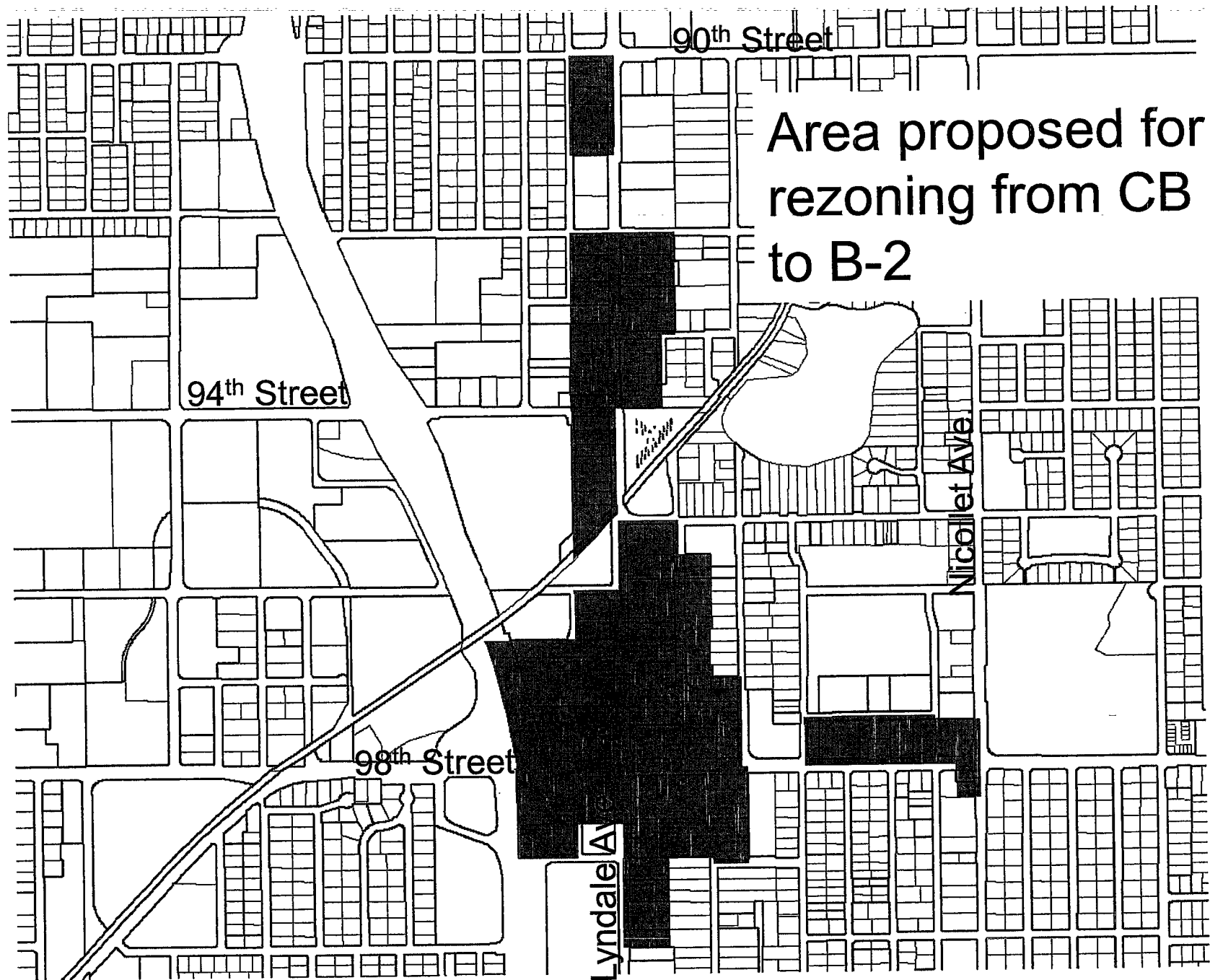


(A notice of this application was sent to the registered owner of these properties)



Scale: 1:13000

Plot time: 01/25/2010 14:07:16



List of All Parcels Zoned CB

<i>Number</i>	<i>Street</i>	<i>Description</i>	<i>Lot</i>	<i>Block</i>	<i>Addition Name</i>	<i>Pins</i>
9818	ALDRICH AVE S	TRANSIT STATION PARKING	001	1	COUNTRY KITCHEN 1ST ADDITION	2402716410011
9830	ALDRICH AVE S	METRO TRANSIT CENTER	002	1	COUNTRY KITCHEN 1ST ADDITION	2402716410012
9300	GARFIELD AVE S		001	4	BROWNHOLME ADDITION	2402710330016
9308	GARFIELD AVE S		002	4	BROWNHOLME ADDITION	2402710330017
9316	GARFIELD AVE S		003	4	BROWNHOLME ADDITION	2402710330018
9324	GARFIELD AVE S	FONG'S PARKING LOT	004	4	BROWNHOLME ADDITION	2402710330019
9521	GARFIELD AVE S	WARNER OUTDOOR	001	1	RUTH WALKER ADDITION	2402715220057
9601	GARFIELD AVE S	WESTWOOD SPORTS	000	11	OXBORO HEATH	2402715230032
9609	GARFIELD AVE S	GARFIELD AUTO REPAIR	008	11	OXBORO HEATH	2402715230034
9617	GARFIELD AVE S	U S POST OFFICE PARKING		11	OXBORO HEATH	2402715230037
9649	GARFIELD AVE S	U S POST OFFICE		11	OXBORO HEATH	2402715230039
9216	GARFIELD CIR	VACANT LAND	OLA	0	DANCO ADDITION	2402710330058
9700	GRAND AVE S	U S POST OFFICE PARKING	001	1	BLOOMINGTON 29TH ADDITION	2402715230074
9740	GRAND AVE S	TRANS GLOBAL	001	1	SOUTH EXCHANGE ADDITION	2402715230075
9000	LYNDALE AVE S	GREAT BEAR TIRE & AUTO	001	1	GREAT BEAR TIRE AND AUTO	2402709410075
9010	LYNDALE AVE S	GREAT BEAR SHOPPING CTR	002	1	GREAT BEAR TIRE AND AUTO	2402709410076
9030	LYNDALE AVE S	GREAT BEAR SHOPPING CTR	002	1	GREAT BEAR 1ST ADDITION	2402709410071
9200	LYNDALE AVE S	AUTO MAX/GENES AUTO SERV	001	1	BENNETTS LYNDALE ADDITION	2402709440058
9201	LYNDALE AVE S	PARADISE CAR WASH	001	1	PILHSTROM ADDITION	2402710330055
9209	LYNDALE AVE S	FREEWAY 66	001	1	FREEWAY SECOND ADDITION	2402710330065
9211	LYNDALE AVE S	MIDAS MUFFLER & BRAKES	030	3	OXBORO HEATH	2402710330044
9215	LYNDALE AVE S	JIFFY LUBE	001	1	DANCO ADDITION	2402710330057
9225	LYNDALE AVE S	HARMON GLASS CO - VACANT	001	1	COLONIAL CAR WASH 2ND ADDN	2402710330053
9230	LYNDALE AVE S	TACO BELL	001	1	TACO BELL 2ND ADDITION	2402709440060
9240	LYNDALE AVE S	ARBY'S RESTAURANT		0	09 027 24	2402709440004
9246	LYNDALE AVE S	BUMPER TO BUMPER	002	1	S & Z 1ST ADDITION	2402709440041
9255	LYNDALE AVE S	KENTUCKY FRIED CHICKEN	001	1	K F C ADDITION	2402710330056
9300	LYNDALE AVE S	FIRESTONE / BRIDGESTONE	001	1	AMERICAN LEGION 3RD ADDITION	2402709440042
9301	LYNDALE AVE S	BLOOMINGTON AUTO SALES	012	4	BROWNHOLME ADDITION	2402710330025
9304	LYNDALE AVE S	VACANT LAND	000	0	09 027 24	2402709440005
9305	LYNDALE AVE S	BLOOMINGTON AUTO SALES	011	4	BROWNHOLME ADDITION	2402710330024
9308	LYNDALE AVE S	VACANT LAND	000	0	09 027 24	2402709440006
9309	LYNDALE AVE S	9309 LYNDALE OFFICES	010	4	BROWNHOLME ADDITION	2402710330023
9320	LYNDALE AVE S	VACANT LAND	001	1	EARL C HILL AMERICAN LEGION ADDITION	2402709440063
9321	LYNDALE AVE S	FONG'S PARKING LOT	009	4	BROWNHOLME ADDITION	2402710330022
9327	LYNDALE AVE S	FONG'S PARKING LOT	008	4	BROWNHOLME ADDITION	2402710330021
9329	LYNDALE AVE S	FONG'S		4	BROWNHOLME ADDITION	2402710330020
9336	LYNDALE AVE S	VACANT LAND		0	09 027 24	2402709440007
9400	LYNDALE AVE S	ALL SEASON TIRE		0	16 027 24	2402716110001
9412	LYNDALE AVE S	AUTO ZONE	001	1	HOFMEISTER ADDITION	2402716110008
9420	LYNDALE AVE S	CROWN TROPHY		0	16 027 24	2402716110002
9424	LYNDALE AVE S	CELL CRAFTS / HEARMORE		0	16 027 24	2402716110003

