

November 6, 2001

Thomas Grossman
Freeway Ford, Inc.
40 Metro Management, Inc.
2625 Metro Boulevard, Suite 300
Edina, MN 55439

RE: Case 5147ABCD-01

Dear Mr. Grossman:

At its regular meeting of November 5, 2001, the City Council adopted resolutions approving variances to: 1) increase height of sign from 20 feet to 26 feet (Case 5147A-01); 2) increase sign area from 75 square feet to 100 square feet (Case 5147B-01); 3) increase total site sign area from 350 square feet to 570 square feet (Case 5147C-01); and 4) reduce sign setback from 20 to two feet inside the planned widened right-of-way (Case 5147D-01) at 9700 Lyndale Avenue, subject to the following conditions::

- 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.

5147 A - D 01

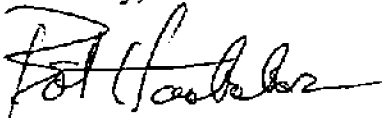
Thomas Grossman
November 6, 2001

Page 2

PL2026-72
PL202600072

Should you have any questions regarding this action, please contact Galen Doyle, Planner at 612-948-8924. Before any construction work begins, you must obtain all required building permits. Please contact the Building and Inspection Division at 612-948-8930 to discuss the requirements for building permit application.

Sincerely,



Bob Hawbaker
Senior Planner

planning\pc\xmit01\5147ABCD01.doc

5147 A-D 01

February 6, 2002

Mr. Thomas Grossman
Freeway Ford, Inc.
40 Metro Management, Inc.
2625 Metro Boulevard, Suite 300
Edina, MN 55439

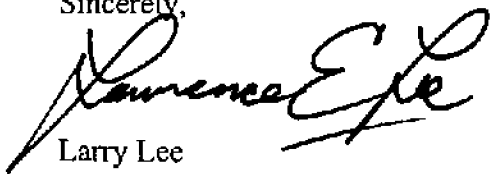
RE: Case 5147ABCD-01

Dear Mr. Grossman:

At its regular meeting of February 4, 2002, the City Council re-adopted the corrected resolution approving variances to: 1) to increase height of sign from 20 feet to 26 feet (Case 5147A-01); 2) to increase sign area from 75 square feet to 100 square feet (Case 5147B-01); 3) to increase total site sign area from 350 square feet to 570 square feet (Case 5147C-01); and 4) to reduce sign setback from 20 feet to two feet inside the planned widened right-of-way (Case 5147D-01) at 9700 Lyndale Avenue as submitted in order that it may be properly filed with Hennepin County.

Should you have any questions regarding this action, please contact Galen Doyle, Planner at 952-563-8924. Before any construction work begins, you must obtain all required building permits. Please contact the Building and Inspection Division at 952-563-8930 to discuss the requirements for building permit application.

Sincerely,



Larry Lee
Director of Community Development

planning\pc\lmit01\5147abcd01.doc

5147 ABCD 01

November 17, 1998

Dave Burns
Freeway Ford, Inc.
9700 Lyndale Avenue
Bloomington, MN 55420

RE: Case 5147A-98

Dear Mr. Burns:

At its regular meeting of November 16, 1998 the City Council approved a request to designate the Freeway Ford time and temperature sign as a historical sign and a waiver to the Sign Code at 9701 Lyndale Avenue. This request and waiver to the Sign Code shall be activated upon submission of this letter, signed by the permit holder, guaranteeing compliance with the conditions of approval attached to the permit by the City Council. This letter must be delivered to Cyndi Osberg or Julie Roepke in the Planning Division, City of Bloomington. A duplicate copy is included for your files.

Approval of the request and waiver to the Sign Code is subject to the following condition:

- 1) Applicant will remove or relocate the sign at no cost to the public (city, state, federal or county) when required by public agencies for future I-35W related improvement.

Should you have any questions regarding this action, please contact Galen Doyle, Associate Planner at 612-948-8924.

