

Motion was made by Nelson, seconded by Hoffman, with all voting yea, to uphold and adopt the recommendation of the Planning Commission approving the final site and building plans as presented, subject to compliance with the conditions as listed above.

Conditional Use Permit
Restaurant
625 W. 86th Street (I-3)
Lee Palmer
Case 6049A-68

The Council was requested to consider approval of a conditional use permit for a restaurant at 625 West 86th Street and 8605 Lyndale Avenue South, in the I-3 zone. The combined area of the two lots is about 28,430 square feet. The proposal for the restaurant shows seating capacity for 125 in a 40' x 80' building. Forty-five parking spaces are shown. Petitioner was Lee Palmer, in Case 6029A-68.

On February 25, 1969, the Planning Commission had recommended approval of a conditional use permit for a restaurant based on affirmative findings as required in Section 11.13 C with a condition of approval being the review and approval of the final site and building plans.

Motion was made by Nelson, seconded by Hoffman, with all voting yea, to uphold and adopt the recommendation of the Planning Commission approving the conditional use permit subject to final site and building plans.

Preliminary Plat
Approval
Colonial Car Wash 1st
Addition
Property Programming, Inc.
600 West 93rd Street (B-3)
Case 5638B-69

The Council was requested to consider approval of the preliminary plat of the Colonial Car Wash 1st Addition at 600 West 93rd Street in the General Business (B-3) zoning district, by Property Programming, Inc., in Case 5638B-69.

On February 25, 1969, the Planning Commission had recommended approval of the preliminary plat with no additional conditions to be met.

Motion was made by Nelson, seconded by Hoffman, with all voting yea, to uphold and adopt the Planning Commission recommendation adopting a resolution approving the preliminary plat of the Colonial Car Wash 1st Addition as presented.

Preliminary Plat
Approval
Thomas Construction
Company's 1st Addition
2019-25 W. 90th Street
Case 6758C-69

The Council was requested to consider granting approval of the preliminary plat of the Thomas Construction Company's 1st Addition at 2019-2025 West 90th Street, petitioned by the West 90th Street Company, in Case 6758C-69.

On February 25, 1969, the Planning Commission action was to recommend approval of the preliminary plat of the Thomas Construction Company's 1st Addition with the conditions that:

1. Interior drainage easement be shown on the plat, and
2. All utilities be underground.

Motion was made by Nelson, seconded by Hoffman, with all voting yea, to uphold and adopt the recommendation of the Planning Commission and approve the plat as described above, subject to the conditions of the Planning Commission.

Final Site and Building
Plans
Apartment Development
10140-50 Penn Avenue South
L. M. Loken
Case 6673B-68

The Council was requested to consider approval of final site and building plans of an apartment development at 10140-50 Penn Avenue South in a multiple dwelling (R-4) zoning district. Plans show 1 building of masonry construction, part 2-story and part 3-story, containing 110 units; 12 efficiencies, 70 1-bedrooms, and 28 2-bedrooms. Total land available on this site is 280,612 square feet, which includes any land for park dedication or for additional street right-of-way. Total land requirement is 305,950 square feet, with credit of 20,400 square feet for 68 underground garages, leaving a total land requirement of 285,550 square feet.

On February 25, 1969, the Planning Commission recommended approval for the final site and building plans for this apartment development with the following conditions:

John Waters, attorney for the petitioner, appeared before the Council to state it would be agreeable with the petitioner to shorten the name leaving out the words "Country Cookin'". The plat name will then read Mickey Mantle 1st Addition.

A motion was made by Councilman Belanger, seconded by Councilman Viitala, with all voting aye, to uphold and adopt the recommendation of the Planning Commission giving preliminary approval to the Mickey Mantle 1st Addition plat, taking recognition of the name change from Mickey Mantle Country Cookin' 1st Addition to Mickey Mantle 1st Addition.

Final Plan Approval
Restaurant
625 West 86th Street and
8605 Lyndale Avenue
Data Investment Corp.
Case #6049A-69

The Council was requested to consider approval of the final site and building plans for "Mickey Mantle Country Cookin'" restaurant in an Industrial I-3 zoning district at 625 West 86th Street and 8605 Lyndale Avenue. The petitioner was Data Investment Corporation in Case #6049A-69.

On September 11, 1969, the recommendation of the Planning Commission was for approval for the final site and building plans for the restaurant with the following conditions:

1. Drainage plan shall be approved by the Engineering Department.
2. Landscape plans shall be approved by the Planning Department Staff.
3. All signs shall meet the maximum and minimum requirements of the sign ordinance.
4. The building shall have the same architectural treatment on all sides.
5. Variance be allowed for parking lot setback of 12'.