9432 LYNDAL AVE S	NEVADA BOB'S	001	1 MARK LAND DEVELOPMENT 1ST ADDITION	2402716110009
9448 LYNDAL AVE S	OXBORO OFFICE CENTER	002	1 MARK LAND DEVELOPMENT 1ST ADDITION	2402716110010
9480 LYNDAL AVE S	AUTOPIA	000	0 REGISTERED LAND SURVEY NO 580	2402716110011
9488 LYNDAL AVE S	ZIEGLER STORAGE YARD		0 16 027 24 - Divided in RBCU ADDITION	2402716110027
9501 LYNDAL AVE S	AL'S VACUUM / RETAIL	001	1 OXBORO DEVELOPMENT 3RD ADDITION	2402715220065
9529 LYNDAL AVE S	MCDONALDS RESTAURANT	001	1 MCDONALDS BLOOMINGTON 4TH ADDITION	2402715220271
9600 LYNDAL AVE S	WHITE CASTLE	001	1 HOLLENBACK AND NELSON 1ST ADDITION	2402716140012
9601 LYNDAL AVE S	APPLEBEES RESTAURANT	001	1 OXBORO HEATH 3RD ADDITION	2402715230079
9621 LYNDAL AVE S	U S BANK		1 OXBORO HEATH 3RD ADDITION	2402715230080
9624 LYNDAL AVE S	WENDY'S RESTAURANT	002	1 HOLLENBACK AND NELSON 1ST ADDITION	2402716140013
9633 LYNDAL AVE S	U S BANK		1 OXBORO HEATH 3RD ADDITION	2402715230081
9700 LYNDAL AVE S	FREEWAY FORD	001	1 FREEWAY FORD 1ST ADDITION	2402716140007
9701 LYNDAL AVE S	THE PLAZA AT OXBORO	001	1 OXBORO RETAIL CENTER	2402715230072
9728 LYNDAL AVE S	CLOVER CENTER		0 16 027 24	2402716140003
9742 LYNDAL AVE S	WELLS FARGO	001	1 A S B ADDITION	2402716140016
9800 LYNDAL AVE S	WALGREENS	001	1 VILLAGE AT OXBORO	2402716410017
9801 LYNDAL AVE S	VACANT RETAIL-WB WIXON	001	1 OXBORO DEVELOPMENT 1ST ADDITION	2402715320064
9847 LYNDAL AVE S	BLOCKBUSTER VIDEO	004	1 OXBORO DEVELOPMENT 1ST ADDITION	2402715320067
9901 LYNDAL AVE S	9900 SHOPPES	001	1 9900 SHOPPES	2402715320061
9939 LYNDAL AVE S	9900 SHOPPES	002	1 9900 SHOPPES	2402715320062
9947 LYNDAL AVE S	GILL BROS FUNERAL HOME	031	0 AUDITORS SUBDIVISION NO 331	2402715320035
9955 LYNDAL AVE S	WIXON JEWELERS / OFFICE	001	1 BEVIER ADDITION	2402715320063
9818 NICOLLET AVE S	BLOOMINGTON CLEANERS		1 ESSEX GREEN ADDITION	2402715310002
600 W 93RD ST	COLONIAL CAR WASH	002	1 COLONIAL CAR WASH 2ND ADDN	2402710330054
135 W 97TH ST	OXBORO PLAZA BUILDING	001	1 GALAXY BUILDERS 10TH ADDITION	2402715240030
5 W 98TH ST	PRECISION TUNE	001	1 SCHOENBERGER ADDITION	2402715310098
50 W 98TH ST	HOLIDAY STATION STORE	001	1 HOLIDAY NICOLLET ADDITION	2402715240032
100 W 98TH ST	BURGER KING	001	1 BURGER KING BLOOMINGTON ADDITION	2402715240022
108 W 98TH ST	CHECKER AUTO/CARRIERES FL	001	2 GALAXY BUILDERS 7TH ADDITION	2402715240029
136 W 98TH ST	PRINT SHOP / SCHMITT ROOF	002	2 JANSKI 1ST ADDITION	2402715240020
200 W 98TH ST	JAMES KING INSURANCE BLDG	002	1 MATTSON ADDITION	2402715240027
208 W 98TH ST	PIERCE SKATE & SKI	001	1 MATTSON ADDITION	2402715240026
220 W 98TH ST	INTL VILLAGE SHOPS		0 15 027 24	2402715240017
400 W 98TH ST	U S WEST SWITCHING FAC	002	1 SOUTH EXCHANGE ADDITION	2402715230076
500 W 98TH ST	PREMIER BANK / MBC		11 OXBORO HEATH	2402715230046
501 W 98TH ST	OXBORO SQ/FESTIVAL FOODS	003	1 OXBORO DEVELOPMENT 1ST ADDITION	2402715320066
600 W 98TH ST	OXBORO MEDICAL BUILDING	001	1 OXBORO DEVELOPMENT 2ND ADDITION	2402715230069
611 W 98TH ST	BAKERS SQUARE RESTAURANT	002	1 OXBORO DEVELOPMENT 1ST ADDITION	2402715320065
801 W 98TH ST	TRANSIT STATION PARKING	001	1 CONTINENTAL OIL 1ST ADDITION	2402716410010

Zoning District - Key Comparisons

Uses	CB	B-2
Currency Exchange/Pawn Shop	Prohibited	Conditional
Hospitals	Permitted	Prohibited
Outside Storage	Conditional	Prohibited
Manufacturing/ Wholesale Business	Permitted	Prohibited
Warehousing	Permitted	Prohibited
Class I Motor Vehicle Sales	Permitted	Permitted when in existence prior to 1/1/2010
Class II Motor Vehicle Sales	Accessory to Class I Motor Vehicle Sales	Permitted when in existence prior to 1/1/2010
Retail	Permitted	Permitted
Office (including Medical, Dental Office)	Permitted	Permitted
Restaurant	Conditional	Conditional
Standards	CB	B-2
FAR - Maximum	NA	0.5
Building Floor Area – Minimum	4,000 square feet	3,000 square feet
Impervious Surface Area- Maximum	NA	90%
Site Width - Minimum	90 feet	100 feet/ interior lot, 150 feet/corner lot
Setbacks - Along Public Street Minimum	65 feet	35 feet
Setbacks – Side Minimum	10 feet	10 feet
Setbacks – Rear Minimum	25 feet	15 feet
Setbacks- Adjacent to Residential Sites	50 feet (100 feet to residential structures)	50 feet

Source: City of Bloomington, Planning Division, February 2010

Item 3

GENERAL INFORMATION

Applicant: City of Bloomington

Location: Multiple parcels (see attached map and list of parcels)

Request: Rezone all land zoned CB Central Business to B-2 General Commercial

REQUEST

As part of an ongoing effort to update and streamline Bloomington's zoning ordinance and map, the City Council has initiated consideration of rezoning all land in Bloomington zoned CB Central Business to the B-2 General Commercial zoning district. All overlay districts, including Planned Developments, that apply to areas zoned CB would continue to apply after the rezoning. The CB district applies primarily to commercial areas along Lyndale Avenue south of 90th Street and to commercial areas along 98th Street between I-35W and Nicollet Avenue (see attached map).

ANALYSIS**Background**

The City of Bloomington has undertaken a multi-year project to update its zoning standards and districts, which largely date from the 1950s and 1960s. Part of that update has been the creation of new commercial zoning districts designed to reflect current development objectives and to replace several older districts. The City has been applying the new zoning districts area by area through rezonings. To date, rezonings to apply the new districts include the Normandale Lake Area, application of the B-4 district, application of the C-4 district outside of district planning areas and numerous sites on which landowners have requested rezoning to the new districts. As part of this broader project, in November of 2009, the City Council initiated consideration of rezoning all land currently zoned CB Central Business to B-2 General Commercial.

Comparison of CB and B-2 Uses

The CB and B-2 Districts are both envisioned to be predominantly retail in nature. Both districts allow retail, service, office, medical office, restaurant, auto service, gas station and existing motor vehicle sales uses among others. CB also allows a few uses generally associated with industrial zoning districts (warehousing, wholesaling and outside storage uses), whereas B-2 does not. Staff believes warehousing, wholesaling and outside storage uses are not compatible with neighborhood and community commercial nodes such as the greater 98th and Lyndale area and other nodes throughout Bloomington. While staff is not aware of any warehousing or wholesaling uses within the CB District, staff is aware of one outside storage use at 9488 Lyndale Ave. S. (Ziegler heavy equipment storage – see further discussion below).

size. They would only need to come into conformance (through parcel assemblage, variance or planned development flexibility) if the nonconforming lots were replatted.