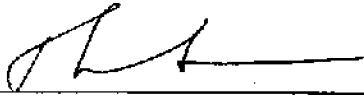
Continued on next page

5 1 4 7 A 3 3

Acknowledgment:

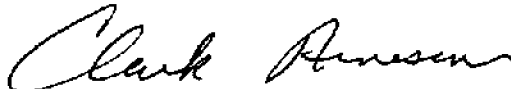
PL2026-72
PL202600072

The Permit Holder acknowledges that the use of the Property shall be in conformance with all City Council conditions as set forth above, and all applicable building, fire, safety and other Code requirements.

DATED 12/2/98 By 
Signature
Thomas Glassman
Typed or Printed Name
President
Title
9700 Lyndale So.
Address
Bloomington City MN. State 55420 ZIP
888-9481
Telephone

The City will issue the necessary permits for development and use of the property for the purpose stated in Case 5147A-98, subject to the conditions set forth above.

Sincerely,



Clark Arneson
Planning Manager

May 16, 1995

PL2026-72
PL202600072

Todd L. Seidell
Freeway Ford
9700 Lyndale Avenue
Bloomington, Minnesota 55420

RE: Case 5147A-95

Dear Mr. Seidell:

At its regular meeting of May 15, 1995 the City Council approved a revised final site plan and building plans (received April 10, 1995) for an addition and remodeling to an existing automobile dealership located at 9700 Lyndale Avenue, 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 and trailers located on the south side of the building be removed from the site within 18 months;
- 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;
- 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.

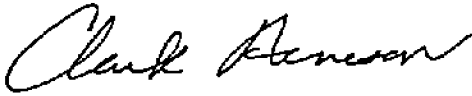
5147 A 95

Mr. Todd Seidell
May 16, 1995
Page Two

PL2026-72
PL202600072

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

Sincerely,



Clark Arneson
Planning Manager

planning\pct\mit\5147.doc

5147 A 95

CITY OF BLOOMINGTON

PLANNING COMMISSION

September 30, 1971

PL2026-72
PL202600072

Members Present:

Chairman Berryman, Commissioners Darr, Hancer, Leipold, Bergquist and later, Wagner. Staff members present: Webster, Smith, Leer, Gasterland and Perrizo.

Item #1
Calvary Temple Soul's Harbor
Case 2607B-71
8350-8400 24th Avenue
Rezone from CR-1 to R-4

Reverend Gordon Peterson, Pastor of Calvary Temple Soul's Harbor, said he met with Mr. James Kelley, owner of the land adjacent to the proposed church property concerning the 1000 foot distance from the church to the Kelley property. Mr. Kelley did not approve of the possibility of not being able to have a liquor license for a portion of his land because of the closeness of a church use. Mr. Peterson said the property is already zoned industrial and would have to be rezoned to qualify for a liquor license, and he felt there was still sufficient area not in conflict with the issuance of liquor licenses not to jeopardize Mr. Kelley's interests.

7:35 p.m.

Mr. Berryman said Mr. Kelley could develop his property in the I-1 zone with a conditional use permit and without rezoning.

Mr. Wagner arrived at
7:40 p.m.

Mr. James Kelley said the matter was discussed in his office; however, under the law their differences cannot be reconciled. He said it is not a matter between Reverend Peterson and himself, but rather a matter of law. Mr. Kelley said he is a trustee for the property and could not consent to an agreement that would reflect on its value. He said Reverend Peterson advised him the church would not lose its option money if the property is not purchased.

Reverend Peterson said he is interested only in the buildings proposed with no other intention than to develop those uses and any type of zoning which would allow this would be satisfactory to them.

Mr. Hancer said if the use did go in, it should be under the existing zoning. However, he said he did not believe the Soul's Harbor proposal would be compatible with the adjacent stadium area and one of the main points of conflict would be in the traffic. Mr. Hancer said he did not feel it was the best use of the land. He said he was not opposed to the church locating in Bloomington but did not think this was the proper site.

September 30, 1971
Page 1

CITY PLANNING COMMISSION
Bloomington, Minnesota

PL2026-72
PL202600072

Mr. Leipold said an R-4 zone is not feasible on the property and he would prefer to modify the CR-1 zone to include religious facilities as a conditional use.

Mr. Bergquist said a mixed use with some part of the proposal providing an income would be appropriate. It would permit some of the property to be on the tax rolls in Bloomington and provide some income for the congregation to help support this endeavor.

