

(k) **Sign Regulations.** Refer to Article X of this Chapter.

(Added by Ord. No. 89-17, 3-27-89; Ord. No. 90-42, 9-10-90; Ord. No. 92-13, 3-2-92; Ord. No. 92-41, 8-17-92; Ord. No. 96-25, 7-1-96; Ord. No. 96-40, 8-19-96; Ord. No. 97-36, 8-18-97; Ord. No. 2002-38, 12-2-2002; Ord. No. 2004-27, 5-3-2004; Ord. No. 2005-25, 7-18-2005; Ord. No. 2005-40, 9-12-2005; Ord. No. 2006-54, 12-18-2006; Ord. No. 2009-34, 11-2-2009; Ord. No. 2010-28, 11-1-2010; Ord. No. 2010-29, 11-1-2010; Ord. No. 2015-18, 7-2-2015)

SEC. 19.34. FREEWAY DEVELOPMENT (FD-1 AND FD-2) DISTRICTS.

(a) **Purpose** - To provide for a limited mixture of land uses made mutually compatible with controls and high standards; to encourage and accommodate industry in freeway locations convenient to the Metropolitan area; to provide for integrated roadside business areas designed to offer a group of essential services to the motoring public in compact and convenient locations; to accommodate certain uses large in area and with a metropolitan clientele; and so far as may be possible, to protect the freeways from congestion by proper location of heavy traffic generators and exclusion of most retail businesses.

(b) **Permitted uses** -

- (1) Reserved.
- (2) Manufacturing uses: manufacturing, compounding, processing, packaging, treatment or assembly of products and materials.
- (3) Office and office buildings.
- (4) Public and public utility uses.
- (5) Research laboratories.
- (6) Warehousing.
- (7) Wholesale businesses.
- (8) Financial institutions.

(c) **Permitted accessory uses** -

- (1) Reserved.
- (2) Off-street parking and off-street loading.
- (3) Dwelling for watchman (but not for family).
- (4) Car rental accessory to motels provided the cars are stored in the regular motel site off-street parking area without occupying space otherwise required by ordinance for motel parking.
- (5) Retail sales, incidental to manufacturing, of products manufactured on the premises.
- (6) The following in buildings primarily occupied by medical and dental services:
 - (A) Retail sales of drugs, prescription items, patent medicines, sickroom supplies, prosthetic devices, or items related to any of the aforementioned; and
 - (B) Coffee shops and cafeterias.
- (7) The following in buildings primarily occupied by offices, business and professional, and within the principal building of hotels or motels, provided that there shall be no exterior signage:
 - (A) Barber and beauty shops.
 - (B) Floral shops.
 - (C) Camera and optical goods shops.
 - (D) Men's apparel.
 - (E) Women's apparel.
 - (F) Branch post office.
 - (G) Jewelry shops.
 - (H) Boutiques.
 - (I) Shops which include and are limited to the sale of tobacco, candy, books, magazines, newspapers, gifts, cards, stationery, and office supplies.
 - (J) Pharmacy and sundry items.
 - (K) Utility collection.
 - (L) Travel bureaus;
 - (M) Coffee shops and cafeterias.
 - (N) Licensed therapeutic massage enterprises.
- (8) Open-air motor vehicle parking lots where there already exists an off-street parking lot required by ordinance.
- (9) Day care facilities which have been approved by the City of Bloomington in buildings primarily occupied by business and professional offices and manufacturing uses.

SEC. 19.34. FREEWAY DEVELOPMENT (FD-1 AND FD-2) DISTRICTS.

- (10) Class II motor vehicle sales accessory to Class I motor vehicle sales.
- (11) Repair of motor vehicles accessory to Class I motor vehicle sales.
- (12) Type I home businesses pursuant to standards as set forth in Section 21.302.13.
- (13) Tanning Salons as accessory uses in office buildings.
- (14) Transient merchant sales in hotel interiors only.
- (15) Beekeeping.

