

Item #5  
Fred S. Yesnes, Inc.  
Case 3763D-72  
Rezone from R-4 to R-4(PD)  
8400-10-12-22 22nd Avenue

9:50 p.m.

Item #6  
International Dairy Queen  
Case 7831A-72  
Conditional use permit  
for restaurant  
8640 Lyndale Avenue

10:05 p.m.

Mr. Foster said the applicant had requested that the rezoning from R-4 to R-4(PD) be continued.

M/Houle, S/Campion to continue Case 3763D-72 until the applicant returns the matter to the Planning Commission.  
Motion carried 7-0.

Mr. Foster said a conditional use permit is requested for a restaurant in the B-2 zone at 8640 Lyndale Avenue South. The 35,070 square foot site fronts on both Lyndale and Aldrich Avenues. The adjacent area on the west is zoned R-3 single family residential. Staff recommended the application be denied for the following reasons:

(a) Findings in 11.13.B. could not be made:

1. "Proposed use will not cause traffic hazard or confusion." Mr. Foster said access is proposed on Lyndale approximately 260 feet from 86th Street and Lyndale Avenue and traffic generated from a restaurant would conflict with through traffic and turning movements at 86th and Lyndale.
2. "Adjacent residentially zoned land will not be adversely affected because of traffic generation, noise, glare or other nuisance characteristics." Mr. Foster was concerned about the impact of the commercial property adjacent to the residential neighborhood particularly if the site has access to Aldrich Avenue.

(b) The proposed use conflicts with the purpose of the Retail Business District (B-2), (Section 7.07.I of the City Code), which encourages compact centers for retail sales and services and the exclusion of businesses that would disturb neighborhood stability.

(c) The proposed use conflicts with several clauses in the overall purpose of the zoning code, (Section 4.01), Objectives:

#3 which provides that "a balanced tax base as between residential, commercial and industry uses"

#4 - "avoidance of business failures through improper location"

#5 - "a minimum of congestion in the public streets"

#6 - "compatibility between different land uses"

(d) The proposed use conflicts with the recommendation of the Central Area Plan which recommends multiple dwellings in the area.

Mr. Chuck Twenhofal of International Dairy Queen proposed screening to eliminate visibility of traffic generated by the use. He said Dairy Queen restaurants have located in B-2 zones in the past. The particular facility is geared for a business of about 1000 persons per day which would be about 50 cars per hour in and out of the site.

Mr. Foster said the other Dairy Queen restaurant facility in the B-2 zone is reasonably integrated with a shopping center and is not an individual building on an individual site.

Mr. Twenhofal said there would be an attempt to minimize left turn traffic off of Lyndale and he felt the curb cut onto Aldrich is not critical to their building but exists due to the recommendation of the Traffic Engineer. He said the proposed use would be drawing from the traffic already existing rather than creating additional problems. He said a Pizza Hut exists 3 lots to the south within the B-2 zone.

Mr. Hancer said that denial was recommended for that use by the Planning Commission but the City Council did not agree with that recommendation.

Mr. Leipold asked if an amendment to the Central Area Plan would be required if the use were approved.

Mr. Foster said if a use is approved in conflict with an adopted plan, the planning body has to specifically state the plan is being amended. The Central Area Plan recommends multiple dwellings from 86th to 88th Street.

Mr. Leipold said he did not object to Dairy Queens in a B-2 zone but would object to the use on the proposed site. He said he could not make the required findings or see any rationale for amending the City Development Plan.

Mr. Jacobson said he did not think there should be ingress or egress on Aldrich because it would disturb the residential neighborhood.

Mrs. Houle said she did not have confidence in many of the developments occurring on Lyndale Avenue due to their lack of success and said the Commission is concerned about what happens to the vacant buildings when a business has failed.

Mr. Jacobson said he feels the businessman has the prerogative of making a mistake.

Mr. Mark Richardson with Bermel Smaby Realtors, representing the owner of the property, Mr. Bernard Adelman,

said there had been an attempt to see if it would be possible to put together several pieces of property to make a center; however, with the improvements along Lyndale the land cost is now too high for that type of center.

Mr. Moore said land cost is normally based on anticipated return to the present owner; he suggested the owner may want too much money for the land.

Mr. Richardson said at the present time the land will bring more in a commercial use than in multiple residential and it is zoned B-2.

Mr. Moore said the Planning Commission has felt the property is not correctly zoned and the Central Area Plan recognizes the problem.

Mrs. Bernard Adelman, 8640 Lyndale Avenue, said they have lived on the property for 26 years and have been trying to sell it for a long time. She said she felt the proposed development would improve the area. Mrs. Adelman said Lyndale originally was residential and then zoned commercial and now residential zoning is proposed.

Mr. Foster said there are still some unsightly structures in the area because it is one of the oldest areas of nonresidential development. He said when zoning was initiated in 1946 for the first time in Bloomington, this area was zoned commercial. Mr. Foster said some of the residential properties in this area have been for sale for 20 years or more and few have sold. He said the property is not valuable as B-2 and, therefore, the change was recommended in the Central Area Plan to multiple family residential.

Mr. Moore said the land is not developing under the B-2 zone and previous attempts to rezone the area residential were opposed by the land owners who were speculating on the price of B-2 land. He said zoning could only be changed by a petition from the land owners to change the zoning to a classification that is developable or the City Council could initiate rezoning. Mr. Moore suggested rezoning to R-4 residential. He said hopefully there could be planned development with integration of a number of sites.

Mr. Bernard Adelman, 8640 Lyndale Avenue, said he previously had a prospect for the land and he was advised that if the building were designed according to specifications the City could not turn down a prospective buyer.

Mr. Moore said the Dairy Queen proposal is not a permitted use but is a conditional use in the B-2 zone.

He read the list of permitted uses in the B-2 zone as well as the conditional uses in that zone.

Mr. George Wettstein, 8650 Lyndale Avenue, did not object to the use but said if the restaurant does go in he would like to have a fence on the south of the proposed Dairy Queen site.

Mr. Hancer said there have been no attempts to group parcels of land in this area.

Mr. Adelman said no one contacted him for his property prior to the Great Bear Shopping Center going in.

The Planning Commission reviewed the findings in 11.13. B.1, 2 and 3.

Mr. Hancer said any development would cause a certain amount of confusion. Whether or not the use is a hazard would depend upon design.

Mr. Moore said he could not recall any permitted use that would generate a volume of 50 cars per hour.