Given that required setbacks in the B-2 district are less than in the CB district, all structures should be conforming with respect to required setbacks (or alternatively would have received planned development flexibility and remain legally conforming). With respect to the two story height limit currently in the B-2 district, staff is aware of one structure in the CB district that exceeds two stories. The Oxboro medical office building at the northeast corner of 98th and Lyndale is three stories. The standards for that structure were set through the planned development process, however, so the structure would remain legally conforming after rezoning.

Comments Received

Nine people attended the administrative hearing on this item on February 23rd. One person, James Swanson with Kraus Anderson Realty Company, expressed concerns regarding the rezoning and others asked questions. Kraus Anderson's concerns are in regards to the Clover Center site at the northwest corner of 98th and Lyndale Ave. Staff met with Kraus Anderson representatives on March 4th and received the enclosed correspondence on March 9th. The letter discusses three concerns:

1. The B-2 height limits (2 stories);
2. The B-2 tenant size limits (80,000 sq. ft.); and
3. Permitted uses currently allowed under CB not allowed under B-2.

A comment letter may also be forthcoming from Ziegler representatives, although no letter was received at the time this staff report was prepared.

Staff Response to Comments Received

In regards to the Clover Center site, it is important to note that the site appears to be conforming to B-2 standards as currently configured. If a freeway commercial district were applied prior to redevelopment of the site, it would likely create several nonconformities depending upon the district. Height limits are currently more restrictive in B-2 than in CB, which has no district specific height limits. As mentioned above, the City is currently in the process of updating its height standards. While that project is still in the study discussion stage (March 18 at Planning Commission, April at City Council), early drafts envision treating the B-2 and CB districts identically with respect to height limits (4 stories/50 feet if abutting protected residential uses and 6 stories/70 feet if not abutting protected residential uses).

As mentioned above, the 80,000 sq. ft. tenant space size limit already applies to the Clover Center site through its Community Commercial land use designation. Whether Clover Center is zoned B-2 or CB, it is limited to 80,000 sq. ft. tenant space sizes absent an amendment to official controls.

With respect to uses permitted in CB but not in B-2, they include warehousing, wholesaling, outside storage and the use listed in CB as "hospitals, sanitariums, and rest homes". Staff believes warehousing, wholesaling and outside storage are not compatible with the B-2 district. If Kraus Anderson were to

Comparison of CB and B-2 Standards

There are several differences in the CB and B-2 standards. B-2 requires less building setback than does CB. For example, B-2 requires a minimum 35 foot setback along public streets, whereas CB requires 65 feet. CB also requires a larger minimum building size (4,000 sq. ft.) than does B-2 (3,000 sq. ft.). As an older district, CB has no district specific floor area ratio (FAR) or height limits. Development intensity in CB is limited indirectly through parking requirements and setback standards. B-2, by comparison limits FAR to 0.5 and building height to 2 stories. Today, if more intense and taller development is proposed in a B-2 district, absent PD flexibility or a variance, a discretionary rezoning would be required and it would need to occur under the standards of another zoning district.

It is important to note that the City is currently in the process of updating its height standards. While that project is still in the study discussion stage (March 18 at Planning Commission, April at City Council), early drafts envision treating the B-2 and CB districts identically with respect to height limits (4 stories/50 feet if abutting protected residential uses and 6 stories/70 feet if not abutting protected residential uses).

Except for public uses, the area zoned CB is guided by the Comprehensive Plan under the Community Commercial and General Business designations. The Community Commercial designation limits tenant spaces to 80,000 square feet and the General Business designation limits tenant spaces to 20,000 square feet. Although these tenant space limits are already in effect through the Comprehensive Plan, the CB district, as an older district intended to be eliminated in 2010, does not include tenant space limits. Nevertheless, by virtue of the Comprehensive Plan, the limits do apply to the area zoned CB. The B-2 district matches the Community Commercial tenant space limit of 80,000 square feet.

Those sections of the City Code listing B-2 and CB standards are enclosed.

Nonconformities

Staff has conducted a windshield survey of the area zoned CB to identify any uses that would be nonconforming under the B-2 district. The only use within the rezoning area identified as nonconforming under the B-2 district is the outside storage use (Ziegler heavy equipment storage) at 9488 Lyndale Ave. S. 9488 Lyndale (zoned CB and guided General Business) is only a small portion of the larger Ziegler site, the vast majority of which is zoned I-3 and guided Industrial. Outside storage is not allowed within the B-2 district. While outside storage is allowed as a conditional use in the CB district, staff has not been able to find any evidence that a conditional use permit or other approval was issued for outside storage at 9488 Lyndale. As an illegal use, the outside storage along Lyndale would not be grandfathered.

The minimum site area in the B-2 district is 25,000 sq. ft. There is no minimum site area in the CB district. There are several lots currently zoned CB under 25,000 sq. ft. in area that would become legally nonconforming lots. It is important to note that the only trigger for bringing a legally nonconforming lot into compliance is subdivision or replatting of the lots. In other words, the lots can remain and continue to be used at their current size. The sites can be redeveloped again and again without altering the lot

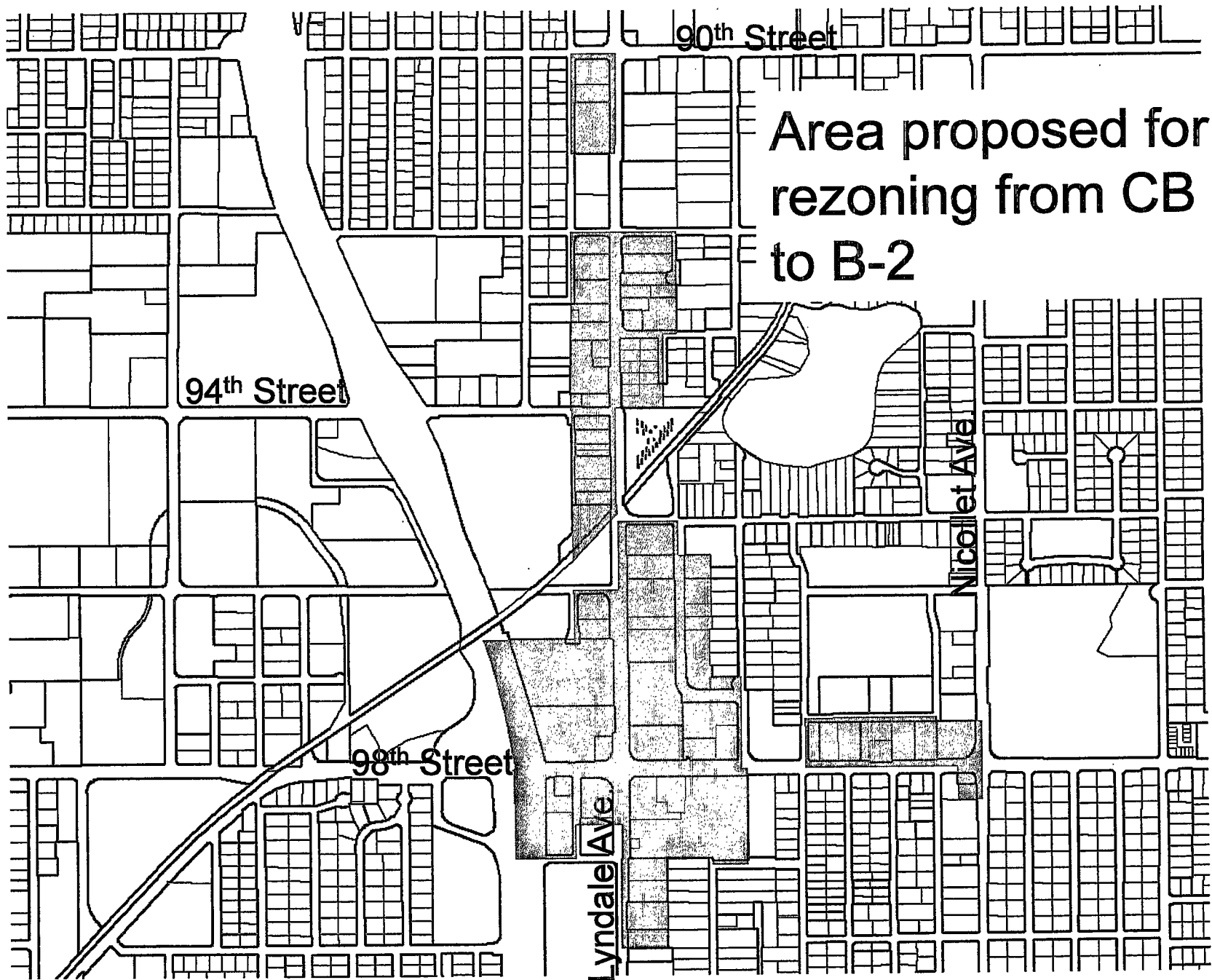
propose a hospital, sanitarium or rest home on the Clover Center site, staff believes it should be developed under a multi-family residential or mixed use zoning district.