(d) **Conditional uses -**

- (1) Motor freight terminals.
- (2) Residential uses.
- (3) The following retail business uses:
 - (A) Reserved.
 - (B) Outdoor newspaper and magazine stands.
 - (C) Collection stations for charitable organizations.
 - (D) Pet services facility.
 - (E) Reserved.
 - (F) Repair of household equipment (not including motor vehicles).
- (4) Multiple-family dwellings.
- (5) Hotel airport parking.
- (6) Restaurants.
- (7) Vehicle rental accessory to Class I Motor Vehicle Sales subject to the regulations set forth in Section 19.63.07(e).
- (8) Pet services facilities in Freeway Development (FD-2) Districts.
- (9) Motels and hotels.
- (10) Service stations when included within a planned development pursuant to Section 19.38.01 of this Code.
- (11) Athletic and social clubs.
- (12) Reserved.
- (13) Class I motor vehicle sales when part of a planned development pursuant to Section 19.38.01 of this Code.
- (14) Railroad lines.
- (15) Reserved.
- (16) Reserved.
- (17) Reserved.
- (18) Reserved.
- (19) Reserved..
- (20) Reserved.
- (21) Places of assembly.
- (22) Freestanding day care facilities.
- (23) Reserved.
- (24) Post-secondary educational institutions.
- (25) Towers. For related provisions see Sections 15.14, 19.63.05 and 21.301.10 of this Code.
- (26) Type II home businesses pursuant to standards as set forth in Section 21.302.13.
- (27) Manufactured home parks pursuant to standards as set forth in Section 21.302.10.

(e) **Interim Uses -**

- (1) Outdoor seasonal sales.
- (2) Commercial recreation facilities in the Freeway Development (FD-2) District.
- (3) Newspaper distribution stations when not located within a principal building or when using an accessory building.
- (4) Solid waste weigh stations.
- (5) Reserved.
- (6) Retail Sales as interim uses in structures primarily devoted to office, warehouse, wholesale and manufacturing uses, subject to the following:

- (A) The floor area used for retail sales in the building or complex of buildings shall not occupy more than ten percent of the gross leasable area.
- (B) Adequate parking for all uses within the building or complex of buildings shall be provided in conformance with the requirements of Section 21.301.06 of this Code.
- (C) The property owner, if not the applicant for the proposed use, shall be a co-applicant and shall be responsible for adhering to all conditions of approval if the interim use permit is approved.
- (D) At the time of application, the property owner shall provide a current listing of all tenants within the building or complex of buildings, including mailing name, mailing address, nature of business and amount of square footage of each tenant devoted to office, manufacturing, warehousing, storage, retail and other uses. The property owner shall provide one set of mailing labels containing tenant names and mailing addresses.
- (E) The City shall notify each tenant in the building or complex of buildings of the initial Planning Commission hearing on the proposed use.
- (F) All retail sales shall be conducted within a permanent building.
- (G) The initial interim use permit shall be issued for not more than one year, with subsequent permits limited to maximum three year periods.

(f) **Freeway Development (FD-1) District requirements -**

- (1) Building coverage shall not exceed 30 percent of the site plus for industrial use one percent for each acre of site over ten acres up to a maximum of 40 percent coverage. However, a parking structure or the portion of any structure used for parking shall not be counted as building floor area or structure coverage for the purpose of calculating building floor area and percentage of site coverage by structures.
- (2) No loading docks may be on any street frontage. Provision for handling all freight, either by railroad or truck, shall be on those sides of any buildings which do not face on any street or proposed street.
- (3) No screening shall be permitted to extend beyond the building setback line.
- (4) Exterior Materials. The exterior materials and finish of all buildings erected on lands within Freeway Development FD-1 Zoning Districts shall be in conformance with the applicable requirements of Section 19.63.08 of this Code.
- (5) Reserved
- (6) Structure height shall be regulated pursuant to Section 21.301.10 of this Code.

(g) **Freeway Development (FD-2) District requirements -**

- (1) Exterior Materials. The exterior materials and finish of all buildings erected on lands within Freeway Development FD-2 Zoning Districts shall be in conformance with the applicable requirements of Section 19.63.08 of this Code.
- (2) Reserved.
- (3) Structure height shall be regulated pursuant to Section 21.301.10 of this Code.

(h) **Sign Regulations.** Refer to Article X of this Chapter.