Mr. Lyle Berg said most of the permitted B-2 uses would generate less traffic than a restaurant because most of the permitted uses have a higher dollar amount for sale. He said dairy stores and banks at certain hours can cause traffic problems. Mr. Berg said as far as site design goes, every effort was made to design the development as efficiently as possible. He said access to Aldrich was an attempt to provide the flexibility that is desirable.

Mr. Foster said the Hennepin County District Court recently stated that because a permitted use would generate more traffic than a conditional use is not a reason to approve the conditional use.

Mr. Andruss said the Great Bear Shopping Center, as a similar situation, abuts a residential zone and has been a continual source of irritation.

Mr. Moore said the access to Aldrich Avenue would be necessary and the resultant traffic would adversely affect neighboring residential uses.

Mr. Foster said the findings in 11.13 are considered absolutely minimum and that is why he brought up the general purpose and other clauses in the ordinance specifically.

Mr. Leipold said it is possible a B-2 use could start development of the area; however, may preclude orderly development and the proposed use may be a deterrent to

Item #6 continued  
Case 7831A-72

the development of compact centers in the B-2 zone.

Mrs. Houle said she felt there must be some permitted business that could develop on the property without the necessity for another fast food establishment on Lyndale Avenue.

Mr. Jacobson said the primary question to him is the traffic problem involved.

M/Hancer, S/Andruss to close the hearing. Motion carried 7-0.

M/Hancer, S/Houle in Case 7831A-72 recommending denial of the conditional use permit for a restaurant at 8640 Lyndale Avenue based on being unable to make the findings in 11.13.B.1 and 2 and also because the proposed development is in direct conflict with the adopted Central Area Plan. Motion carried 7-0.

Item #7  
Ellerbe Architects  
Case 7727B-72  
Final development plan  
8001-8101 34th Avenue

11:35 p.m.

Mr. Foster said approval is requested of the final development plan for the entire Appletree Square project at 34th and 80th Street. Plans were previously approved for the first phase 15 story office building and the second phase development of the parking structure which are under construction.

Major elements included in the final development plan are a 400 unit, 20 story motel, an 8 story office building expandable to 15 stories and two phases of housing construction with a total of 600 units -- 95 units are proposed to be condominium and 505 conventional rental apartments.

Mr. Foster said no plans have been submitted for the motel, second office building or any of the Phase II housing and recreation structures and final development plan approval for the entire project could not be given without the additional plans.

The major difference from the overall preliminary development plan approved by the Planning Commission on March 16, 1972 is the increase in proposed residential units from 356 to 600. The initial development plan indicated a parking structure for 1450 cars; however, the plan eventually approved contains 2500 cars.

The Natural Resources Commission discussed the project at their meeting of January 2, 1973 and made recommendations concerning the 760 contour, erosion and status of park dedication in relation to the scenic easement.

Mr. Van Housen, Vice President of Landmark Development Corporation, said Landmark Development Corporation will

CITY OF BLOOMINGTON  
2215 WEST OLD SHAKOPEE ROAD  
HENNEPIN COUNTY, MINNESOTA 55431

CITY COUNCIL MEETING

Approved Minutes  
Study Meeting  
Meeting

7:00 p.m.  
February 12, 1973  
Council Chambers

Call to Order The meeting was called to order by the Mayor James M. King.

Pledge to Flag Mayor King led the Council and the audience in the pledge of allegiance to the flag.

Roll Call Present: Mayor King, Councilmen C. Allen, J. Anderson, W. Belanger, R. Darr, J. Malone and J. O'Neil.

Proclamation Re The Council was requested to consider adopting a proclamation naming the week of February 18 to 25 as Bloomington Scholarship Week and urging all persons to support the Bloomington Scholarship Foundation, Inc. The proclamation was read by the City Clerk after which motion was made by O'Neil, seconded by Belanger, and all voting aye to adopt the proclamation.

Approval of Minutes The Council was requested to consider approving the minutes of the Council meeting of January 22, 1973. Motion was made by Allen and seconded by Belanger to approve these minutes as printed. All voted aye except O'Neil, who abstained due to absence, and the motion carried 6-0-1.

Conditional Use Permit for Restaurant Case 7831A-72 Item 3.1 The Council was requested by International Dairy Queen to consider approving a conditional use permit for a restaurant at 8640 Lyndale Avenue in a B-2 zone.

The Planning Commission at its meeting of January 18 recommended denial of the conditional use permit based on being unable to make the findings in Section 11.13.B.1. and 2. and also because the proposed development is in direct conflict with the adopted Central Area Plan.

A public hearing on this request for conditional use permit was held on January 29, the hearing was closed and a report was requested from the Staff for consideration at the February 12 meeting.

The Staff report had been submitted to the Council prior to the meeting. Mayor King asked if the Staff had any additional comments. The Acting Planning Director reiterated what had been pointed out previously, that the Staff did not believe that the findings necessary for a conditional use permit could be made in the affirmative. In addition, he said this proposed use conflicts with the Central Area Plan which has been adopted by the City.

Allen noted that he had reviewed the items listed under the purposes of the Zoning Code and was unable to find in the affirmative in items 2, conservation of the value of land and buildings; 4, avoidance of business failures through improper location, and 6, compatibility between different land uses. He said his major question was whether another restaurant of this type is good planning, and he couldn't feel that it is.

Mayor King reviewed the findings in Section 11.13.B.1, 2 and 3 to be made in the affirmative to grant a conditional use permit. Under item 1, "the proposed use will not cause traffic hazards or congestion," the Council found that it would because of the large number of cars that will be generated daily at an already busy section of Lyndale Avenue. Under 2, "adjacent residentially zoned land will not be adversely affected because of traffic generation, noise, glare or other nuisance characteristics," Darr commented that in the

past it has been found that there is a problem with this type of use when it is adjacent to a residential area. He said the use becomes a nuisance because of such things as paper blowing about, noise of cars coming and going, and noise of patrons outside the establishment.

In reviewing item 3., "existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of nonshopping traffic or general unsightliness," Malone said there could be general unsightliness because of paper blowing about.

O'Neil asked what permitted uses would be allowed on this property and the Mayor read from the listing in the Zoning Code. O'Neil commented that either this land should be rezoned or a permitted use should be found for it so it can be used. Darr suggested that an attempt should be made to combine some of the properties in this area so they can be used to their best potential.

King said he would be against approval of the conditional use permit because he couldn't make the findings in Section 11.13.B.1., 2. and 3; because the use would be in conflict with the Central Area Plan, and because it would be in conflict with the overall purposes of the Zoning Code Section 4.01. Motion was made by King, seconded by Malone, and all voting aye to instruct the City Attorney to draft a resolution setting forth the above reasons for denying the request for conditional use permit for the International Dairy Queen at 8640 Lyndale Avenue, which resolution will be acted upon by the Council at its next meeting.