A motion was made by Councilman Belanger, seconded by Councilman Viitala, with all voting aye, to uphold and adopt the recommendation of the Planning Commission granting approval of the final site and building plans for the restaurant, subject to compliance with the 5 conditions as listed above.

Final Plat Approval
Thomas Construction Co.
1st Addition
W. 90th St. & Morgan
Thomas Construction Co.
Case #6758C-69

The Council was requested to consider final plat approval of Thomas Construction Company's 1st Addition on the south side of West 90th Street at Morgan Avenue as petitioned by Thomas Construction Company in Case #6758C-69.

Conditions of approval were as follows:

1. Interior drainage easements shall be shown on the plat.
2. All utilities shall be underground.

The City Engineer indicated Item #1 had been accomplished on the plat and Item #2 would be accomplished with final site and building plans. He noted that since this is an apartment plat subdivision agreement, escrow deposit had been waived. Park donation had been received and the City Attorney had approved title.

Final approval of the plat and a resolution accepting the plat were recommended by the Public Works Department.

A motion was made by Councilman O'Neil, seconded by Councilman Hoffman, with all voting aye, to adopt a resolution granting final approval to the plat of Thomas Construction Company's 1st Addition.

Case:

7005A-69	Normal Incorporated	Variance to erect
	9225 Lyndale Ave. S.	second sign for Gopher
		Class C sign
6049C-69	Data Investment Inc.	Variance to reduce
	8605 Lyndale Ave. S.	green strip along
	625 and 611 West	West 86th Street from
	86th Street	20 feet to 12 feet
6489C-69	Community State	Variance to erect sign
	Agency, Inc.	13 feet from future
	9639 Lyndale Ave. S.	right-of-way line on
		Lyndale Avenue South
6850E-69	Stadium Shopping Inc.	Variance to build
	9148 Cedar Avenue	loading dock 57 feet
		from rear lot line

Following discussion, motion was made by Councilman O'Neil, seconded by Councilman Malone, with all present voting aye, to accept the findings and approve the action of the Variance Board as indicated above. Councilman Hoffman indicated he would abstain on the Stadium Shopping, Inc. item.

Approval of Agreement with
Architect for Clubhouse for
Golf Course

The Council was requested to approve the standard form of agreement between the City of Bloomington and Miller-Dunwiddie Architects, Inc. for the construction of a club house for the Golf Course. The City Attorney indicated that the agreement was of the standard form used by architects and accepted by the City of Bloomington in the past. The only recommended change in the agreement was the deletion of the arbitration article which had been accomplished. It was the City Attorney's recommendation that the Council grant authorization to the Manager and the Mayor to execute the agreements.

A motion was made by Mayor Thomasberg, seconded by Councilman Malone, with all present voting aye, to adopt a resolution granting authorization to the Mayor and the City Manager to execute the contract to the club house for the City's Golf Course with Miller-Dunwiddie Architects, Inc.

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Recess and Meeting
Reconvened

Mayor Thomasberg announced a ten-minute recess, after which the meeting was reconvened.

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Pond Home
(Possible Acquisition)
(Not on printed agenda
listing)

The Council was requested by Mayor Thomasberg to consider possible acquisition of the property known as the Pond House. He stated that this property which may have valuable historical significance for the City had now been listed for general sale and this may be the last opportunity to make acquisition of it, if a favorable price can be negotiated.

A gentleman from the Spring Real Estate Company appeared before the Council stating that he had the property listed for sale, which included approximately 20 acres--made up of several pieces of property, but to be sold as one unit.

Following a lengthy discussion, a motion was made by Councilman Hoffman stating "It is the intent of the Council to acquire the Pond Homestead in some way or other; and the Building Department is to be instructed to put a hold order on any request that should be made for repair or remodeling of the homestead, prior to any platting. The acquisition would be for park purposes."

Case

6183 I-69 A. D. Hays Parking, Inc. Variance to erect sign
8099 Penn Avenue So. over maximum height.

6049 E-69 Data Investment Corp. Variance to erect sign
8605 Lyndale Ave. So. over maximum height.

Mayor King inquired of the Director of License and Inspection concerning Case #6049E-69, as to how much over the ordinance requirements the 34' request was. It was pointed out that while the petitioner had requested a 34' height, he had been granted a 26' height, which was still 4' over the ordinance limit.

Following discussion, a motion was made by Mayer King, seconded by Councilman Viitala, with all voting aye, 7-0, to accept the findings and approve the action of the Variance Board as presented.