(Code, 1958 S 11.05; Added by Village Ord. Nos. 234, 235, 6-10-60; Village Ord. No. 240, 7-22-60; Ord. No. 54, 12-18-61, renumbered to S 7.10; Ord. No. 63-19, 6-24-63; Ord. No. 63-36, 9-23-63; Ord. No. 64-17, 3-2-64; Ord. No. 64-35, 5-18-64; Ord. No. 64-45, 6-1-64; Ord. No. 64-51, 6-22-64; Ord. No. 64-77, 11-16-64; Ord. No. 65-24, 5-3-65; Ord. No. 65-38, 6-23-65; Ord. Nos. 65-66, 65-68, 9-20-65; Ord. No. 65-76, 10-4-65; Ord. No. 65-78, 10-11-65; Ord. No. 66-11, 2-14-66; Ord. No. 66-54, 8-22-66; Ord. No. 68-83, 11-4-68; Ord. Nos. 69-17, 69-19, 2-17-69; Ord. No. 71-95, 12-20-71; Ord. No. 73-11, 1-22-73; Ord. No. 74-43, 5-20-74; Ord. No. 76-27, 5-10-76; Ord. No. 77-81, 11-7-77; Ord. No. 79-1, 1-22-79; Ord. Nos. 80-7, 80-8, 2-4-80; Ord. No. 80-45, 10-27-80; Ord. No. 81-29, 7-06-81; Ord. No. 82-16, 6-7-82; Ord. No. 85-5, 2-25-85; Ord. No. 85-6, 2-25-85; Ord. Nos. 85-13, 85-14, 4-22-85; Ord. No. 85-34, 7-29-85; Ord. No. 87-1, 1-12-87; Ord. No. 87-41, 6-15-87; Ord. No. 87-47, 6-22-87; Ord. No. 87-58, 8-24-87; Ord. No. 88-37, 5-9-88; Ord. No. 88-39, 5-16-88; Ord. No. 88-53, 9-19-88; Ord. No. 88-74, 12-12-88; Ord. No. 89-13, 2-27-89; Ord. No. 89-28, 5-22-89; Ord. No. 90-14, 4-2-90; Ord. No. 90-23, 6-4-90; Ord. No. 90-29, 7-2-90; Ord. No. 90-42, 9-10-90; Ord. No. 91-63, 10-7-91; Ord. No. 92-38, 7-27-92; Ord. No. 93-48, 11-15-93; Ord. No. 94-31, 6-20-94; Ord. No. 96-25, 7-1-96; Ord. No. 97-36, 8-18-97; Ord. No. 2002-38, 12-2-2002; Ord. No. 2003-18, 5-19-2003; Ord. No. 2004-27, 5-3-2004; Ord. No. 2004-35, 8-16-2004; Ord. No. 2004-40, 10-18-2004; Ord. No. 2006-35, 9-11-2006; Ord. No. 2006-54, 12-18-2006; Ord. No. 2007-7, 2-26-2007; Ord. No. 2009-1, 1-26-2009; Ord. No. 2009-16, 6-1-2009; Ord. No. 2009-30, 10-19-2009; Ord. No. 2009-33, 11-2-2009; Ord. No. 2009-34, 11-2-2009; Ord. No. 2009-36, 11-16-2009; Ord. No. 2010-28, 11-1-2010; Ord. No. 2010-29, 11-1-2010; Ord. No. 2011-16, 8-1-2011; Ord. No. 2012-2, 1-23-2012; Ord. No. 2013-7, 4-1-2013; Ord. No. 2015-18, 7-2-2015; Ord. No. 2015-33, 11/26/2015)

Contract Award -
Vending Service at BIG
Item 6.4

The Council was requested to award a contract for vending services at the Ice Garden to Midwest Vending. Tom Truax, Director of Community Services, responded to questions of a one-time \$5,000 contribution to marketing support offered by Midwest Vending. Following discussion, motion was made by Wilcox, seconded by Heintzeman, to award a contract and authorize the Mayor and City Manager to enter into an agreement with Midwest Vending to provide vending service at the Bloomington Ice Garden for a five year period with an option to extend the contract an additional five years consistent with Midwest Vending's proposal and the City's Request for Proposal. The motion carried 6 - 0 - 1 with Winstead abstaining due to a business conflict of interest.