Staff agrees that the Clover Center site is nearing the end of its life span and should be considered for redevelopment, ideally in conjunction with adjoining parcels. Given the site's location along a freeway and away from any single family residential uses, a more intense zoning district may be appropriate when redevelopment occurs. However, staff believes that applying a more intense freeway commercial district should not be considered until the landowner brings forward a redevelopment application through which impacts can be analyzed. At that time, a more intense zoning district than B-2 could be considered with the benefit of full information. In the meantime, the B-2 district is the most compatible district with the existing uses.

RECOMMENDATION

In Case 10002B-10, staff recommends approval of an ordinance to rezone all parcels zoned CB Central Business to B-2 General Commercial.

planning\pc\reports\10002B-10



List of All Parcels Zoned CB

<i>Number</i>	<i>Street</i>	<i>Description</i>	<i>Lot</i>	<i>Block</i>	<i>Addition Name</i>	<i>Pins</i>
9818	ALDRICH AVE S	TRANSIT STATION PARKING	001	1	COUNTRY KITCHEN 1ST ADDITION	2402716410011
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9316	GARFIELD AVE S		003	4	BROWNHOLME ADDITION	2402710330018
9324	GARFIELD AVE S	FONG'S PARKING LOT	004	4	BROWNHOLME ADDITION	2402710330019
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9601	GARFIELD AVE S	WESTWOOD SPORTS	000	11	OXBORO HEATH	2402715230032
9609	GARFIELD AVE S	GARFIELD AUTO REPAIR	008	11	OXBORO HEATH	2402715230034
9617	GARFIELD AVE S	U S POST OFFICE PARKING		11	OXBORO HEATH	2402715230037
9649	GARFIELD AVE S	U S POST OFFICE		11	OXBORO HEATH	2402715230039
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9700	GRAND AVE S	U S POST OFFICE PARKING	001	1	BLOOMINGTON 29TH ADDITION	2402715230074
9740	GRAND AVE S	TRANS GLOBAL	001	1	SOUTH EXCHANGE ADDITION	2402715230075
9000	LYNDALE AVE S	GREAT BEAR TIRE & AUTO	001	1	GREAT BEAR TIRE AND AUTO	2402709410075
9010	LYNDALE AVE S	GREAT BEAR SHOPPING CTR	002	1	GREAT BEAR TIRE AND AUTO	2402709410076
9030	LYNDALE AVE S	GREAT BEAR SHOPPING CTR	002	1	GREAT BEAR 1ST ADDITION	2402709410071
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9201	LYNDALE AVE S	PARADISE CAR WASH	001	1	PILHSTROM ADDITION	2402710330055
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9211	LYNDALE AVE S	MIDAS MUFFLER & BRAKES	030	3	OXBORO HEATH	2402710330044
9215	LYNDALE AVE S	JIFFY LUBE	001	1	DANCO ADDITION	2402710330057
9225	LYNDALE AVE S	HARMON GLASS CO - VACANT	001	1	COLONIAL CAR WASH 2ND ADDN	2402710330053
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9308	LYNDALE AVE S	VACANT LAND	000	0 09 027 24		2402709440006
9309	LYNDALE AVE S	9309 LYNDALE OFFICES	010	4	BROWNHOLME ADDITION	2402710330023
9320	LYNDALE AVE S	VACANT LAND	001	1	EARL C HILL AMERICAN LEGION ADDITION	2402709440063
9321	LYNDALE AVE S	FONG'S PARKING LOT	009	4	BROWNHOLME ADDITION	2402710330022
9327	LYNDALE AVE S	FONG'S PARKING LOT	008	4	BROWNHOLME ADDITION	2402710330021
9329	LYNDALE AVE S	FONG'S		4	BROWNHOLME ADDITION	2402710330020
9336	LYNDALE AVE S	VACANT LAND		0 09 027 24		2402709440007
9400	LYNDALE AVE S	ALL SEASON TIRE		0 16 027 24		2402716110001
9412	LYNDALE AVE S	AUTO ZONE	001	1	HOFMEISTER ADDITION	2402716110008
9420	LYNDALE AVE S	CROWN TROPHY		0 16 027 24		2402716110002
9424	LYNDALE AVE S	CELL CRAFTS / HEARMORE		0 16 027 24		2402716110003

9432 LYNDAL AVE S	NEVADA BOB'S	001	1 MARK LAND DEVELOPMENT 1ST ADDITION	2402716110009
9448 LYNDAL AVE S	OXBORO OFFICE CENTER	002	1 MARK LAND DEVELOPMENT 1ST ADDITION	2402716110010
9480 LYNDAL AVE S	AUTOPIA	000	0 REGISTERED LAND SURVEY NO 580	2402716110011
9488 LYNDAL AVE S	ZIEGLER STORAGE YARD		0 16 027 24 - Divided in RBCU ADDITION	2402716110027
9501 LYNDAL AVE S	AL'S VACUUM / RETAIL	001	1 OXBORO DEVELOPMENT 3RD ADDITION	2402715220065
9529 LYNDAL AVE S	MCDONALDS RESTAURANT	001	1 MCDONALDS BLOOMINGTON 4TH ADDITION	2402715220271
9600 LYNDAL AVE S	WHITE CASTLE	001	1 HOLLENBACK AND NELSON 1ST ADDITION	2402716140012
9601 LYNDAL AVE S	APPLEBEES RESTAURANT	001	1 OXBORO HEATH 3RD ADDITION	2402715230079
9621 LYNDAL AVE S	U S BANK		1 OXBORO HEATH 3RD ADDITION	2402715230080
9624 LYNDAL AVE S	WENDY'S RESTAURANT	002	1 HOLLENBACK AND NELSON 1ST ADDITION	2402716140013
9633 LYNDAL AVE S	U S BANK		1 OXBORO HEATH 3RD ADDITION	2402715230081
9700 LYNDAL AVE S	FREEWAY FORD	001	1 FREEWAY FORD 1ST ADDITION	2402716140007
9701 LYNDAL AVE S	THE PLAZA AT OXBORO	001	1 OXBORO RETAIL CENTER	2402715230072
9728 LYNDAL AVE S	CLOVER CENTER		0 16 027 24	2402716140003
9742 LYNDAL AVE S	WELLS FARGO	001	1 A S B ADDITION	2402716140016
9800 LYNDAL AVE S	WALGREENS	001	1 VILLAGE AT OXBORO	2402716410017
9801 LYNDAL AVE S	VACANT RETAIL-WB WIXON	001	1 OXBORO DEVELOPMENT 1ST ADDITION	2402715320064
9847 LYNDAL AVE S	BLOCKBUSTER VIDEO	004	1 OXBORO DEVELOPMENT 1ST ADDITION	2402715320067
9901 LYNDAL AVE S	9900 SHOPPES	001	1 9900 SHOPPES	2402715320061
9939 LYNDAL AVE S	9900 SHOPPES	002	1 9900 SHOPPES	2402715320062
9947 LYNDAL AVE S	GILL BROS FUNERAL HOME	031	0 AUDITORS SUBDIVISION NO 331	2402715320035
9955 LYNDAL AVE S	WIXON JEWELERS / OFFICE	001	1 BEVIER ADDITION	2402715320063
9818 NICOLLET AVE S	BLOOMINGTON CLEANERS		1 ESSEX GREEN ADDITION	2402715310002
600 W 93RD ST	COLONIAL CAR WASH	002	1 COLONIAL CAR WASH 2ND ADDN	2402710330054
135 W 97TH ST	OXBORO PLAZA BUILDING	001	1 GALAXY BUILDERS 10TH ADDITION	2402715240030
5 W 98TH ST	PRECISION TUNE	001	1 SCHOENBERGER ADDITION	2402715310098
50 W 98TH ST	HOLIDAY STATION STORE	001	1 HOLIDAY NICOLLET ADDITION	2402715240032
100 W 98TH ST	BURGER KING	001	1 BURGER KING BLOOMINGTON ADDITION	2402715240022
108 W 98TH ST	CHECKER AUTO/CARRIERS FL	001	2 GALAXY BUILDERS 7TH ADDITION	2402715240029
136 W 98TH ST	PRINT SHOP / SCHMITT ROOF	002	2 JANSKI 1ST ADDITION	2402715240020
200 W 98TH ST	JAMES KING INSURANCE BLDG	002	1 MATTSON ADDITION	2402715240027
208 W 98TH ST	PIERCE SKATE & SKI	001	1 MATTSON ADDITION	2402715240026
220 W 98TH ST	INTL VILLAGE SHOPS		0 15 027 24	2402715240017
400 W 98TH ST	U S WEST SWITCHING FAC	002	1 SOUTH EXCHANGE ADDITION	2402715230076
500 W 98TH ST	PREMIER BANK / MBC		11 OXBORO HEATH	2402715230046
501 W 98TH ST	OXBORO SQ/FESTIVAL FOODS	003	1 OXBORO DEVELOPMENT 1ST ADDITION	2402715320066
600 W 98TH ST	OXBORO MEDICAL BUILDING	001	1 OXBORO DEVELOPMENT 2ND ADDITION	2402715230069
611 W 98TH ST	BAKERS SQUARE RESTAURANT	002	1 OXBORO DEVELOPMENT 1ST ADDITION	2402715320065
801 W 98TH ST	TRANSIT STATION PARKING	001	1 CONTINENTAL OIL 1ST ADDITION	2402716410010

SEC. 19.37. CENTRAL BUSINESS (CB) DISTRICT.