Reverend Peterson said there could be some possibility of the parking lot taking in revenue which could be turned over to the City of Bloomington. He also suggested the possibility of the church paying some share of the tax burden in the future.

Mr. Bergquist said the parcels of land churches now use are becoming smaller and some of the property is being used for income use.

Mr. Wagner said a development goal in the Eastern Area Plan encourages the continued use of the land as a sports area complex. He said the zone is planned as a spectator sports area and larger facilities may be needed for the future.

Mr. Darr said a great deal of valuable land will be taken away from the tax rolls and away from the stadium complex.

Mr. Webster said the church performance standards adopted in January of 1971 allow churches as conditional uses in many zones; however, not in the CR zone. He said there was discussion by the Planning Commission at one time as to whether or not churches should be in commercial zones.

Mr. Bergquist said the church congregation is very large and probably there is no better location from a traffic standpoint.

Reverend Peterson asked what the reaction of the Planning Commission would be if a revenue producing building could be proposed and a financial report presented.

Mr. Leipold said he did not think the tax producing question was a factor since any church in Bloomington is not taxable.

Mr. Hancer and Mr. Wagner said it did not enter their thinking.

PL2026-72
PL202600072

Mr. Ed Engren of Soul's Harbor suggested the Planning Commission consider the benefit of the church to the area against any tax loss.

Mr. Ralph Brostrom, 8881 Irving, said he did not think taxes were a concern since 64 homes were proposed for removal at the Central Area Plan hearings, which would result in lost tax revenue, also taxes on the convention center were only \$16,000. He said Soul's Harbor is packed with teenagers and this type of proposal should not be turned down in favor of liquor.

Mr. Berryman said he was not in favor of rezoning. He said the only application before the Planning Commission was for rezoning to R-4 and this should be denied or approved and then as a separate matter this use could be added as a permitted or conditional use in the CR zone.

M/Bergquist, S/Leipold to close the hearing. Motion carried 6-0.

M/Hancer, S/Wagner in Case 2607B-71 recommending denial of rezoning from CR-1 to R-4. Motion carried 5-1 with Leipold opposed.

Mr. Bergquist questioned whether the motion included a denial of the proposed use.

A second motion was made clarifying the intent of the Planning Commission.

M/Bergquist, S/Leipold in Case 2607B-71 recommending the CR-1 zone be revised to permit the applicant to proceed with the uses requested in the petition to permit churches and related facilities. Motion carried 4-2 with Wagner and Hancer opposed.

Mr. Webster asked for clarification of the motion by asking if the Planning Commission meant for the City Council to hold necessary hearings to change the ordinance to allow this use in the zone rather than the Planning Commission hold the hearings. He said a Commission hearing should be properly advertised and notices sent out to allow more material to be presented other than the fact that the applicant wishes to build a church and other related uses.

Mr. Darr said if the hearing was held before the Planning Commission the same remarks would be forwarded to the City Council; he suggested the matter could be referred back to the Planning Commission from the City Council, if necessary.

Item #1 continued
Case 2607B-71

Item #2
Freeway Ford
Case 5147A-71
9700 Lyndale Avenue
Conditional use permit for
automobile dealership
expansion

9:05 p.m.

PL2026-72
PL202600072

Mr. Berryman said, if the City Council holds a hearing and changes the ordinance, the applicant could come back to the Planning Commission with a conditional use permit request for this use.

Mr. Webster said the Staff had no objection to approval of the conditional use permit with conditions as outlined in the Staff report.

Mr. Jack Bell, attorney for the petitioner, said removal of the Dairy Queen building on Parcel 265 was mentioned as a condition of approval; however, the applicant would like to retain the use of the building temporarily. He said their proposal is for expansion of the parking lot to the north of the present property line with the possible use of the Dairy Queen building for records storage.

Mr. Darr suggested the petitioner bring in final site plans with a definite committment for the use of the Dairy Queen.

Mr. Roger Taylor with Telex Communications, asked if the land is adjacent with their property and if the Freeway Ford fence would be moved back to include the additional land and was told that such was the case.

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

M/Leipold, S/Darr to close the hearing. Motion carried 6-0.

M/Leipold, S/Darr in Case 5147A-71 recommending approval of the conditional use permit based on the findings being made and with 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 265 within a 2 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.
- Motion carried 6-0.