Consider Ordering  
Improvement 1973-3  
Utility Improvement  
Project  
Item 3.3

The Council was requested to consider ordering improvements for the 1973-3 Utility Improvement Project. The Council was furnished with a report of the public hearing on January 29 together with the recommendations of the Public Works Department.

The following action was taken:

1. Chicago Avenue South - East 78th Street to East 79th Street

Recommendation of the Public Works Department was to order as proposed.

Following discussion, motion was made by Anderson, seconded by Darr, and all voting aye to delete from the project.

2. East 88th Street - Portland Avenue to Park Avenue

Recommendation of the Public Works Department was to order as proposed.

Motion was made by Belanger, seconded by Anderson, and all voting aye to order for construction.

3. River Ridge Road - East 89th Street to Terminus

Recommendation of the Public Works Department was to order as proposed.

Following discussion of the petitions against this portion, motion was made by Anderson, seconded by Malone, and all voting aye to delete from the project.

4. Blaisdell Avenue - West 100 $\frac{1}{2}$  Street to West 101st Street
5. West 98th Street (So. Service Road) - E/L Sally Appelbaum to Collegeview Road
6. Southgate Drive - West 98th Street to France Avenue
7. East 105th Street - Stevens Avenue to 2nd Avenue

Recommendation of the Public Works Department was to order as proposed.

Motion was made by Malone, seconded by Anderson, and all voting aye to order for construction.

Conditional Use  
Permit for Addition  
to Restaurant  
Case 4986D-73  
Item 6.1

The Council was requested by Kraus-Anderson of St. Paul to consider approving a conditional use permit to allow an addition to the existing McDonald's Restaurant at 8040 Nicollet Avenue in a Retail Business (B-2) zone. Approximately 3,800 square feet of building area is to be added along with 58 parking spaces in the northwest corner of the site.

The Planning Commission at its meeting of February 1 recommended approval of the conditional use permit based on being able to make the findings in 11.13.B.1. and 3. and subject to the following conditions:

1. drainage be approved by the Engineering Division,
2. parking and circulation be approved by the Traffic Engineer,
3. a continued attempt be made to provide access northerly to 79th Street

Following discussion, motion was made by O'Neil, seconded by Allen, and all voting aye to approve the conditional use permit for expansion of McDonald's Restaurant subject to compliance with the conditions set forth by the Planning Commission.

Consider Proposal  
for Preliminary  
Design of Mt. Norman-  
dale Lake  
Item 4.9

The Council was requested to consider a proposal by Barr Engineering for the preliminary design of Mt. Normandale Lake as submitted to the Nine Mile Creek Watershed District. Copies of the proposal were submitted to the Council prior to the meeting. The Council had also received a communication from the Natural Resources Commission asking that they be allowed to review this proposal before a final decision is made.

Following discussion, motion was made by O'Neil and seconded by Anderson to refer this matter to the Natural Resources Commission for their review. There was no vote and the motion was withdrawn after the Public Works Director indicated that what was being requested was a preliminary design which can be reviewed by the Natural Resources Commission prior to proceeding with the final design.

Motion was made by Anderson, seconded by Darr, and all voting aye to authorize Barr Engineering to proceed with the preliminary design and hydrological study of Mt. Normandale Lake according to their proposal submitted to the Nine Mile Creek Watershed District.

Resolution re  
Conditional Use  
Permit for Dairy  
Queen Restaurant  
Item 5.12

The Council was requested to consider adopting a resolution setting forth the Council's reasons for denial of a conditional use permit for a restaurant at 8640 Lyndale Avenue South as requested by International Dairy Queen Association. The Council at its meeting of February 12 had considered the request for conditional use permit and after lengthy consideration had instructed the Acting City Attorney to draft the resolution incorporating the reasons for denial, including that the Council was unable to make the necessary findings in Chapter 11.13 of the City Code in the affirmative, because the plan was in conflict with the stated purposes of the B-2 zone, and because the plan was in conflict with the Central Area Plan.

The Council was advised that on page 3 of the resolution in the fourth sentence under 2.a. the word "east" should be changed to "west." Following discussion, motion was made by Allen and seconded by Belanger to adopt the resolution as amended. All voted aye except O'Neil, who abstained, and the motion carried 6-0-1.

Boards and Com-  
missions' Communiques  
Item 7.1

The Council was requested by the Planning Commission to consider scheduling a joint meeting with that group for Tuesday, February 27, for the purpose of clarifying the scope of planning activities in the Central Business District. Following discussion, motion was made by Malone, seconded by Anderson, and all voting aye to schedule a joint meeting with the Planning Commission at 6:30 p.m. Monday, February 26, preceding the regular Council meeting.



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CITY OF BLOOMINGTON

PLANNING COMMISSION

April 11, 1974

Members present:

Chairman Hancer, Commissioners Jacobson, Andruss, Houle, Reiter and Campion. Staff present: Foster, Smith, Mood, Larsen, Doyle and Saunders.

Items #1 and 2

City of Bloomington

Case 7937A-74

86th to 90th Streets from  
Lyndale to Bryant Avenues  
Rezone R-3 and B-2 to R-4  
and R-4(PD)

Case 7937B-74

86th to 89th Streets from  
Lyndale to Aldrich Avenues  
Rezone B-2 to B-1

7:45 p.m.

Mr. Foster said this item was continued from the meeting of March 14, 1974 to allow consideration of the extension of Aldrich Avenue and an alternate possibility of rezoning this area from B-2 to a Limited Business zone (B-1). Although multiple dwellings are a permitted use in the B-1 zone, such a change in the zoning would probably not encourage their development to any extent since they are a conditional use in the existing B-2 zone and there has been very little attempt in the past to develop them in this area. An advantage of rezoning this area to B-1 would be the elimination of all types of restaurants and most types of commercial uses as permitted or conditional uses. The staff would, however, still recommend that the Planning Commission deny the rezoning from R-3 and B-2 to B-1 and that instead the Commission recommend approval of rezoning from R-3 and B-2 to R-4. This would bring the zoning in this area into compliance with the recommendations of the Central Area Plan and encourage implementation of those recommendations. During the course of these hearings, no testimony has been presented that would indicate that the recommendations of the Central Area Plan should be changed. It appears the objection to the implementation of that plan is the fact that many property owners along Lyndale Avenue feel their property would be worth less zoned R-4 as compared to the current B-2 zoning.