Resolution of
Technical Services
MHD

The Council was requested to consider approval of a submitted resolution allowing the City of Bloomington to request and obtain from the Minnesota Department of Highways, needed engineering and technical services during the year of 1970, for which payment would be made by the City of Bloomington.

Following Council-Staff discussion, a motion was made by Councilman O'Neil, seconded by Councilman Belanger, with all voting aye, 7-0, to adopt the resolution as presented.

Special Funds - Budget
Golf Course

The Council was requested to consider approval of the golf course budget as presented to them.

The Deputy City Manager spoke on the budget, detailing the items as of fees, season tickets as compared to membership plus discount tickets, personnel, operating expense, and total investment, which was \$699,116.75.

Discussion was held concerning the possibility of lighting the course to add additional playing hours, but no action was taken, Councilman Viitala noted that this was something that could be added later if necessary.

Following additional lengthy discussion, a motion was made by Councilman Hoffman, seconded by Councilman Malone, with all voting aye, 7-0, to adopt a resolution approving the 1970 golf course budget as presented, noting that there would be interval reports by the Staff in six months.

Utility Fund Budget

The Council was requested to consider adoption of the utility fund budget which had been presented to them.

Following informal discussion, a motion was made by Councilman Hoffman, seconded by Councilman Viitala, to postpone consideration of this budget to January 19, 1970. Vote was called and all present voted aye, 6-0. Councilman Malone was out of the room.

Appointment to Planning
Commission

The Council was requested to consider appointments for expiring terms on the Planning Commission. The Commission is made up of seven members; terms are for a period of three years.

A motion was made by Councilman O'Neil, seconded by Councilman Viitala, to reappoint William G. Berryman, L. E. Leipold, Jr., and Robert W. Darr, for terms expiring December 31, 1972.

Vote was called and all voted aye, except Councilman Pleasant, who abstained, 6-0.

APPEAL TO VARIANCE BOARD ON SIGNS

Site Address 8605 Lyndale Avenue South

Case No. 6049 E-69

Applicant Data Investment Corp.

Address 318 Groveland Ave., Minneapolis

Appeal: Data Investment Corp., who is building a restaurant at 8605 Lyndale Ave., in an I-3 Zone, requests approval of a variance to erect a sign having a height of 34 feet.

Findings of the Board:

1. SIZE: No variance may be granted in the size of a sign as described in Chapter 10 of the City Code unless the following is found:

- a. The sign will have an appearance that will not adversely affect or detract from neighboring property.

The appearance is not objectionable.

- b. The sign will be of such size that it will not deter or affect the motoring public on roads or highways adjacent to the placement of the sign.

There would be no effect on the motoring public but the excessive height would be in poor taste.

- c. Because of the topographic and physical conditions relating to the land, structures, or surrounding built up area, strict enforcement of Chapter 10 of the City Code would deprive the applicant of the reasonable use of a sign for the purpose of advertising to the public his business.

No physical conditions of land or buildings should effect the sign; therefore, it was recommended that the height be reduced.

2. PLACEMENT: No placement or variance in placement of a sign may be granted from that described in Chapter 10 of the City Code unless the following is found:

- a. The placement of a sign will not be at a location which will have an adverse affect in appearance, height or location of neighboring properties.

The petitioner amended his request from a sign 34 feet high to a sign 26 feet high.

- b. The placement of the sign will not be at a location that will adversely affect or deter or detract the motoring public on adjacent streets or highways.

Location will conform with code requirements.

- c. Strict compliance with the provisions of Chapter 10 relating to the placement of signs would deprive the applicant of the reasonable use of the sign for such land or building.

Because of low wall and massive roof, a regulation sign would deprive the applicant of reasonable use of a sign.

- d. Because of the topographic or physical conditions relating to the land, structures, or surrounding built up areas, strict enforcement of the placement of a sign under Chapter 10 of the City Code would result in depriving the applicant of a reasonable placement of his sign on the land or building consistent with the purpose of the sign.

Would not be applicable to this Case.

3. NUMBER: No variance may be granted in the number of signs as described in Chapter 10 of the City Code except that additional signs may be used as long as the surface area of the multiple signs does not exceed the surface area for the permitted signs as described in Chapter 10 of the City Code and those findings as described concerning size and placement where applicable are found.

Is not applicable.

Decision of Board: Recommended approval of the amended request for a 26 foot high sign. Variance was approved by the Board 4-0. Mr. Andruss obtained for business reasons.