September 30, 1971
Page 4

CITY PLANNING COMMISSION
Bloomington, Minnesota

Item #2 continued
Case 5147A-71

PL2026-72
PL202600072

Mr. Webster said the Dairy Queen building cannot meet existing Code. He suggested Condition 3 require the building be brought up to existing building code standards prior to use.

Mr. Hancer questioned the necessity for removing the Dairy Queen building when it may be a better building for used car sales than the one Freeway Ford now has. He said the building should be required to meet Code requirements.

Mr. Leipold said there is probably a certain economic value to the building and a 2 year use would accomplish it. He amended Condition 3 to read:

3) the structure be removed or it be brought up to Code requirements for whatever use Freeway Ford and its operation puts it to.

Mr. Webster said an order was issued to remove the abandoned house on Parcel 3210. Mr. Bell said Parcel 3210 was not yet owned by Freeway Ford. Mr. Webster asked Mr. Bell to come into the office for the purpose of correcting the records to reflect the correct property owners.

The applicant for a conditional use permit for a dance studio at 10933 Zenith Avenue was not present.

Item #3
Patricia DuPaul
Case 5850C-71
10933 Zenith Avenue
Conditional use permit for
dance studio in home

9:20 p.m.

M/Hancer, S/Bergquist in Case 5850C-71 to continue the application for a dance studio until such time as the petitioner can be present. Mr. Smith was instructed to contact the applicant and set a new date for the hearing. Motion carried 6-0.

Item #4
Martha Qualley
Case 7224A-71
8508 Aldrich Avenue
Conditional use permit to
operate beauty shop in home

9:25 p.m.

Mr. Webster said a conditional use permit for a beauty shop in a home was approved by the City Council in October of 1969; however, the Planning Commission had recommended denial of the application.

He said there is no outward appearance that a beauty shop is being operated in the home.

Martha Qualley, 8508 Aldrich, said there have been no complaints from the neighbors about the use. A condition of previous City Council approval was that a double driveway be put in which has been done but there are never more than two cars at a time. Mrs. Qualley said she works Wednesday 8:30 - 4:00 p.m., Thursday 1:00 - 7:30 p.m. and Friday 9:00 - 4:00 p.m.

She said her beauty shop meets all the state requirements.

M/Darr, S/Hancer to close the hearing. Motion carried 6-0.

Item #4 continued
Case 7224A-71

PL2026-72
PL202600072

The Planning Commission reviewed the findings in Section 11.13.E.1.a. through d.

M/Hancer, S/Wagner in Case 7224A-71 recommending denial of the conditional use permit based on not being able to make the findings in Section 11.13.E. 1.b. and c. Motion carried 4-2 with Leipold and Darr opposed.

Item #9
William B. Nelson, Jr.
Case 7645A-71
9250 Cedar Avenue
Conditional use permit for
restaurant with cocktail
lounge-Cork'N Cleaver

9:35 p.m.

Mr. Smith said Mr. Jim Bartlett had requested a continuance of the hearing.

M/Bergquist, S/Hancer in Case 7645A-71 recommending the hearing for a conditional use permit for a restaurant and cocktail lounge at 9250 Cedar Avenue be continued until such time as the petitioner requests it be put back on the agenda. The adjoining property owners should be renotified at that time especially Mr. Leo Timmerman, 1659 East Old Shakopee Road. Motion carried 6-0.

Item #5
Normandale Corporation
Case 7659A-71
8140-8141 Lea Road
Subdivision approval of
preliminary plat of
Kings-Wood Addition

9:40 p.m.

Mr. Webster said the applicant had requested a continuation of the hearing for subdivision approval of the preliminary plat of Kings-Wood Addition. The 3-lot plat was reviewed by the Administrative Subdivision Review Committee September 22.

Mr. Tom Stahl said continuation was requested because the tract of land now being called Kings-Wood is a part of Kingslee Heights and the applicant wants the Kingslee Heights matter to be resolved by the Council before continuing with the plat of Kings-Wood Addition.

M/Hancer, S/Bergquist in Case 7659A-71 for continuation until such time as the petitioner requests it be placed back on the agenda. Motion carried 6-0.