Mr. Campion said he feels Lyndale Avenue should be a commercial street and he would prefer to have commercial zoning on Lyndale Avenue with a buffer area to prevent the commercial zoning from extending beyond Aldrich Avenue. He said he does not see the purpose of rezoning the area to R-4.

Mr. Foster said he does not believe the City should encourage development of additional commercial uses along Lyndale Avenue because existing retail facilities immediately to the north and south more than provide for the shopping needs of this area. Mr. Jacobson said he feels the B-2 zoning is preferable over the B-1 as the B-2 allows more types of businesses as permitted uses. He stated he believes the Central Area Plan should be changed to conform to the current B-2 zoning in the area. Mr. Hancer pointed out the current zoning is not the best

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CITY PLANNING COMMISSION  
Bloomington, Minnesota

Items #1 and 2 continued  
Case 7937A-74  
Case 7937B-74

for the area since only two restaurants have been developed out of the many types of businesses that are allowed uses in that zone. Mr. Andruss said the Commission's decision on which action to take is made more difficult by the fact that they are dealing with several separate parcels of land.

There was some discussion concerning development of the properties along Lyndale Avenue. Mr. Foster said that one of the things that would encourage development would be the combination of some of the parcels to allow development of a larger scale, such as a multiple-family development.

Mr. Foster said there is no need for additional commercial sites along Lyndale Avenue. Mr. Campion said he feels the reason the properties have not been developed is because of the price being asked for the land.

Mr. Jacobson said he believes Aldrich Avenue should be extended to enable the property owners to develop the sites as the dedication for the street would reduce the size of the sites.

Mr. Bernard Adelman, 8640 Lyndale Avenue, wanted to know how the staff had determined that the present price of the properties in question was too high. Mr. Foster said he based his decision on the fact that the land has been zoned for commercial development since 1946 and no permitted development has taken place, while many other commercial areas in the area have developed in accordance with the purpose of the B-2 zoning district.

Mr. Adelman said he objected to not being personally notified when the hearings on the Central Area Plan were being held. He said he feels that the zoning on both sides of Lyndale Avenue should be the same. Mr. Adelman suggested extending Aldrich Avenue through the area as far as the property owners will allow.

Mrs. Dawn Adams, 8308 Lyndale Avenue, said the homeowners of the area are simply asking help in being able to sell their homes and get their money out of them. She suggested the City look into obtaining federal aid for urban renewal.

Mr. R. Hollinbeck, 8726 Aldrich Avenue, said he feels that Aldrich Avenue should be extended.

Mrs. Houle and Mr. Reiter  
arrived at 8:50 p.m.

Mr. Jacobson suggested that the property owners favoring the extension of Aldrich Avenue prepare a petition. He said this would determine exactly what the feelings are of each of the property owners concerning the extension of Aldrich Avenue.

Items #1 and 2 continued  
Case 7937A-74  
Case 7937B-74

Mrs. Wesley Stenerson, 8741 Bryant Avenue, said she feels that the extension of Aldrich Avenue would be the solution to many problems in the neighborhood.

Mr. Don Anderson, representing 8654 Lyndale Avenue, requested information concerning the cost of putting a new street in. He also asked if it was legal for a city to devalue property through rezoning without compensating the property owners for the difference in price. Mr. Foster said in this case, the cost for installing a new street would be approximately \$50 per front foot. He stated he did not think there would be grounds to require compensation of property owners in the case of rezoning the land.

Mr. Edward Tuma, 8710 Lyndale Avenue, said it is very questionable whether he would gain anything from the street being extended due to the assessments and he said he believes many of the other neighbors also feel that way. He said he feels that Lyndale Avenue should remain commercially zoned.

Mr. Ed Paster, Paster Enterprises, 8736 Lyndale Avenue and 8736 Aldrich Avenue, said he would like to have the area maintained as commercial. He said he feels that Aldrich Avenue eventually will be extended when it is economically feasible.

M/Jacobson, S/Andruss, in Case 7937A-74 and Case 7937B-74, to close the hearings. Motion carried 6-0.

M/Jacobson, S/Campion, to recommend that the Central Area Plan for that portion of Lyndale Avenue between 86th Street and 8820 Lyndale Avenue be changed to allow retail business uses between Lyndale Avenue and Aldrich Avenue extended which is now zoned B-2. Motion failed 3-3, with Reiter, Houle and Hancer opposed.

There was considerable discussion concerning whether or not the Central Area Plan should be changed to show uses as they presently exist. Mr. Foster said he does not feel there has been enough study to indicate that the Central Area Plan should be changed to show an additional 12 acres of land for retail commercial uses in this area.

M/Houle, S/Reiter, in Case 7937A-74, to recommend rezoning from R-3 and B-2 to R-4 of the area from 86th Street to 8820 Lyndale Avenue and for part of the area from Lyndale Avenue to Bryant Avenue as advertised. Motion failed 3-3, with Andruss, Jacobson and Campion opposed.

Mr. Campion said he still does not feel the area should be zoned for multiple dwellings. Mr. Andruss stated he does not feel the area will develop with multiple dwellings.

Items #1 and 2 continued  
Case 7937A-74  
Case 7937B-74

M/Campion, in Case 7937B-74, to continue until such time as the item is placed back on the agenda. Motion died for lack of a second.

M/Jacobson, S/Andruss, in Case 7937B-74, to reopen the hearing for the purpose of considering the B-1 zoning. Motion was later withdrawn.

In answer to Mr. Reiter's question, Mr. Foster pointed out generally which uses are allowed in the B-1 zoning district and said that zone does not allow retail business uses. Mr. Jacobson said he feels the B-1 zoning district is not satisfactory for this area as it is too restrictive.

M/Jacobson, S/Campion, in Case 7937A-74 and Case 7937B-74, to continue action on the cases to May 2, 1974 to allow for full representation of the Planning Commission. Motion carried 6-0.

Item #4  
PD-140  
Discussion concerning  
proposed noise ordinance

10:25 p.m.

Mr. Foster said this item was continued from the meeting of March 14, 1974 to allow the staff to make several revisions to the proposed noise ordinance which were suggested during the course of that hearing. Mr. Robert Mood and Mr. Robert Larsen were present at this meeting to discuss those changes and Mr. Foster said they are prepared to recommend to the Commission that they forward this matter to the City Council with a recommendation for approval.

Mr. Robert Mood, Building and Inspection Division, pointed out the changes that were made to the noise ordinance.

M/Andruss, S/Campion, in PD-140, to recommend the following additional changes be made--deletion of the last three words, "at reasonable cost," in Section 166.03.A.2 and deletion of the last three words, "at reasonable cost," in Section 166.03.A.3. Motion carried 6-0.