800 MHz Radio System
Upgrade
Item 6.16

Motion was made by Wilcox, seconded by Heintzeman, and all voting aye, favorable to the November 2, 1998 Council meeting consideration of a contract for an upgrade of the City's 800 MHz Radio system to support the new mobile computer terminals.

Revised Preliminary &
Final Development Plan
- DAC Properties
Case 6001B-98
Item 4.3A

The Council was requested to consider the revised preliminary and final development plans for additions to the Decathlon Athletic Club and Hotel. Houle stated she would abstain from this item because she is a Club member and turned the meeting over to Deputy Mayor Wilcox. Planning Manager Clark Armeson reviewed the three phases of the hotel and parking structure project, the total number of rooms and parking spaces at project completion, hotel height, street access to the property, setbacks from 79th Street and Trunk Highway 77, and exterior building materials. Mr. Armeson also presented a rendering of the completed development.

Attorney Bill Griffith, representing the applicant, responded to Council questions of construction timing for the three project phases indicating a spring 1999 construction start is anticipated, that Phases I and II will be constructed together with the parking ramp starting at three levels and two levels added with each phase, and that the total project construction could occur over five to seven years. Mr. Armeson indicated staff feels the phased parking construction is sufficient. Mr. Griffith, Mr. Armeson and Community Development Director Larry Lee responded to questions of flight departure tracks off airport runway 4-22 over this facility.

Following discussion, motion was made by Ramthun, seconded by Bianchi, to approve revised preliminary and final development plans for Phase I, Phase II and Phase III hotel and assembly additions including the parking facility to an existing athletic club, subject to the following conditions set forth by the Planning Commission and Planning Staff being satisfied prior to the issuance of any grading or building permits:

1. A development agreement, including all conditions of approval, be executed by the applicant and the City.
 2. Evidence of all necessary State and local licenses be provided to the Manager of Building and Inspection.
 3. Exterior building materials for the hotel and parking deck be approved by the Planning Manager.
 4. Building plans shall identify trash and recyclable material collection and storage area provided within the building as approved by the Fire Marshal and the Planning Manager.
 5. Grading, drainage, utility and erosion control plans be approved by the City Engineer.
 6. Connection charges, as determined, be satisfied.
 7. A SAC questionnaire be completed and submitted to the Department of Public Works.
 8. Access, circulation, parking facility and surface parking plans, including the provision of an ample turning radius at the southeasterly corner of the site, be approved by the City Traffic Engineer.
 9. Erosion control measures be in place prior to issuance of grading permits.
 10. Modified MCES agreement for construction over the force main and MCES permit approval for utility work on the force main be provided to the City Engineer and Manager of Building and Inspection.
 11. MnPCA Indirect Source Permit be obtained.
- And subject to the following additional conditions of approval:
12. Alterations to utilities be at the developer's expense.
 13. Temporary street signs and addresses be provided during construction.
- And subject to the following Code requirements:

1. Three foot high solid screening be provided in the yard area along the north and east property lines as approved by the Planning Manager.
2. Landscape plan be approved by the Planning Manager.
3. All rooftop equipment be fully screened.
4. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands.
5. Property be platted in accordance with the requirements of Chapter 16 of the City Code.
6. All new building additions and existing hotel rooms be provided with an automatic fire sprinkler system as approved by the Fire Marshal.
7. Fire lanes be posted as approved by the Fire Marshal.
8. Utility plan, including looped water main, showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer.
9. Food service plans be approved by the Environmental Services Division.
10. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code.
11. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code.
12. A uniform sign design be submitted for approval by the Planning Manager.

The motion carried 6 - 0 - 1, with Houle abstaining.