- (a) **Purpose** - To provide a zone which will encourage orderly development and redevelopment in older business areas and to provide a means to promote a more economical use of the land.
- (b) **Permitted Uses** -
 - (1) Ambulance service.
 - (2) Banks and financial institutions.
 - (3) Reserved.
 - (4) Commercial parking lots.
 - (5) Contractor and carpenter offices and shops.
 - (6) Dry cleaning and laundry processing.
 - (7) Dwelling for caretaker or watchman.
 - (8) Employment agencies.
 - (9) Experimental and testing laboratories.
 - (10) Hospitals, sanitariums, and rest homes.
 - (11) Interior decorating.
 - (12) Medical and dental offices and laboratories.
 - (13) Reserved.
 - (14) Mortuaries.
 - (15) Motels and hotels.
 - (16) Class I motor vehicle sales.
 - (17) Newspaper distribution stations and collection stations as secondary uses.
 - (18) Reserved.
 - (19) Offices, business and professional.
 - (20) Off-street parking and loading.
 - (21) Personal services, including but not limited to licensed therapeutic massage enterprises, barber shops, beauty shops, picture framing, photography studios, and locksmith shops.
 - (23) Photodeveloping and processing.
 - (23.5) Printing and publishing.
 - (24) Public and public utility uses.
 - (25) Radio and television broadcasting stations.
 - (26) Repair of household equipment (not including motor vehicles).
 - (27) Retail shopping uses.
 - (28) Schools - music, dance, business, commercial, or trade.
 - (29) Seasonal business.
 - (30) Theaters, except drive-ins.
 - (31) Travel bureaus.
 - (32) Warehouses.
 - (33) Wholesale businesses.
 - (34) Day care facilities occupying no more than 30 percent of the floor area of a building.
- (c) **Permitted Accessory Uses** -
 - (1) Class II motor vehicles sales accessory to Class I motor vehicle sales.
 - (2) Repair of motor vehicles accessory to Class I motor vehicle sales.
- (d) **Conditional Uses** -
 - (1) Pet services facility.
 - (2) Car washes.
 - (3) Discount stores in excess of 26,000 square feet.
 - (4) Outside storage.
 - (5) Restaurants, except where included with a hotel or motel.
 - (6) Service stations.
 - (7) Trailer rental or sales.
 - (8) Truck rental.
 - (8.5) Repair of motor vehicles.
 - (9) Class II and Class III motor vehicle sales.
 - (10) Railroad lines.

- (11) Commercial recreation, including bowling alleys, pool halls, game parlors and skating rinks.
- (12) Physical culture and health services.
- (13) Hotel airport parking.
- (14) Towers. For related provisions see Sections 15.14, 19.47, and 19.63.05 of this Code.
- (15) Nonprofit clubs and lodges.
- (16) Places of assembly.
- (e) **Combination of Uses** - To allow development of smaller businesses, a combination of uses may be allowed in the same building or separate buildings provided that:
 - (1) the total floor area is at least 4,000 square feet;
 - (2) parking and drives are combined for all uses;
 - (3) separate buildings are connected by common wall, corridor, passageway, or other structure;
 - (4) all buildings of a combination are constructed at the same time.
- (f) **Performance Standards** -
 - (1) **Exterior Materials** - The exterior materials and finish of all buildings erected on lands within Central Business CB Zoning Districts shall be in conformance with the applicable requirements of Section 19.63.08 of this Code.
 - (2) **Minimum lot size** - No construction shall be permitted on any lot having street frontage of less than 90 feet. (Combination of uses may include total frontage of combined lots to meet the 90-foot requirement.)
 - (3) **Minimum setbacks** - From any street 65 feet side lot 10 feet, unless the building is set at lot line for 0 setback, rear lot 25 feet, residentially used building 100 feet, residential zoning line 50 feet, buildings concerned in a combination of use may use common walls; but if separation exists between buildings, connection shall be provided by tunnel, corridor, passageway, skyway, or other structure, and the side-yard setback may then be variable.
 - (4) **Floor area** - Any use or combination of uses shall have a building with floor area of not less than 4,000 square feet.
 - (5) **Additional design requirements** -
 - (A) Reserved.
 - (B) Any new building in the zone shall be planned so that all exterior sides shall be surfaced equivalent to the front.
 - (C) In lieu of the provisions of Section 19.52(c)(4) and (d)(3), which require a 20-foot landscaped yard and screening along street frontage, planter boxes may be provided at least six feet in width and two feet high with permanently maintained landscaping subject to the approval of the Planning Manager.
 - (D) Within the 20-foot landscaped yard or six-foot planter, one shade tree of no less than three-inch caliper measured one-half foot from the ground shall be planted for every 50 feet of frontage.
 - (E) Structure height shall be regulated pursuant to Section 19.47 of this Code.
- (g) **Reserved.**
- (h) **Reserved.**
- (i) **Sign Regulations.** Refer to Article X of this Chapter.

(Code, 1958 S 7.13; Added by Ord. No. 67-69, 12-18-67; Ord. No. 68-24, 4-8-68; Ord. No. 76-12, 3-22-76; Ord. No. 78-36, 6-5-78; Ord. No. 79-1, 1-22-79; Ord. No. 82-23, 6-21-82; Ord. No. 84-68, 12-27-84; Ord. No. 86-2, 1-6-86; Ord. No. 87-50, 7-27-87; Ord. No. 88-39, 5-16-88; Ord. No. 88-53, 9-19-88; Ord. No. 89-16, 3-27-89; Ord. No. 90-29, 7-2-90; Ord. No. 90-42, 9-10-90; Ord. No. 92-38, 7-27-92; Ord. No. 93-48, 11-15-93; Ord. No. 96-25, 7-1-96; Ord. No. 96-40, 8-19-96; Ord. No. 97-36, 8-18-97; Ord. No. 2003-18, 5-19-2003; Ord. No. 2004-27, 5-3-2004; Ord. No. 2004-44, 11-15-2004; Ord. No. 2008-1, 1-14-2008; Ord. No. 2009-1, 1-26-2009; Ord. No. 2009-34, 11-2-2009; Ord. No. 2010-1, 1-4-2010)

SEC. 21.204.02. GENERAL COMMERCIAL (B-2) DISTRICT.

- (a) **Intent.** The General Commercial (B-2) District is designed to provide for a wide variety of retail and other commercial uses essential to support surrounding neighborhoods. The B-2 District provisions are intended to:
- (1) Ensure that locations distributed throughout Bloomington are available for needed retail and commercial uses, including auto-oriented uses; and
 - (2) Provide flexible building and parking placement standards to serve a variety of use types and parcel sizes.
- (b) **Uses.** Uses allowed in the B-2 District as permitted, accessory, conditional, or interim uses are listed in Table 21.209(b).
- (c) **Standards.** Development in the B-2 District must comply with the following standards:
- (1) Floor area ratio, building floor area, impervious surface area, site width and site area. See Section 21.301.01 for applicable standards.
 - (2) Structure Placement. See Section 21.301.02 for applicable standards.
 - (3) Structure height. In addition to the requirements of Section 19.47, buildings in the B-2 District must not exceed two stories in height as defined in Section 19.47(b)(3)(A)(i).
 - (4) Retail floor area restrictions. To ensure that retail uses in the B-2 District are not regionally oriented, single tenant retail buildings or individual retail tenant spaces must not exceed 80,000 square feet in total floor area.

(Added by Ord. No. 2006-35, 9-11-2006)

Division H. Uses
Added by Ord. No. 2006-35, 9-11-2006

SEC. 21.209. USE TABLES.