There was some discussion concerning the use of noise meters.

Mrs. Dawn Adams, 8308 Lyndale Avenue, stated she is very happy with the proposed noise ordinance as it is now. She said she hopes that something will be done through the noise ordinance to correct the noise and traffic problems on Lyndale Avenue.

There was discussion concerning the requirement of a noise impact statement. It was felt by the Commission that a noise impact statement may be required of a new developer, but not of the present developers.

M/Andruss, S/Jacobson, in PD-140, to recommend approval of the proposed noise ordinance including the two changes made in the previous motion. Motion carried 6-0.

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Item #2 continued  
PD-135F

Please also recall that the suggested change to the ordinance will affect all B-2 districts in the City, not simply the property at 8640 Lyndale Avenue which is of interest to Car-X Systems. This point was mentioned several times during your January 8th meeting on this matter, by the staff and the Planning Commission.

#### QUESTIONS

Two questions are before you this evening. First, should the B-2 district regulations be amended to permit "muffler shops" as a conditional use? And second, should the ordinance be revised to exclude "muffler shops" from being placed in planned shopping centers?

At your previous meeting on this item, you answered the first question in the affirmative. With respect to the second question, no previous discussion has been held. The staff would, however, remind the Commission that we are not discussing ordinance revisions for the benefit of Car-X Systems at 8640 Lyndale Avenue inasmuch as the City Council's original charge was "conduct necessary public hearings and consider the possible amendment of the B-2 retail business district regulations to allow muffler shops."

#### OPINION

It is the staff's opinion that the requirement for automobile service uses to be located in a planned shopping center is valid and in keeping with the purpose and intent of the B-2 district. We are not of the opinion that your previous recommendation was incorrect.

#### RECOMMENDATION

The staff suggests that your previous recommendation to revise Section 7.07.I.C of the zoning ordinance to include muffler shops (sales and installation) as a conditional use be reaffirmed. We further suggest that the finding in Section 11.13.B.4, requiring automobile service uses to be placed in a planned shopping center, not be altered.

Item #4 - Countryside West, a residential development, Orrin E. Thompson Construction, 100th to 106th Streets between CSAH 18 and East Bush Lake Road (Case 8109A-76)

Gasterland briefly described the proposal. Hawbaker reviewed location of parks and streets. Nelson commented that the southerly cul-de-sac is longer than the City Code allows. The Committee discussed the possibility of limiting access onto 102nd Street. Gasterland did not think it would make much difference in Fire Department response time. Nelson noted that Outlot B of the Graham Properties Company development to the west has been reserved for a future intersection and possible ramp. Enney mentioned that water lines can be looped between various cul-de-sacs.

Recommendations of the Committee:

- 1) excessive lengths on cul-de-sacs should be discouraged,
- 2) street names should be changed to conform to the City Code, and
- 3) further review of utility layouts by the Fire and Life Safety Committee at the time of preliminary plat consideration.

(PC 4/15/76--concept plan)

Item #5 - Cub, Inc., retail food sales, 7900 Cedar Avenue (Case 7948E-76)

Gasterland said the former GEM building is proposed to be divided for use by Cub, Inc. for a grocery store and for a shoe store. He said the building is sprinklered and added that the staff should review the building plans.

Recommendation of the Committee:

Detailed plans be submitted for review by the Fire and Life Safety Committee since the building will be divided for separate uses, and final site plan and building plans receive staff approval prior to issuance of building permits. (PC 4/22/76)

Item #6 - CarX Service Systems, Inc., proposed muffler shop, 8640 Lyndale Avenue

Gasterland said the fire zone requires the proposed structure to be sprinklered or have one-hour rated construction throughout. Berg mentioned a future possible joint driveway with the property on the south. He said additional right-of-way, sidewalk, bikeway and utility easements are required.

Recommendations of the Committee:

- 1) building be totally sprinklered,
- 2) exterior lighting and security be reviewed and approved by the Crime Prevention Officer, Bloomington Police Department, and
- 3) traffic circulation be reviewed and approved by the Traffic Engineer

Year-End Appropriations  
Item 7.4

The Council was requested to consider certain year-end appropriations. A report detailing proposed allocations was submitted to the Council by the City Manager. He said his recommendations included \$30,000 for an addition to Fire Station #3; \$20,000 for an additional Zamboni machine for the Ice Garden; \$10,000 for equipment with an elevator mechanism to be used in maintaining traffic signals and street lights; \$15,000 in service for the Japanese garden; \$10,000 toward purchase of land or payment of utility assessment and connection for Outreach Community Center and nothing at this time for the Reach and Teach Program until it is explored further with other possible sources for funding with the intention that this be a City-operated program.

Following discussion on the various proposals, action was taken as follows:

Motion was made by Allen, seconded by Darr, and all voting aye to approve the appropriation of \$30,000 for the addition to Fire Station #3.

Motion was made by Anderson, seconded by Malone, to approve \$10,000 out of the 1975 fund balance toward the purchase of the second Zamboni machine. All voted aye, except Allen and Darr, who voted nay, and the motion carried 5-2.

Motion was made by Malone and seconded by Anderson to approve the appropriation of \$10,000 toward the equipment with the elevator mechanism. All voted aye, except Belanger and Benedict, who voted nay, and the motion carried 5-2.

Motion was made by Malone and seconded by Allen to approve \$25,000 for the Japanese garden with the work to be done by the City as proposed by the City Manager. The vote on the motion was ayes, Allen, Darr, Malone and Benedict, and nays, Belanger, Anderson and O'Neil, and the motion failed, inasmuch as a vote on such a matter would require five affirmative votes.

Motion was made by Anderson and seconded by Allen to reconsider the previous motion. All voted aye, except Belanger and O'Neil, who voted nay, and the motion carried 5-2.

Motion was made by Malone and seconded by Allen to approve \$25,000 for the Japanese garden with work to be done by the City as proposed by the City manager. The vote on the motion was ayes, Allen, Anderson, Darr, Malone and Benedict, and nays, Belanger and O'Neil, and the motion carried 5-2.

Motion was made by Anderson, seconded by Allen, and all voting aye to support Outreach Community Center with some "in kind" service such as furnishing a sump lot or something of that nature to the program, but not cash. O'Neil first indicated he would vote against the motion but voted in favor after it was explained what the intent was.

In voting against the motions for the equipment with the elevator mechanism and the Japanese garden, Belanger explained that he did not feel half of the surplus should be spent, but instead that it should go toward strengthening the City's position.