Preliminary & Final Plat
- Decathlon Hotel
Addition
Case 6001C-98
Item 4.3B
R-98-157

Motion was made by Ramthun, seconded by Bianchi, to approve the preliminary and final plat of Decathlon Hotel Addition, located at 1700 East 79th Street, to adopt a resolution granting final approval, and to approve the subdivision agreement, subject to a review of the title by the City Attorney and receipt of the necessary documents and deposits, and subject to the following conditions set forth by the Administrative Subdivision Review Committee:

1. Right-of-way to be dedicated to 60 feet from centerline or as already acquired, whichever is greater.
2. Standard drainage and utility easements 10 feet along all street frontages and 5 feet along all interior lot lines to be dedicated.
3. All existing utility easements to be dedicated on the new plat, except for easement over sanitary sewer force main which is to be provided by separate easement document.
4. Concurrent (outside of the right-of-way described in Item #1 above) 10 foot sidewalk/ bikeway easement be provided along 79th Street. Plans to carry forward the existing sidewalk/bikeway easement along 78th Street.
5. Any additions or alterations to utilities to be at the developer's expense.
6. Park dedication of \$49,617.00 to be in cash.
7. Easements be provided for common driveway with property to the west.
8. Grading, drainage, utility and erosion control plans be approved by the City Engineer prior to the issuance of grading permits.
9. Erosion control measures be in place prior to issuance of grading permits.

The motion carried 6 - 0 - 1, with Houle abstaining.

Preliminary & Final Plat
- Ceridian Bluff Addition
Case 10414E-98
Item 4.4
R-98-158

~~Motion was made by Ramthun, seconded by Lenczewski, and all voting aye, to approve the preliminary and final plat of Ceridian Bluff Addition, to adopt a resolution granting final approval, and to approve the subdivision agreement, subject to a review of the title by the City Attorney and receipt of the necessary documents and deposits, and subject to the following conditions set forth by the Administrative Subdivision Review Committee:~~

- ~~1. Park dedication as determined to be in cash (estimated at \$90,294).~~
- ~~2. Grading, drainage, utility and erosion control plans be approved by the City Engineer prior to the issue of any permits.~~
- ~~3. Street modification agreement for East Old Shakopee Road be executed and submitted by developer.~~
- ~~4. Right-of-way be dedicated to 60 feet from centerline along East Old Shakopee Road as shown on the final plat.~~
- ~~5. Standard 10 foot drainage and utility easements along East Old Shakopee Road and 5 foot drainage and utility easements along interior lot lines be shown on the final plat.~~
- ~~6. Concurrent (outside of the right-of-way described in Item #4 above) 10 foot sidewalk/ bikeway easements along East Old Shakopee Road be provided.~~

Approved a New On-Sale 3.2 Percent Malt Liquor License for Surabhi Indian Cuisine at 9818 Aldrich Avenue
Item 5.1B

Motion was made by Wilcox, seconded by Peterson, and all voting aye, to approve a New On-Sale 3.2 Percent Malt Liquor License application for Surabhi, LLC dba Surabhi Indian Cuisine at 9818 Aldrich Avenue, expiring December 31, 2004.

No public testimony was received.

Adopted a Resolution Approving Final Plat for WHITE ADDITION 8338 West Bush Lake Road
Case 10663A-04
Item 5.2A1
R-2004-66

Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution approving the preliminary and final plat of WHITE ADDITION, located at 8338 West Bush Lake Road, Case 10663A-04, subject to completion of the following conditions: receipt of the title, necessary documents and deposits and review of all documents by the City Attorney. The property is being replatted for a new single-family home to replace an existing one. The plat incorporates a portion of Xylon Avenue South proposed to be vacated.

1. Standard minimum 10-foot and 5-foot drainage and utility easement and as shown along the frontage(s) and interior property lines respectively as approved by the City Engineer.
2. A 10-foot sidewalk/bikeway easement shall be provided along all public street frontages.
3. Connection charges be satisfied.
4. Sewer Availability Charge (SAC) be satisfied.
5. Alterations to utilities shall be at the developer's expense.
6. Approved and installed erosion control barriers shall be maintained throughout the construction period and not removed until authorized by the City Engineer.
7. Grading, drainage, utility and erosion control plans shall be reviewed and approved by the City Engineer and appropriate Watershed District.
8. Provide floodage easement to the 886 elevation as shown on the preliminary plat dated 4/9/2004.
9. Unused water services shall be properly abandoned (p.c. 11.15).
10. The approved Final Plat shall be filed with Hennepin County, a certified copy provided in the Engineering Department.
11. Xylon Avenue South be vacated in conjunction with this plat.
12. Building setbacks shall conform to the setbacks shown on the preliminary plat dated 4/9/2004.
13. Right-of-Way be dedicated and donated to 40 feet from the centerline of West Bush Lake Road as shown on the plat.