- (a) **Purpose.** The use tables in this Section depict the classification of land uses within zoning districts.
- (b) **Table Key.** The following labeling conventions apply to each table in this Section.
- (1) **Uses.** Uses are often defined in Section 19.03. Uses not defined are subject to standard dictionary definitions.
 - (2) **Permitted uses.** Uses identified in the zoning district column with the letter "P" are allowed as permitted uses, primary or accessory, in the respective zoning district.
 - (3) **Conditional uses.** Uses identified in the zoning district column with the letter "C" are allowed as conditional uses, primary or accessory, in the respective zoning district. Conditional uses must obtain a Conditional Use Permit prior to commencing.
 - (4) **Interim uses.** Uses identified in the zoning district column with the letter "I" are allowed as interim uses, primary or accessory, in the respective zoning district. Interim uses must obtain an Interim Use Permit prior to commencing.
 - (5) **Accessory uses.** Uses identified in the zoning district column with the letter "A" are allowed as accessory uses in the respective zoning district. Except for accessory residential uses, which are governed by the standards in Section 21.302.02, accessory uses must not occupy more than 25 percent of the total floor area on a site.
 - (6) **Conditional accessory uses.** Uses identified in the zoning district column with the letter "CA" are allowed as conditional accessory uses in the respective zoning district. Conditional accessory uses must obtain a Conditional Use Permit before commencing and are subject to the floor area limitations of accessory uses discussed in Section 21.209(b)(5).
 - (7) **Prohibited uses.** Uses not associated with a letter in the zoning district column are prohibited uses in the respective zoning district. Uses not listed are prohibited in the neighborhood and freeway commercial zoning districts.
 - (8) **Standards.** For ease of reference, uses for which specific standards apply include a table reference to the applicable Code Section.
- (c) **Reserved.**
- (d) **Neighborhood and Freeway Commercial Zoning Districts.**

USE TYPE	ZONING DISTRICT								REFERENCES
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	See Listed Section
RESIDENTIAL									
Residences									
Multiple-family residence			A		A	A	A	A	21.302.02
Townhouse/rowhouse			A		A	A	A	A	21.302.02
Other Residential									
Nursing home/adult care home			A					A	19.63.01
GOVERNMENT, INSTITUTIONAL, OPEN SPACE									
Educational Facilities									
Child care center	C	C	C	A	A	A	A	A	
College or university				CA	CA	CA	C	CA	
Instructional center	C	C	C	CA	CA	CA	CA	CA	
School (K-12), private or charter				CA	CA	CA	C	CA	
School (K-12), public				CA	CA	CA	C	CA	
Sports training facility				CA	CA	CA	C	CA	
Parks and Open Space									
Community garden	A	A	A	A	A	A	A	A	
Parks	P	P	P	P	P	P	P	P	
Public Services and Utilities									
Government facility, general	P	P	P	P	P	P	P	P	
Government facility, limited									

USE TYPE	ZONING DISTRICT								REFERENCES
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	See Listed Section
Public utility facility, general	P	P	P	P	P	P	P	P	
Public utility facility, limited				C	C	C	C		
Social and Cultural Facilities									
Community education or arts center	P	P	P	P	P	P	P	P	
Conservatory	A	A	A	A	A	A	A	A	
Convention center				C	C	C	C	C	
Library	P	P	P					P	
Museum	P	P	P	P	P	P	P	P	
Place of assembly		C	CA				CA	CA	19.63
Social service distribution facility		P		P	P	A			
OFFICE AND RETAIL/SERVICES									
OFFICE									
Home occupation			P		P	P	P	P	19.63.09 (a)
Home business			CA		CA	CA	CA	CA	19.63.09 (b)
Office, general	P	P	P	P	P	P	P	P	
Office/warehouse in existence prior to 1/1/2010							P		
RETAIL/SERVICES									
Accommodations									
Hotel/motel		C		P	P	P	P	P	
Medical Facilities									
Laboratory, medical or dental	P	P	P	P	P	A	P	A	
Office, medical or dental	P	P	P	P	P	P	P	P	
Hospital				C	C	C	C	C	
Motor Vehicle Services									
Car wash		C		CA	CA				
Convenience facility with fuel sales		P			P				19.61
Integrated fuel sales		A		A	A		A		
Motor vehicle sales, Class I				P					21.302.01
Motor vehicle sales, Class II				A					21.302.01
Motor vehicle sales, Class III		C		C	C				
Motor vehicle sales, Class IV	P	P	P	P	P	P	P	P	
Motor vehicle sales, enclosed		P		P	P	P		P	21.302.01
Motor vehicle sales in existence in the B-2 District prior to 1/1/2010		P							21.302.01
Motor vehicle storage lot									
Remote airport parking									
Towing service		CA			CA				
Vehicle repair, major		C		A	C				
Vehicle repair, minor		C		A	C				
Vehicle rental facility		C			CA				19.63.07
Recreation and Entertainment									
Health club		C	CA	P	P	A	A	A	
Health club in existence in the							P		

USE TYPE	ZONING DISTRICT								REFERENCES
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	See Listed Section
C-4 District prior to 1/1/2010									
Recreation and entertainment, indoor		C	C	C	C	C	CA	C	
Recreation and entertainment, outdoor		CA			CA				
Studio, audio or video		P	P	P	P	P	P	P	
Restaurants and Food Service									
Private food service	A	A	A	A	A	A	A	A	
Restaurant, with drive-through (including drive-in)		C	C	C	C		CA	CA	21.301.05
Restaurant, without drive-through (including take-out)		C	C	C	C	CA	CA	CA	
Retail Sales and Services									
Bank or financial institution		P	P	P	P	A	A	A	
Body art establishment		P			P				14.376 to 14.390.01
Currency exchange		P			A				14.159 to 14.165
Exterminating shop		P	P		P	P		P	
Firearms dealer		C			CA	CA			
Funeral homes, mortuaries, crematories		C			C				
Pawn shops		C							14.287 to 14.295.08
Pet services facility		C	C		C				
Retail sales and services	A	P	P	A	P	P	A	P	
Therapeutic massage enterprise	P	P	P	P	P	A	A	A	14.259 to 14.275
GENERAL									
Billboards in existence prior to June 1, 1994									19.66
Accessory									
Accessory building	A	A	A	A	A	A	A	A	19.50.02
Antenna	A	A	A	A	A	A	A	A	19.63.05
Fuel pump, private		A		A	A				
Helistop				CA	CA	CA	CA	CA	
Hotel airport parking		CA		CA	CA	CA	CA	CA	
Tower	CA	CA		CA	CA		CA		19.63.05
Agriculture									
Agriculture									
TEMPORARY/SEASONAL									
Seasonal Uses									
Seasonal sales, outdoor		A	A		A	A		A	14.314 to 14.323
Special Events									
Entertainment and recreation special events		A	A	A	A	A	A	A	
Temporary Uses									
Transient merchant sales		A		A	A	A	A	A	14.180 to

USE TYPE	ZONING DISTRICT								REFERENCES
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	See Listed Section
(interior to hotels)									14.192
	B-1	B-2	B-4	C-1	C-2	C-3	C-4	C-5	See Listed Section
USE TYPE	ZONING DISTRICT								REFERENCES

(Added by Ord. No. 2006-35, 9-11-2006; Amended by Ord. No. 2007-48, 12-17-2007; Ord. No. 2007-50, 12-17-2007; Ord. No. 2009-19, 7-6-2009; Ord. No. 2009-25, 8-24-2009; Ord. No. 2009-33, 11-2-2009; Ord. No. 2009-34, 11-2-2009; Ord. No. 2010-1, 1-4-2010)

Division I. General Provisions

Added by Ord. No. 2006-35, 9-11-2006

SEC. 21.210. CONFLICTING PROVISIONS.

In the event that the provisions of this Article are inconsistent with one another or if the provisions of this Article conflict with provisions found in other adopted regulations of the City, the more restrictive provision will control. When the provisions of this Article impose a greater restriction than imposed by any easement, covenant, deed restriction or private agreement, the provisions of this Article control.

(Added by Ord. No. 2006-35, 9-11-2006)

SEC. 21.211. SEVERABILITY.

If any division, section, subsection, sentence, clause, or phrase of this Article is for any reason held to be invalid, such decision does not affect the validity of the remaining portion of this Article. The City Council hereby declares that it would have adopted the Article in each division, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more divisions, sections, subsections, sentences, clauses, or phrases be declared invalid.

(Added by Ord. No. 2006-35, 9-11-2006)

ARTICLE III. DEVELOPMENT STANDARDS

Added by Ord. No. 2006-35, 9-11-2006

Division A. General Standards

Added by Ord. No. 2006-35, 9-11-2006

Amended by Ord. No. 2006-54, 12-18-2006

SEC. 21.301.01. DEVELOPMENT INTENSITY AND SITE CHARACTERISTICS.