Mr. Webster said the effect of the plat if recorded would provide necessary right-of-way to cul-de-sac Lea Road. He said all the property owners involved may never get together and completion of Lea Road as a cul-de-sac should occur. The Planning Director asked for action urging the City Council to proceed with the cul-de-sac construction regardless of whether the plat is recorded.

Mr. Hancer agreed that the people of Lea Road were promised the cul-de-sac.

M/Hancer, S/Leipold in Case 7659A-71 recommending the City Council direct the Engineering Department to immediately proceed with the construction of the cul-de-sac on the southerly end of Lea Road. Motion carried 6-0.

September 30, 1971
Page 6

CITY PLANNING COMMISSION
Bloomington, Minnesota

Item #6
John E. Reimann, Jr.
Case 7607A-71
9641 Townline Avenue
Conditional use permit for
horse stables in an R-1 zone

9:45 p.m.

Mr. Leipold left at
9:40 p.m.

PL2026-72
PL202600072

Item #7
Jan Gillespie
Case 7661A-71
1201 West 106th Street
Conditional use permit for
dance studio in home

9:50 p.m.

Mr. Webster said the Staff had no objection to the approval of a conditional use permit for a period not to exceed 2 years.

The applicant, Mr. John E. Reimann, Jr., said the stable has operated at that location for 8 years. He has between 25 and 35 horses.

The Planning Commission reviewed the findings in Section 11.13.E.1.a. through d.

M/Hancer, S/Bergquist in Case 7607A-71 recommending approval of a temporary conditional use permit for horse stables in the R-1 zone based on being able to make the findings in Section 11.13.E.1.a. through d. Motion carried 5-0.

Mr. Webster said a letter and supporting documents from the applicant were distributed to the Planning Commission.

Mr. Berryman said a petition in favor of the use was signed by 13 neighbors.

Mrs. Jan Gillespie, 1201 West 106th Street, said the dance studio has been in operation for approximately 4 years.

Mrs. Gillespie said a studio has been built in her home. People park only in the double driveway and many students are from the neighborhood. The average class is 10 students and she has some private classes.

Mr. Darr cautioned the petitioner that City Council policy is to extend the use for 2 years only.

The Planning Commission reviewed the findings in Section 11.13.E.1.a. through d.

M/Bergquist, S/Hancer to close the hearing. Motion carried 5-0.

M/Darr, S/Bergquist in Case 7661A-71 recommending approval of a temporary conditional use permit for a dance studio for a period not to exceed 2 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 use and have been for several years. Motion carried 4-1 with Hancer opposed.

Item #8
MAC Investments, Inc.
Case 6760C-71
6000 West Old Shakopee Road
Subdivision approval of
preliminary plat MAC
Investments 1st Addition

10:00 p.m.

PL2026-72
PL202600072

Mr. Webster said the Administrative Subdivision Review Committee reviewed the request for subdivision approval of the preliminary plat of MAC Investments 1st Addition on September 22, 1971 and recommended approval. On October 21 the Planning Commission will review new conditional use permit applications for two-family dwellings on some of the lots of this subdivision. Conditional use permits for two-family dwellings approved in the spring of 1969 have expired.

Mr. James W. Johnson, 6845 Harriet Avenue, said the Administrative Subdivision Review Committee recommendation that lot lines be shifted to meet square footage requirements of the zone has been taken care of.

Mr. Webster said two-family dwellings were once approved on Lots 6, 7, 8 and 9 located south of 107th Street.

Mr. Johnson said the lots bordering on Brunswick Road will be the first ones built.

M/Bergquist, S/Wagner to close the hearing. Motion carried 5-0.

M/Wagner, S/Hancer in Case 6760C-71 recommending approval of the amended plat as submitted with the conditions that:

- 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.

Motion carried 5-0.

Item #10
Normandale Hylands Church
Case 3537A-71
9920 Normandale Boulevard
Conditional use permit for
addition to existing church
structure

10:15 p.m.

Mr. Webster suggested the Planning Commission consider whether the parking lots should be brought up to Code requirements for poured-in-place portland cement concrete curbs and also a review of the church performance standards added to the City Code in January of 1971.