Staff clarified that the correct address is 8338 West Bush Lake Road.

No public testimony was received.

Adopted an Ordinance Vacating 8338 West Bush Lake Road
Case
Item 5.2A2
O-2004-14

Motion was made by Peterson, seconded by Wilcox, and all voting aye, to adopt an Ordinance vacating a street right-of-way located at 8338 West Bush Lake Road for Jim and Jan Wase for the purpose of adding vacated street to adjacent property and for replating the property.

No public testimony was received.

Approved Revised Final Development Plans for The Wirth Companies at 1700 American Boulevard East
Case 6001A-04
Item 5.2B

Motion was made by Peterson, seconded by Harden, and all voting aye, to approve a revised final development plan for a hotel development at 1700 American Boulevard East, Case 6001A-04, for The Wirth Companies, Inc., subject to the following 12 conditions of approval and 12 Code requirements as set forth by the Planning Commission and Planning Division Staff plus the additional 3 conditions and 1 Code requirement recommended by the City Engineer and 1 condition recommended by the Traffic & Transportation Advisory Commission (TTAC) being satisfied prior to Grading, Footing, and Foundation Permits:

1. A development agreement including all conditions of approval be executed by the applicant and the City and proof of filing be provided to the Manager of Building and Inspection;
2. Exterior building materials be approved by the Planning Manager;
3. Grading, drainage, utility and erosion control plans be approved by the City Engineer following review by the appropriate watershed district;

4. Access, circulation and parking plans be approved by the City Engineer;
5. Common driveway/access/parking agreement be provided as approved by the Traffic Engineer, and proof of filing be provided to the Manager of Building and Inspection;
6. Joint Airport Zoning Board permit for building height, if determined to be applicable, be provided to the Manager of Building and Inspection;
7. Parking spaces along the westerly 300 feet be reconfigured to avoid conflict with the future I-494 improvements, as approved by the Planning Manager;

and subject to the following conditions being satisfied prior to Structural Permits:

8. Connection charges as determined be satisfied;
9. A SAC determination be calculated and payment be paid;

and subject to the following additional conditions:

10. Alterations to utilities be at the developer's expense;
11. All pickup and drop-off occur on site and off of public streets;
12. All loading and unloading occur on site and off of public streets;
13. The dual 24 inch diameter sanitary sewer force main be relocated on the site in accordance with the Metropolitan Council Environmental Services requirements and new easements be dedicated for the maintenance, repair and reconstruction of the relocated force main;
14. Provide access control easement along north and east right-of-way line with temporary access permitted at north east entrance;
15. Sidewalk plan to be approved by City Traffic Engineer and Planning Manager; and
16. Sidewalk petition and waiver for street modifications needed for planned development;

and subject to the following Code requirements:

1. Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec 19.52);
2. Erosion control measures be in place and bond be filed;
3. All rooftop equipment be fully screened (Sec. 19.52.01);
4. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
5. All trash and recyclable materials be stored inside the principal building/in a screened area (Sec. 19.51);
6. Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn Bldg. Code Sec. 904.1, Mn.Rules Chapter 1306; Uniform Fire Code Sec. 1003);
7. Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
8. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, Uniform Fire Code Sec. 903);
9. Food service plans be approved by the Environmental Services Division (City Code Sec. 14.360);
10. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
11. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code;
12. A uniform sign design be submitted for approval by the Planning Manager; and
13. All unused water services shall be abandoned at the main at the developer's expense.

Item 5.2B continued

Bob Hawbaker, Senior Planner provided the staff report. This site is the old Decathlon site and the developer plans to raise the existing building and construct a new hotel, L-shaped building, a central area (water park), with all surface parking except for 80 spaces below ground. Access would remain through a common driveway with the US Bank property immediately to the west and the existing curb cut onto West 79th Street would be lined up with the driveway across the street. He stated that this is a substantially smaller hotel project (500 rooms vs. 800 rooms) than what was previously approved by the Council for the Decathlon and that the height has been restricted so that it fits within the Joint Airport Zoning Board (JAZB) restrictions and the use is allowed under the JAZB rules. Minor modifications that will be made include a slight piece of right-of-way that will be necessary for I-494 along the north property line, which may result in the loss of six parking spaces and there will no longer be any access onto the service road. The Planning Commission recommends approval with conditions.