License Applications  
Item 6.1

The Council was requested to consider approving license applications per the listing attached to these minutes. Motion was made by O'Neil, seconded by Belanger, and all voting aye to approve the license applications as submitted.

Request for Ordinance  
Amending B-2 Zoning  
District  
Item 6.5

The Council was requested by Car-X Service Systems, Inc., to amend the B-2 zoning district requirements to allow a muffler shop as a permitted use at 8640 Lyndale Avenue South. The current ordinance allows "automobile accessories" as a permitted use but not the installation of those accessories. Recommendation of the Attorney's office was that this matter should be referred to the Planning Commission for their recommendation.

Following discussion, motion was made by O'Neil, seconded by Belanger, and all voting aye to refer this matter to the Planning Commission.

Authorize Purchase of  
Police Patrol Cars  
Item 6.6

The Council was requested to consider whether it wished to order Positraction for the 10 Police patrol cars which were approved for purchase by the Council at its meeting of December 8. At the time the bid was accepted under the Hennepin County purchasing contract, contract to be awarded to Iten Chevrolet Company at a cost of \$4,453.93 each, question had been raised as to whether or not the Positraction should be an added feature. The Maintenance Supervisor reviewed this matter with the Police Department and his recommendation, based on their response, was that Positraction was a desirable feature and could be added at a cost of \$39 per unit or a total cost of \$390. Following discussion, motion was made by O'Neil, seconded by Belanger, and all voting aye to approve the purchase of the Police patrol cars with Positraction.

Park Donation Transfer  
Item 6.7

The Council was requested to consider approving the transfer of 1975 Park Donation monies in the amount of \$61,960 from the Escrow Fund to the Park Acquisition Fund. The City Manager proposed that \$25,000 from the fund be transferred to the Park Development Fund to pay for the cost of drilling a well at Dred Scott Playfield for watering the grass. He indicated City water is available there but that it would be too expensive to use this water for grass-watering purposes.

Item #5 continued  
Case 3767A-75

- 1) compliance with the four Fire and Life Safety Committee recommendations of December 17, 1975;
  - 2) grading, drainage and utility plans be approved by the City Engineer.
- Motion carried 6-0.

Item #6  
City of Bloomington  
PD-135F  
Consideration of amending  
the retail commercial  
B-2 zoning district to  
allow automobile muffler  
shops as permitted uses

9:38 p.m.

Mr. Walton said the City Council directed the Planning Commission to conduct public hearings on amending Section 7.07.I.A of the zoning ordinance dealing with the B-2 retail business district to include muffler shops as a permitted use. Although this request was originated by Car-X Service Systems, Inc., who are interested in locating at 8640 Lyndale Avenue, any amendment of the ordinance would concern all present and future B-2 zoned land in the City. As presently written, he said, the portion concerning uses permitted in the B-2 zone lists the sales of automobile accessories, but does not include installation of those accessories.

As one approach, Mr. Walton suggested the inclusion of the words "and installation" in the second paragraph of Section 7.07.I.A.1, if the Planning Commission feels that few problems would develop if this type of facility were a permitted use. He noted that all types of automobile accessories must be considered in that instance and it may be better to place "installation of automobile accessories" as a conditional use in order to provide more effective control over site and building plans, buffering and screening considerations for adjacent properties. He stated that this type of use is presently listed as a permitted use in the B-3 and I-3 zoning districts.

Mr. Walton said the staff recommends that any consideration of such a use in the B-2 retail business district be as a conditional use.

Mr. Andruss noted that several similar uses, such as service stations and tire dealerships, are already located in B-2 zoning districts. Chairman Hancer pointed out that those particular uses are considered parts of shopping centers.

Mr. Andruss stated that, in view of the existence of those uses, he does not understand why the Zoning Code should be changed at this time. Mr. Walton informed the Planning Commission that a party has approached the City in regard to locating a muffler shop in a B-2 zoning district, but such a use is currently not allowed in the B-2 zone. He added that tonight's consideration is to whether the zoning ordinance should be changed to allow such uses.

Chairman Hancer expressed his opinion that installation of mufflers is very similar to repair, as mufflers usually are not installed unless another one is defective.



Chairman Hancer asked if the Planning Commission is of the opinion that muffler shops should be conditional uses or permitted uses. Mr. Andruss and Mr. Fillbrandt both expressed the belief that the use should be conditional. Chairman Hancer said he feels that inclusion of the use as a conditional use has some merit, as there will be circumstances that necessitate the attachment of conditions.

Mr. Pat Delaney, attorney representing Car-X Service Systems, Inc., stated that they have discussed the proposal with the City Attorney. He noted that representatives for the applicant are present to give detailed presentations on the proposed use.

Mr. Robert Guildo, attorney representing Car-X Service Systems, Inc., presented a summarization of the proposed building design, landscaping, utility needs and the projected traffic generation. He discussed a sketch of the proposed building and noted the land uses surrounding the property at 8640 Lyndale Avenue.

Mr. Gale Wakefield, Director of Real Estate for Car-X Service Systems, Inc., in response to questions from Mr. Guildo, stated that the company is the only one in this type of business which is not diversified, as the business consists strictly of exhaust systems. He commented that the company is four years old and now has approximately 100 stores throughout the United States and Canada.

Mr. Wakefield stated that less than five percent of their business is of the carry-out type, as the majority of sales also include the installation of the equipment. He said that all work is done inside the building and that there is no outside storage. He indicated that the company has contemplated the addition of an accessory sales area which would include items that would not be installed on the site. He added that the shops have an average of 25 customers per day.

Chairman Hancer asked the dollar amount of the average sale. Mr. Wakefield replied that each sale averages \$50 to \$55.

Mr. Wakefield stated that most of the muffler shops in the company's chain are approaching sales of \$300,000 per year. He said the company has experienced no problems with locating stores near similar uses in an area. He stated that there is no outside, overnight parking, as the customers' business is usually completed within 30 minutes. He said the company believes that a store on Lyndale Avenue would be very successful, due to the location and the traffic volume on the street.

Chairman Hancer inquired about the ownership of the shops. Mr. Wakefield replied that many of the shops are individually owned, but said that this shop will probably be company owned.

Chairman Hancer noted that the company anticipates that the proposed store will be very successful, which could also indicate that a large amount of trash and debris will be visible. Mr. Wakefield stated that an enclosed trash area will be constructed and the trash will be collected at regular intervals.

Mrs. Houle asked if additional accessory sales would also be permitted if the ordinance is changed to allow muffler shops as permitted or conditional uses. Mr. Walton pointed out that the sale of accessories is already permitted, but the installation of those accessories is not. Mr. Wakefield stated that the company is willing to eliminate the proposed accessory sales portion of the operation.