Mr. Webster said total land area is 227,520 square feet with 6,350 square feet of building area. The addition is another 3,800 square feet with a total of 4.4 per cent land coverage by building. The parking area is 29,000 square feet. Mr. Webster said the figures are well within the church performance standards in the ordinance.

Mr. Gene Peterson, architect for the church, said the proposed addition is for a multi-purpose room and 4

Item #10 continued
Case 3537A-71

PL2026-72
PL202600072

classrooms. Construction is similar to the original building in scale and overall proportion using the same materials; however, not an exact repetition of design. The present building and proposed addition are one story structures.

The Planning Commission reviewed the findings in Section 11.13.A.1 through 4 and 6.

M/Wagner, S/Bergquist to close the hearing. Motion carried 5-0.

M/Hancer, S/Bergquist in Case 3537A-71 recommending approval of the conditional use permit for an addition to the existing church based on being able to make the findings in Section 11.13.A.1 through 4 and 6. The review of findings required in the church ordinance finds the property well within the requirements of the standards of that ordinance. The Planning Commission would not require that poured-in-place concrete curbs be installed at this time since a change in the parking lot and access would be anticipated sometime in the near future. Motion carried 5-0.

Correspondence Item A
Pentom, Inc.
Case 5791H-71
5101 West 102nd Street
Request for approval of
final development plans for
the next unit of the
Scarborough planned
development

10:30 p.m.

The Planning Director asked the Planning Commission to review its action of September 23 on Scarborough townhouse development plans. He said the Planning Commission approved the preliminary plat of Scarborough Townhouses 2nd Addition; however, did not approve the final development plans.

Mr. Darr said the final plan for Scarborough was thoroughly discussed and understood by the Planning Commission and it was their intention to approve the plan.

M/Wagner, S/Hancer to approve the final development plan as submitted and to correspond with the preliminary plat containing 21 townhouse units. Motion carried 5-0.

Adjournment

M/Wagner, S/Bergquist to adjourn the meeting at 10:45 p.m. Motion carried 5-0.

Approved _____

William G. Berryman, Chairman

September 30, 1971
Page 9

CITY PLANNING COMMISSION
Bloomington, Minnesota

BLOOMINGTON COUNCIL MEETING

Approved Minutes
Regular Meeting
Meeting #33

7:00 p.m.
July 5, 1972
Council Chambers

- Call to Order The meeting was called to order by Mayor James 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, W. Belanger, J. Malone, J. O'Neil, who arrived at 8:25 p.m., and R. Pleasant.
Absent: Councilman J. Anderson, who was on vacation out of the City.
- Appointment to Merit Board
Item 3.1 The Council was requested to make an appointment to the Merit Board to fill the vacancy created by the resignation of Roger G. Wheeler. Motion was made by King, seconded by Allen, and all present voting aye (5-0) to table this appointment.
- Appointment to Variance Board
Item 3.2 The Council was requested to make an appointment to the Variance Board to fill the vacancy created by the resignation of H. A. Andruss, Jr., who was recently appointed to the Planning Commission. Mayor King nominated Lowell Wenzel, 2325 East Old Shakopee Road, to fill this vacancy and indicated that action on confirmation of the appointment would be tabled to the next meeting.
- Appointment to Natural Resources Commission
Item 3.3 The Council was requested to make an appointment to the Natural Resources Commission to fill the vacancy created by the resignation of James H. Lindau. Councilman Allen nominated Elmer T. Nitzschke, 10032 Upton Road, to fill this vacancy. The Mayor indicated that action on confirmation of this appointment would be tabled to the next meeting.
- Appointment to Promotion and Development Commission
Item 3.4 The Council was requested to make an appointment to the Promotion and Development Commission to fill the vacancy created by the resignation of Harriet Long. Motion was made by King, seconded by Pleasant, and all present voting aye (5-0) to table this appointment.
- Conditional Use Permit for Expansion of Car Agency
Case 5147A-71
Item 3.5 The Council was requested by Freeway Ford to consider approving a conditional use permit to allow expansion, to the north, of the existing car agency in a General Business (B-3) zone (Interim B zone).