James Traxler

Secretary

Date December 17, 1969

Council Review:

That the Council accepts and adopts the findings and reasons of the Board with the following exceptions:

That the Council adopts the decision except as modified as follows and for the following reasons:

~~Council and the City Code for which efforts in providing housing~~
for the elderly and low income families, and said having such City programs is one of the criteria that is used in determining recipients of grants.

* * *

Mayor Benedict left the Council meeting at 7:30 p.m. and Vice Mayor Belanger assumed charge of the meeting.

* * *

Cancellation of
Certain Special
Assessments
Item 7.3

The Council was requested to consider approving the cancellation of certain special assessments against property acquired by the City. The assessments to be cancelled were as follows:

<u>Plat</u>	<u>Parcel</u>	<u>Description</u>	<u>Current Install. (P & I)</u>	<u>Remaining Principal</u>
73402	7400	Walton Oaks, Outlot A	\$86.58	\$426.72
	9000	Walton Oaks, Outlot I	\$103.33	\$444.16

Following discussion, motion was made by Darr, seconded by O'Neil, and all present voting aye to approve the cancellation of these assessments as requested.

Conditional Use Permit
for Retail Sales in
Apartment Complex
Case 7991A-74
Item 5.1

The Council was requested by Nellie M. Rohe to consider approving a conditional use permit for retail sales in an apartment complex at 679 East 79th Street in a Multiple Dwelling (R-4) zoning district. The applicant proposes to establish a retail shop selling craft items in a building within the Essex Square apartment complex.

The Planning Commission at its meeting of September 26 recommended approval of a temporary conditional use permit for a period of two years based on the fact that findings were made as required in Section 11.13.E.1.a through d and with the following conditions:

1. the use meet all requirements of the State Building Code,
2. no exterior signs be allowed.

Following discussion, motion was made by O'Neil, seconded by Anderson, and all present voting aye to approve a temporary conditional use permit for two years, based on making the required City Code findings, and based on compliance with the conditions set forth by the Planning Commission.

Conditional Use Permit
and Final Site Plans
and Building Plans
Case 6049A-74
Item 5.2

The Council was requested by Bridgeman's, Division of Land O'Lakes, Inc., to consider approving a conditional use permit and final site plans and building plans for a restaurant at 8605 Lyndale Avenue in a General Industrial (I-3) zone. The existing vacant structure (Somebody's House) would be used with no structural expansion or external changes other than to provide new exterior treatment and facing for the building. The applicant is currently studying the possibility of providing a joint driveway between this property and the adjacent property to the south for the purpose of improving

access and circulation on both sites.

The Planning Commission at its meeting of September 26 recommended approval of the conditional use permit for a restaurant and of final site plans and building plans to remodel the existing building, based on the fact that findings were made as required in Section 11.13.C.1, 2, 3.a, b, c and d, of the City Code and with the following conditions:

1. utility plan be provided showing existing and proposed utilities,
2. exit door be provided on the south side of the building 20 feet from the west wall,
3. no driveway with direct access to public streets other than the one to 86th Street as shown,
4. developer construct a four-foot wide sidewalk addition along the west property line and a five-foot wide easement as provided by the owner, plus a sidewalk at 86th Street and Lyndale Avenue,
5. sign meet the minimum and maximum requirements of the sign ordinance.

Following discussion, motion was made by Anderson, seconded by Darr, and all present voting aye to approve the conditional use permit based on making the required City Code findings and based on compliance with the conditions set forth by the Planning Commission.

Conditional Use Permit
for Bank and Office
Building
Case 7721B-74
Item 5.3

~~The Commission reported by Mayor Anderson, they do consider approving a conditional use permit for a bank and office building as part of an existing shopping center at 4200 West Old Shakopee Road in a Retail Business (B-2) zoning district. The proposed two-story structure would be located on the remaining portion of the undeveloped property lying between the existing Valley West Shopping Center and Johnson Circle.~~

~~The Planning Commission at its meeting of September 26 recommended approval of the conditional use permit for a bank and office building as part of an existing shopping center based on the fact that findings were made as required in Section 11.13.B.1, 2, 3, 8 and 9 and in Section 11.13.E.3.a, c and f of the City Code and with the following conditions:~~

1. final site plans and building plans be approved by the Planning Commission and City Council,
2. proposed building be architecturally similar to existing shopping center including landscaping, lighting and exterior treatment of building,
3. submission of lighting plan and landscape plan and planting schedule to include proposed screening and fencing requirements in accordance with the City Code,
4. property be platted in accordance with Chapter 20 of the City Code,
5. access, traffic and circulation be approved by the Traffic