Mr. Guildo expressed his opinion that the proposed muffler shop is a reasonable use of the property and noted the difficulties experienced by the property owner in attempting to sell the property. He said he does not believe that the shop will have much of an impact on the surrounding area. He said the allowance of such uses as conditional uses will be satisfactory.

Mr. Reiter asked if there is any history of a similar use located in a B-2 zone. Mr. Doyle said that the only existing similar use not located in a shopping center that he remembers was located in a B-3 zone. He said the City has received a number of inquiries concerning locating uses involving the installation of automobile accessories in B-2 zoning districts in the past several years.

Mrs. Houle stated that she would favor allowing muffler shops as conditional uses which would allow the attachment of conditions for control purposes. Chairman Hancer said he believes a muffler shop to be an appropriate use, particularly as a conditional use. He said he would prefer that the properties along Lyndale Avenue develop appropriately.

Mr. Guildo stated that Car-X Service Systems, Inc. will amend its application to comply with any recommendations of the Commission. He added that the impact of the shop on surrounding uses will be less than most other similar uses.

M/Houle, S/Andruss, to close the hearing. Motion carried 6-0.

Item #6 continued  
PD-135F

M/Houle, S/Fillbrandt, in PD-135F, to recommend amending Section 7.07.I.C of the zoning ordinance, concerning B-2 retail business districts, to include muffler shops (sales and installation) as a conditional use. Motion carried 6-0.

Adjournment

M/Houle, S/Andruss, to adjourn. Motion carried 6-0 and meeting adjourned at 10:37 p.m.

APPROVED \_\_\_\_\_

James Hancer, Chairman

Item #2

Consider amendment of B-2  
retail business district  
regulations to allow  
muffler shops as a  
conditional use  
PD-135F

8:03 p.m.

Mr. Walton reminded the Planning Commission that their recommendation, made at the January 8, 1976 meeting, was to add muffler shops (sales and installation) as a conditional use in B-2 zones. The City Council considered that recommendation on January 26, 1976 and noted that Section 11.13.B.4 of the zoning ordinance states that "any automobile service use in a retail business (B-2) district shall be part of a planned shopping center." Mr. Walton said that section was overlooked by the staff and the Council has returned this matter to the Planning Commission for additional deliberation. He stated that the purpose of the B-2 retail business district, as stated in Section 7.07.I of the City Code, indicates that it is intended to serve as shopping center locations. Further, he said, the overlooked Section 11.13.B.4 reinforces the purpose of the B-2 district regulations by requiring "automobile service uses" to be located in planned shopping centers.

Mr. Walton emphasized that the suggested change to the ordinance will affect all B-2 districts in the City, not simply the property at 8640 Lyndale Avenue which is of interest to Car-X Service Systems, Inc. He pointed out that the Planning Commission must consider two basic questions concerning this matter: Should the B-2 district regulations be amended to permit muffler shops as a conditional use? and, Should the ordinance be revised to eliminate the requirement that muffler shops be placed in planned shopping centers? He added that the Planning Commission previously indicated an affirmative response to the first question.

Mr. Walton suggested that the Commission's previous recommendation to revise Section 7.07.I.C of the zoning ordinance to include muffler shops (sales and installation) as a conditional use be reaffirmed and that the finding in Section 11.13.B.4, requiring automobile service uses to be placed in planned shopping centers, not be altered.

Mr. Bartels questioned the difference between automobile repair shops and muffler shops. Mr. Walton pointed out that the City Code allows sales and repair of automobile accessories, but does not permit the installation of those accessories.

Vice-chairman Andruss noted that muffler installation work is currently being done in service stations, which are allowed in the B-2 zone. Mr. Bartels expressed his opinion that muffler shops should be classified as automobile repair shops, as they would then be allowed in the zone.

Mr. Michael O'Rourke, attorney representing Car-X Service Systems, Inc., noted the finding in Section 11.13.B.4 which requires automobile service uses to be

located in planned shopping centers. He pointed out that there is very little developable land remaining in B-2 districts within the City which would be suitable for muffler shops.

Mrs. Houle commented that she has no strong feelings concerning whether the use should be allowed as a permitted or conditional use. Mr. O'Rourke stated that the applicant would be willing to amend the application in any manner to allow location of the use on the site at 8640 Lyndale Avenue.

Mr. Walton suggested the addition of the words "and installation" in Section 7.07.I.A.1, to allow the listing of permitted uses to include repair and installation of automobile accessories. Mr. O'Rourke asked that the Planning Commission give consideration to that suggestion, as that would make muffler shops permitted uses in the B-2 retail business district and would not require the findings in Section 11.13.B.4 to be made.

Mr. Robert Guildo, attorney representing Car-X Service Systems, Inc., noted that the present ordinance allows the sale and repair of mufflers in the B-2 retail business district, but does not allow the installation of those accessories. He said a muffler shop is more similar to an automobile accessory use than an automobile repair shop, as no heavy repair work will be accomplished in a muffler shop. He stated that a muffler shop generates very little traffic volume, but that such a use needs to be located on busy streets. He said that it seems reasonable to allow installation of accessories when the sales and repair of the accessories are already permitted. He suggested that Section 7.07.I.A be amended to include wording to permit the installation of mufflers in the B-2 district. He said the applicant would be satisfied with the use being allowed as a conditional use in that zone.

Mrs. Houle noted that if muffler shops are allowed as a permitted use, the purpose of the B-2 zoning district, concerning location of such a use within a planned shopping center, would not be adhered to. She asked for staff opinion on the proposed permitted use. Mr. Walton stated that he was not in favor of allowing the use as a permitted use, but felt it could be allowed under the protection of a conditional use permit.

Mr. Campion expressed his opinion that, if the sales and repair of automobile accessories are allowed in the B-2 zone, installation of those accessories should also be permitted.

Mr. Ralph Nelson, attorney representing the property owner of 8640 Lyndale Avenue, stated that this property has been zoned and taxed as B-2 retail business zoning district for many years. He commented that the property

Item #2 continued  
PD-135F

Mr. Fillbrandt arrived  
at 8:40 p.m.

owner would not be willing to sell the land for multiple-dwelling use as that zoning would be worth less than the commercial zoning. He said he believes that the impact of a muffler shop on the surrounding area will be very minor and noted that other uses, which are permitted in the zone, may generate more traffic and provide more problems than the muffler shop. He added that he does not feel this site is a suitable location for multiple-family use.