- (a) **Purpose.** The tables in this Section depict required floor area ratio, building floor area, impervious surface area, site width and site area standards by zoning district.
- (b) **Table Key.** The following labeling conventions apply to each table in this Section.
 - (1) Floor area ratio – minimum. The floor area ratio on a site must meet or exceed the listed minimum for the respective zoning district.
 - (2) Floor area ratio – maximum. The floor area ratio on a site must not exceed the listed maximum for the respective zoning district.
 - (3) Building floor area - minimum. Building floor area, expressed in gross square feet, for each building on a site must meet or exceed the listed minimum for the respective zoning district.
 - (4) Impervious surface area – maximum. The total impervious surface area on a site may not exceed the listed maximum for the respective zoning district.
 - (5) Site width - minimum. The site width, measured at the minimum required structure setback for the respective zoning district must meet or exceed the listed minimum for the respective zoning district.
 - (6) Site area – minimum. The gross site area must meet or exceed the minimum listed for the respective zoning district.
 - (7) Not applicable. Standards identified in the zoning district row with the letters “NA” do not apply within the respective zoning district.
- (c) **Reserved.**
- (d) **Commercial and Industrial Zoning Districts.**

Zoning District	Floor Area Ratio		Building Floor Area	Impervious Surface Area	Site Width	Site Area
	Minimum	Maximum	Minimum	Maximum	Minimum	Minimum
B-1	NA	0.5	1,000 sq. ft.	80%	100 ft. 150 ft. for corner sites	25,000 sq. ft.
B-2	NA	0.5	3,000 sq. ft.	90%	100 ft. 150 ft. for corner sites	25,000 sq. ft.
B-4	0.2	0.5 2.0 with residential	4,000 sq. ft.	95%	150 ft. 200 ft. for corner sites	40,000 sq. ft.
C-1	0.4	1.0	20,000 sq. ft.	90%	200 ft. 250 ft. for corner sites	120,000 sq. ft.
C-2	NA	0.5	20,000 sq. ft. 10,000 sq. ft. for restaurants and gas stations	90%	200 ft. 250 ft. for corner sites	80,000 sq. ft.
C-3	0.5	1.0	50,000 sq. ft.	95%	200 ft. 250 ft. for corner sites	200,000 sq. ft.
C-4	0.4	2.0	20,000 sq. ft. 10,000 sq. ft. for restaurants	90%	200 ft. 250 ft. for corner sites	120,000 sq. ft.
C-5	1.0	1.5	20,000 sq. ft.	95%	200 ft. 250 ft. for corner sites	80,000 sq. ft.

(Added by Ord. No. 2006-35, 9-11-2006; Amended by Ord. No. 2009-1, 1-26-2009)

SEC. 21.301.02. STRUCTURE PLACEMENT.

- (a) **Purpose.** The tables in this Section depict minimum and maximum structure setback requirements by zoning district.
- (b) **Table Key.** The following labeling conventions apply to each table in this Section:
- (1) Setbacks from public streets. All setbacks from public streets or proposed public streets must be measured from the planned widened rights-of-way in accordance with the Master Street Plan of the City.
 - (2) Rear and side. For corner sites that abut two public streets and for which it is not apparent due to lot configuration or past approval which property line is the rear and which property line is the side, the applicant may select which property line to consider rear and which to consider side.
 - (3) Adjacent to residential. For the purpose of determining the required setback adjacent to residential, a site is considered to be "residential" if it is guided residential by the Comprehensive Plan.
- (c) **Encroachments.** Selected site features and equipment are allowed to encroach into the required setback area to the extent specified in Section 19.08.
- (d) **Reserved.**
- (e) **Commercial and Industrial Zoning District Setbacks.**

Zoning District	Along Public Street		Rear	Side	Adjacent to Residential
	Minimum	Maximum	Minimum	Minimum	Minimum
B-1	35 ft.	NA	15 ft.	10 ft.	50 ft.
B-2	35 ft.	NA	15 ft.	10 ft.	50 ft.
B-4	20 ft.	40 ft.	15 ft. 30 ft. for buildings over 4 stories in height	10 ft. 20 ft. for buildings over 4 stories in height	50 ft.

Zoning District	Along Public Street		Rear	Side	Adjacent to Residential
	Minimum	Maximum	Minimum	Minimum	Minimum
C-1	35 ft.	NA	30 ft. 40 ft. for buildings over 4 stories in height	20 ft. 30 ft. for buildings over 4 stories in height	50 ft.
C-2	35 ft.	NA	30 ft. 40 ft. for buildings over 4 stories in height	20 ft. 30 ft. for buildings over 4 stories in height	50 ft.
C-3	35 ft.	NA	30 ft. 40 ft. for buildings over 4 stories in height	20 ft. 30 ft. for buildings over 4 stories in height	50 ft.
C-4	35 ft.	NA	30 ft. 40 ft. for buildings over 4 stories in height	20 ft. 30 ft. for buildings over 4 stories in height	50 ft.
C-5	20 ft.	20 ft.	30 ft. 40 ft. for buildings over 4 stories in height	20 ft. 30 ft. for buildings over 4 stories in height	50 ft.

(Added by Ord. No. 2006-35, 9-11-2006)

SEC. 21.301.03. STRUCTURE DESIGN.

(a) **Neighborhood and Freeway Commercial Structures.** Structures in the B-1, B-2, B-4, C-1, C-2, C-3, C-4 and C-5 zoning districts must meet the following requirements:

- (1) **Blank facades.** Blank building facades or walls must not exceed 20 feet in length when the building façade or wall faces a public street. A building façade or wall is considered to be blank if it is uninterrupted by windows, doors, ornamentation, decoration, articulation or other architectural detailing.
- (2) **Building massing.** To reduce the apparent scale and uniformity of long, one or two-story building facades and to provide visual interest, one or two-story building facades facing public streets that exceed 200 feet in linear building length must include wall projections or recesses of three or more foot depth for every 100 linear feet of façade and/or vertical height variations of four or more feet for every 100 linear feet of façade.
- (3) **Architectural unity.** When multiple non-residential structures are constructed on one site, all non-residential buildings must be related in architectural style, color scheme and building materials.
- (4) **Windows.** For windows facing public or private streets or pedestrian corridors, no more than 25 percent of the total window area and no more than 25 percent of linear eye-level window width may be obscured by signs, product displays or similar covering. Blinds, curtains and similar temporary coverings for privacy or sunlight control are permitted.
- (5) **Entrance buffer.** To ensure that pedestrians can safely exit a building before entering traffic flow, any building must provide a sidewalk buffer area of at least 8 feet between a public entrance and any vehicular circulation drive. Any single tenant building or individual tenant space of 20,000 square feet or above must provide a sidewalk buffer area of at least 10 feet between a public entrance and any vehicle circulation drive.

(Added by Ord. No. 2006-35, 9-11-2006)



KRAUS-ANDERSON®
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March 8, 2010

Mr. Glen Markegard
Planning Division
Bloomington Civic Plaza
1800 West Old Shakopee Road
Bloomington, MN 55431-3027

RECEIVED
DIVISION OF CITY PLANNING
MAR 09 2010
CITY OF BLOOMINGTON
MINNESOTA

Re: Proposed Rezoning of Clover Shopping Center
(704 – 822 West 98th Street and 9724 – 9742 Lyndale Ave.)

Dear Glen:

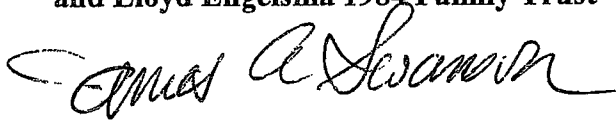
Thank you for meeting with us to discuss our concerns regarding the proposed rezoning of our parcels on 98th Street and Lyndale Ave. As you know, Kraus-Anderson, through wholly owned entities "Engelsma Limited Partnership" and "Lloyd Engelsma 1984 Family Trust" own the Clover Shopping Center and the adjacent Wells Fargo Bank Building respectively. Per our discussions yesterday, we know you understand the state of commercial real estate in this current economy and know that leasing space today, as well as, retaining existing tenants is extremely challenging. Under the current zoning, Clover Shopping Center has been a viable Shopping Center and has served the Community well having been on this corner since 1956 and the Wells Fargo Building since 1988. This proposed rezoning, given its additional restrictions, will reduce the value of these properties as currently configured and would greatly impact the ability to redevelop them when economic conditions improve.

As discussed, we believe that the rezoning of these properties from the current classification of Central Business (CB) District to General Commercial (B-2) District would limit our ability to redevelop these properties. Our concerns with the new zoning are the height restriction of two stories, the single user size restriction, as well as, permitted uses currently allowed that will no longer be permitted. Kraus-Anderson continues to consider a number of different redevelopment options that could potentially include acquisition of neighboring land. We believe that this zoning change takes away options. We appreciate your admission that the City Council would work with us once we have a specific plan in place. Without that commitment it would be difficult to achieve the necessary density to redevelop these parcels or even attract the desired users given the changes in the zoning.

For these reasons Kraus-Anderson's comfort level with the proposed rezoning to General Commercial (B-2) of the above-mentioned parcels is contingent on the commitment by the City of Bloomington to provide flexibility from the B-2 zoned parameters to allow for future re-development not otherwise allowed.