The Council had considered this use at its October 12, 1971, meeting and had referred it to the Bloomington Housing and Redevelopment Authority for their review. That group at its October 21, 1971, meeting made the following motion: "that the HRA notify the City Council that the area between 90th Street and 102nd Street and James Avenue and Oxborough Lake is considered to be an area of high priority, that the HRA will be studying this area, and that the HRA recommends that the City Council consider precluding development of this area until the study of the HRA is completed." No specific action, however, was taken regarding the use of these two lots.

Richard Hollenbeck, representing the owners of the property on which the petitioner wishes to expand and also representing Freeway Ford, said that it was agreeable to all concerned to remove the existing buildings - the motel and the Dairy Queen building.

Following discussion, motion was made by King, seconded by Malone, and all present voting aye (5-0) to approve the conditional use permit for expansion of an existing car agency subject to making the necessary findings under Section 11.13.B. and subject to the following conditions:
1. that the present structure located on the property, Parcel 2900, be removed,
 2. that the structure now existing on Parcel 265 (Dairy Queen) be removed,

3. entire property be platted in accordance with Chapter 20 of the City Code,
4. plans for expansion of parking lot or ingress and egress changes be approved by the City Traffic Engineer,
5. no building construction to be commenced until such time as final site plans and building plans are brought to the Planning Commission for approval,
6. seven feet additional right-of-way be deeded to the City.

Appointment to Park and Recreation Advisory Commission Item 3.6

The Council was requested to make an appointment to the Park and Recreation Advisory Commission to fill the vacancy created by the resignation of Arnie Johnson. Motion was made by King, seconded by Allen, and all present voting aye (5-0) to table this appointment.

Hearing - Enforcement of Regulations Running Park Item 5.1

A public hearing was scheduled at 7:15 p.m. for residents of the vicinity of Running Park, who wished to discuss with the Council conditions that exist and asking for additional enforcement of park regulations. A petition was submitted to the Council requesting this hearing.

Roger Hartmann, 9500 Twelfth Avenue, appeared as spokesman for the group and reviewed the complaints that the neighbors have and what they felt could be done to alleviate many of the problems. He submitted a written report listing the problems and proposed solutions.

The Council discussed the complaints as well as the group's proposed solutions. Allen commented that many of the proposed solutions could be tried to see what effect this would have on keeping persons out of the park after closing time. Included in the suggestions were leaving on the playground and playfield lights, posting a sign stating the curfew time and having routine police checks after 10 p.m. In addition, the Council asked that the City Manager research whether or not fines can be imposed on parents for minor children violating a curfew.

Motion was made by Malone, seconded by Pleasant, and all present voting aye (5-0) to close the hearing; instruct the City Manager to expedite the proposed solutions and explore any other measures that would alleviate the problems and to research the question of whether or not parents of minor children could be fined if the latter violate curfew restrictions.

1972 License Applications Item 4.1

The Council was requested to consider approving the applications for 1972 licenses as detailed on the listing attached to and made a part of these minutes. Following discussion, motion was made by Belanger, seconded by King, and all present voting aye (5-0) to approve the license applications as submitted.

Petitions for Inclusion in Assessment District Item 4.2

The Council was requested to consider approving the following petitions for inclusion in an assessment district:

Donaldson Company, Inc.
Plat 70209, Parcel 1020 - 9250 West Bloomington Freeway

Sanitary Sewer Lateral Conn. Charge	- 262' @ \$12.24	= \$3,206.88
	& 319' @ \$ 6.12	= 1,952.28
		<u>\$5,159.16</u>

Inland Construction Corporation
Plat 71985, Parcel 3000 - 9701 Penn Avenue South

Sanitary Sewer Lateral Conn. Charge	- 2' @ \$12.24	= \$ 24.48
	& 585' @ \$ 6.12	= \$3,580.20
Water Lateral Conn. Charge	- 2' @ \$ 7.73	= \$ 15.46
	& 585' @ \$ 3.865	= \$2,261.02
		<u>\$5,881.16</u>

Willard J. Ancel
Plat 70219, Parcel 4610 - 5027 West 102nd Street

Sanitary Sewer Lateral Conn. Charge	- 100' @ \$12.24	= \$1,224.00
Water Lateral Conn. Charge	- 100' @ \$ 7.73	= \$ 773.00
		<u>\$1,997.00</u>

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.