Mr. O'Rourke suggested that it was not the intent, when the ordinance was originally drafted, to exclude muffler installation in this zone. He said he feels such a use should be permitted in the B-2 zone.

M/Houle, S/Andruss, to close the hearing. Motion carried 4-0-1, with Fillbrandt abstaining, as he was not present for the entire hearing.

Mr. Campion stated that automobile accessories should be allowed to be installed on a vehicle, since they are permitted to be sold and repaired in the zoning district. Mr. Andruss concurred.

Mr. Bartels said it is apparent that those persons who wrote the ordinance intended that the installation of automobile accessories be included in the B-2 zone as conditional uses.

M/Campion, S/Andruss, in PD-135F, to recommend that the words "and their installation when within a completely enclosed building" be included in Section 7.07.I.A.1 after the words "auto accessories." Motion carried 3-2, with Bartels and Fillbrandt opposed. Mr. Fillbrandt stated he is opposed to the motion as he feels that the original position of the ordinance is correct.

Item #3  
PCH Company  
Case 79750-76  
8040, 8100 and 8132 West  
Bush Lake Road; 7820  
8200 West 82nd Street;  
7901-8201 Marth Road  
Revised preliminary  
development plan

9:05 p.m.

Mr. Walton reminded the Planning Commission that the applicant previously presented revisions to 12 acres of the approved 59 acre planned development on February 5, 1976. That revision proposed 40 single-family lots to the east of Tierney's Woods Drive. He said the most recent proposal received by the staff indicates that Tierney's Woods Place has been cul-de-sacked on the north, as recommended. He noted that significant changes have been proposed on the west side of Tierney's Woods Drive--that area currently approved for multiple-family structures. Fifteen additional single-family lots are now proposed along the west curb of Tierney's Woods Drive for inclusion in Phase 1. He said that Phase 2 now consists of 30 single-family lots, and 68 quadraminium units which are located along the western edge of the site adjacent to CSAH 18.

or 79th Street is widened, with such resolution to be filed with the Register of Deeds office at the owner's expense. There was no vote on this motion. Following discussion, motion was made by Herbst, seconded by Mahon, and all voting aye to table this case to the next meeting pending a Staff report on the applicant's request.

Ordinance re Motor  
Vehicle Noise  
Regulations  
Item 4.4

The Council was requested to consider adopting an ordinance to add a new Section 166.025 to the City Code to adopt by reference the Minnesota Pollution Control Agency motor vehicle noise limits, M5C-4. Motion was made by Malone, seconded by Mahon, and all voting aye to close the hearing and adopt the ordinance.

Ordinance re Handicapped  
Parking  
Item 4.5

The Council was requested to consider adopting an ordinance to add a new Chapter 111 to the City Code to provide for parking facilities for the handicapped and further to provide restrictions for such facilities. The ordinance would make it unlawful to park in a space designated for handicapped parking unless the vehicle carries a certificate issued to the physically handicapped person by the Minnesota Department of Public Safety pursuant to M.S.A. 169.345, Subd. 2. The ordinance also provides for the approval of the location of these parking spaces at existing parking lots which have not been directed to erect them by the State Building Code. Therefore, if the owner of an already existing parking lot would wish to establish a handicapped parking area, the City could enforce the ordinance at that location if signs have been erected with the approval of the Director of the Community Development Department or an appointed representative.

The City Attorney indicated that the proposed ordinance has been reviewed by the Police Department and the Department of Community Development and approval is recommended. O'Neil asked if there was any provision made for persons who are temporarily disabled and would not have the State certificate. Mr. Gandrud said there was no provision made for such persons at the present time.

Following discussion, motion was made by Malone, seconded by Darr, and all voting aye to close the hearing and adopt the ordinance.

Ordinance re Permitted  
Uses in B-2 Zoning  
Districts  
Item 4.6

The Council was requested to consider adopting an ordinance to amend Section 7.07 of the City Code as it relates to permitted uses in Retail Business (B-2) zoning districts in the City. The Planning Commission at its meeting of February 26, 1976, had recommended adoption of the ordinance.

Speaking in favor of the proposed ordinance were Michael O'Rourke and Robert Gildo, representing Car-X Systems, and Ralph Nelson, attorney for Bernard Adelman, who owns property on Lyndale Avenue near 86th Street, where Car-X Systems intends to locate.

Following discussion, motion was made by O'Neil and seconded by Malone to close the hearing and adopt the ordinance. The vote on the motion was ayes, Mahon, Herbst, Spies, O'Neil and Malone, and nays, Belanger, Darr and Benedict, and the motion failed 5-3 inasmuch as 6 affirmative votes are required on a zoning ordinance.

Further discussion was held on what was encompassed in the ordinance change after which motion was made by Benedict and seconded by Malone to reconsider the previous motion. All voted aye, except Belanger and Darr, who voted nay, and the motion carried 6-2. Motion was made by Malone and seconded by Benedict to close the hearing and adopt the ordinance. The vote on the motion was ayes, Mahon, Spies, Herbst, O'Neil, Malone and Benedict, and nays, Belanger and Darr, and the motion carried 6-2. Belanger said he opposed the motion because the effect of the ordinance amendment would be to turn every B-2 district into a B-3 district in making the proposed use a permitted use in a B-2 zone, with which Darr agreed, adding that the purpose of the B-2 zone is to promote shopping center uses and automobile uses. He said this particular installation will be a B-3 use in a B-2 zone.

Stadium Proposal

The City Manager said that a compromise Stadium proposal is being prepared by Bloomington legislators together with legislators from other communities which calls for formation of an independent committee of three persons who would review both of the proposed sites for a Stadium (Industry Square and Bloomington) and determine which would be better suited as the site for a new stadium. He said a statement had been issued by both the Twins and the Vikings that they would remain in Minnesota and would play in either Minneapolis or Bloomington if the proper facilities were provided.

He said the bill which is being proposed would provide for funding of \$50,000,000 with G.O. backing and that \$1,500,000 would be made available to the committee to work with in having all of the necessary studies prepared, including environmental impact statements and traffic analyses. He said it being proposed that a 2% tax on on-sale liquor would be levied in the seven-county metro area for additional financing. The 3% admissions tax presently levied by Bloomington would be removed from here and transferred to the ultimate site, and the estimated \$330,000 of funding that the City would lose would be added to the City's levy base. The tax would not be removed until January 1, 1977, so would not affect the City's present budget year. He said it had been suggested that the committee could be appointed by the Governor but because the cities of Minneapolis, Bloomington and Richfield may be given veto power over the nominees that the choice might have to be made by a non-elected official such as the chairman of the Metro Council.