Respectively,

**Kraus-Anderson Realty Company,
As agent for Engelsma Limited Partnership
and Lloyd Engelsma 1984 Family Trust**



James A. Swanson
Property Manager
952-948-9411
jswanson@karealty.com



KRAUS-ANDERSON®

RECEIVED
DIVISION OF CITY PLANNING
MAR 09 2010
CITY OF BLOOMINGTON
MINNESOTA

City Council Minutes - APRIL 26, 2010

Winstead replied it's an enforcement issue for the Police Department.

Bornhardson stated if the signage is left as it is, there will be no enforcement.

Motion was made by Wilcox, seconded by Grady, to take no action regarding an ordinance to amend the parking on Sandro Road between Normandale Lake Drive and Mt. Normandale Drive. Motion passed 5-0-2 (KN & SE abstaining).

Marohn added the City likes to have signage that is enforceable.

Winstead commented this one may come back.

**Adopted an Ordinance
Rezoning Multiple
Parcels from CB to B-2
as Presented Except
for 9488 Lyndale
Avenue
Case 10002B-10
ITEM 5.4D
O-2010-10**

Senior Planner Glen Markegard presented the City initiated project to rezone all land zoned CB (commercial districts) to B-2. He stated it involves 80+ parcels along Lyndale Avenue. He showed a map indicating the affected parcels in red. He referenced two letters the City received from Kraus-Anderson Realty Company regarding Clover Shopping Center and Gray Plant Mooty regarding the Ziegler property. He stated Kraus-Anderson agrees that the B-2 zoning matches the existing uses and the existing development character but have concerns regarding future development in this location and the possibility that it might redevelop at a higher intensity. They indicated their opposition to the proposed rezoning. They would prefer a freeway retail zoning. He stated staff agrees there may be the potential for a freeway commercial district but that that discussion should take place once there is a plan that can be fully analyzed. Regarding the correspondence from Ziegler, Inc., he stated a small one-acre Ziegler site is zoned CB and is proposed to be rezoned to the B-2 District. Everything to west of the red area is zoned I-3. He stated Ziegler uses this portion for outside storage and wants to continue doing so indefinitely. While outdoor storage is an allowed use in the CB Commercial District as a conditional use, no Conditional Use Permit has ever been issued for this site so technically the use is illegal today and under the rezoning would remain illegal. He stated B-2 does not allow outside storage. He listed the zoning alternatives Ziegler included in their letter. He asked the Council if they were okay with allowing outside storage at 9488 Lyndale.

Staff and the Planning Commission recommend allowing outside storage until the site is ripe for redevelopment, which would result in rezoning this parcel to B-2 and amending the B-2 Zoning District to allow outside storage as an interim use.

Grady inquired if Ziegler would be grandfathered in.

Markegard stated the answer is no because it's an illegal use because it has never received the required approvals but Ziegler disagrees with this conclusion.

Winstead commented the Richfield Bloomington Credit Union has been rezoned to B-2.

Johnson explained if the use of open storage was in existence before any zoning restrictions (1957) and was continually used for open storage since that time with no one year lapse and no change in use in between time, then it would have been truly grandfathered in and they wouldn't have needed to obtain a Conditional Use Permit. She stated the evidence in this case using aerials and a transfer of ownership to the railroad, however, indicates there was at least a one-year lapse. The railroad was using the site for loading and unloading, which clearly means there was a break in the open storage use. She stated the railroad owned the property from 1959 to 1976 and the zoning restrictions were in place in 1967.

Wilcox stated he moved to Bloomington in 1958 and the tractors have always been at this location.

Winstead stated he's seen tractors there since 1980.

ITEM 5.4D continued

Speaker #1: Peter Beck, Gray, Plant Moody Representing Ziegler

He stated Ziegler bought the property in 1957 and moved in in 1958. This particular piece of the property has functioned as a part of their "backyard operations." He stated the Railroad's use was very similar to Ziegler's use. He believes they could establish the grandfather rights but they're not looking to force this down the City's throats. He stated the City took the position in 2007 that Ziegler's site was illegal. When Ziegler became aware of it, they started working with City staff. All Ziegler wants to do is continue to use this parcel as they have for all of these years. He requested no action be taken by the Council at this time and that this rezoning be continued for three months. He stated Ziegler will apply for a Conditional Use Permit and a rezoning to B-2 after the CUP. That would give Ziegler some assurance that they can continue to use their property indefinitely or until they decide to sell it for redevelopment. He requested the Council continue the rezoning of this one-acre site for 2-3 months so they can apply for a Conditional Use Permit. He stated Ziegler doesn't anticipate ever leaving Bloomington.

Wilcox commented Ziegler has been in this neighborhood forever and they have been a stellar corporate neighbor. He stated he has no problem pushing for a motion to support staff's option #3 to delay the rezoning.

Motion was made by Wilcox, seconded by Grady, and all voting aye, to continue to the August 2, 2010, Regular Council meeting, an ordinance to rezone a portion of 9488 Lyndale Avenue (Ziegler, Inc.) to allow them time to apply for a Conditional Use Permit which allows outside storage in the C-B Zoning District.

Peterson stated sooner or later the buildings along Lyndale Avenue will redevelop and it's the Council's desire to bring those parcels together when it's time to redevelop the area.

Regarding the other correspondence involving Clover Center, the following public testimony was received:

Speaker #2: Ken Vinje and Jamie Swanson, Kraus-Anderson Realty Company

They stated the B-2 zoning fits their current use and it works for them. Their concern is regarding future redevelopment of the site to a higher density and better use. He stated a freeway zoning might be more applicable in the future. They hope to work with the City when rezoning is eminent.

Winstead inquired if the Central Business District is more conducive to one of the freeway zonings which might be more appropriate if Kraus-Anderson wanted to get into a higher density development.

Markegard stated there is an 80,000 SF tenant space size limit in the B-2 District, which wouldn't allow big box retail. He stated the fact that it's in the B-2 District doesn't add any restrictions, it just synchronizes the zoning in the Comprehensive Plan. He stated another concern is height limits. The issue of height limits is currently in flux, as they are still being discussed by Council so the future on height limits is unknown at this time.

Bernhardson inquired as to what would be the appropriate zoning district with a Comp Plan change if they were looking to do a higher density, mixed-use development.

Markegard stated a mixed-use project could be done potentially under B-4 District. If it included big box retail, it would require a freeway zone, which currently only applies along the 494 corridor. He stated that could be discussed.

Vinje indicated Kraus-Anderson will want to rezone at some future date.

Winstead inquired if there was anything in Central Business that would allow big box retail.

Markegard replied the zoning would allow it but the Comp Plan would restrict it.

ITEM 5.4D continued

Motion was made by Peterson, seconded by Elkins, and all voting aye, to adopt an ordinance amending the Zoning Map to rezone certain properties located at 135 West 97th Street; 5, 50, 100, 108, 136, 200, 208, 220, 400, 500, 501, 600, 611 and 801 West 98th Street; 9818 Nicollet Avenue; 600 West 93rd Street; 720 West 94th Street; 9818 & 9830 Aldrich Avenue; 9216, 9300, 9308, 9316, 9324, 9521, 9601, 9609, 9617 & 9649 Garfield Avenue; 9700 & 9740 Grand Avenue; and 9000, 9010, 9030, 9200, 9201, 9209, 9211, 9215, 9225, 9230, 9240, 9246, 9255, 9300, 9301, 9304, 9305, 9308, 9309, 9320, 9321, 9327, 9329, 9336, 9400, 9412, 9420, 9424, 9432, 9448, 9480, 9501, 9529, 9600, 9601, 9624, 9633, 9700, 9701, 9728, 9742, 9800, 9801, 9847, 9850, 9901, 9939, 9947 & 9955 Lyndale Avenue from the CB, Central Business Zoning District to the B-2, General Commercial Zoning District and continuing to August 2, 2010, an ordinance amending the rezoning of 9488 Lyndale Avenue South.

~~City Council Policy &
Issue Update
ITEM 6.1~~

~~The City Manager reminded Council of the two study meetings scheduled ahead of the regular meetings at 5:30 pm on May 3 and 17 to replace the cancelled study meeting on May 24. He also mentioned the temporary burning ban that was lifted this afternoon.~~

~~Council Comments/Inquiries:~~


~~Winstead commented on the City Manager's Review process and distributed materials to the Council, which he requested back by May 11. He stated he would compile the feedback for a Council meeting at 6:30 pm on May 18 following the HRA meeting. He estimated this review process to take a total of two (2) one and a half-hour meetings to complete. He suggested another meeting could be held ahead of the regular meeting on June 7.~~

~~Nordstrom invited the Council and public to attend the Kite Day event on Saturday, May 1 at the Valley View Park at 90th & Portland.~~

~~Elkins inquired if the Council should consider meeting jointly with the Planning Commission in 2010.~~

Adjourn Meeting

Mayor Winstead adjourned the meeting at 10:55 p.m.


Barbara Clawson
Council Secretary
7/12/10