Shelly Pederson, City Engineer explained that she recommends the addition of 3 more conditions and 1 Code requirement and that the Traffic & Transportation Advisory Commission (TTAC) recommended one additional condition.

Speaker #1: Applicant Jeff Bornmann, The Wirth Companies
He stated the project is called Grand Lodge Minnesota and Water Park of America. It will be a family-style property and the hotel will have 403 rooms with a large water park, similar to the size and scale of the Wisconsin Dells. Wirth Companies is excited to bring this type of development to an urban setting. He showed a site plan with all the amenities. He stated that this is considered Phase 1 and that if all goes well, the property could be expanded in the future. He concurred with the additional conditions proposed by staff. Regarding TTAC's additional conditions, he inquired if Condition #2 that the development accommodate planned future right-of-way of I-494 referred to a possible new exit from 494 to American Boulevard.

Pederson stated that she did not believe that was the case, as it would cut through the middle of their site. At this time, it is not shown on any official right-of-way plan.

No other public testimony was received.

Closed Public
Comment Period

The Mayor asked if anyone else wished to address the Council during the public comment period or if it should be closed. No one came forward to speak and the public comment period was closed.

Continued to May 24
Action Relating to the
Brookside Area Storm
Sewer System Feasibility
Study
Item 5.3A

Motion was made by Peterson, seconded by Grady, and all voting aye, to continue to the May 24, 2004, Council Staff meeting, action relating to the Brookside Area Storm Sewer System Feasibility Study in order to allow staff time to explore additional alternatives and possible boring of the soils in the area to determine levels of groundwater.

Scott Anderson, Senior Civil Engineer explained that the Council directed staff to conduct a Feasibility Study on the Brookside Area Storm Sewer System, which was prompted as a result of increased drainage related complaints including wet or saturated lawns, some wet basements, heaving driveways, and some foundation cracking. He described the study area as being bounded by 98th Street on the north, 102nd Street on the south, Xerxes Avenue on the west, and Nine Mile Creek on the east. Specifically, the area between 100th Street, Upton Road and Brookside Avenue was the focus area of the study due to the drainage characteristics and repeated drainage issues in that area. He stated the goal of the study was to identify feasible alternatives to address the concerns in the area. He stated that based upon the study results, staff recommends no new infrastructure construction at this time, as the primary factors influencing drainage in this area are high groundwater elevation, the presence of significant clay soils, the general flat topography, and relative lack of elevation difference between that low area and the ultimate discharge location, which is Nine Mile Creek. As a result of a neighborhood meeting to discuss the study results, Anderson described two modifications recommended to the existing storm sewer system: 1) Replacement of an existing mechanical flanged flat gate valve to improve the efficiency and reliability of that operation and 2) Installation of a limited drain tile system nearest the storm sewer outlet in that low area.

Accepted Donation Item 3.9	Motion was made by Wilcox, seconded by Grady, and all voting aye, to accept a donation of 100 refurbished cell phones valued at \$500 donated to the City's Human Services Division by Quest Telecommunications Pioneers.
Adopted a Resolution Approving the 2004 Assessment Roll No. 10 Item 5.3A R-2004-154	<p>Motion was made by Peterson, seconded by Grady, and all voting aye, to adopt a resolution approving the 2004 Assessment Roll No. 10 for the 2002-801 Street Improvement Project on Lindau Lane from Cedar Avenue South to 24th Avenue South and all appurtenances associated with that construction.</p> <p>This project is 75% assigned to the petitioners (Mall of America Company and IKEA) and 25% from Airport South Fund.</p> <p>No public testimony was received.</p>
Opened Public Comment Period	<p>The Mayor declared the public comment period open for those wishing to address the Council on matters other than items included on the agenda.</p> <p>Speaker #1: Bill Callahan, 7433 West 105th Street He complimented the management and grounds keeping staff for the fine condition of Dwan Golf Course over the past season. He likes the new City Plaza and in particular the Schneider Theater commenting that the sightlines are wonderful and the sound is perfect. He appreciates the improved appearance of the City's pickup trucks with the new paint job and new logo. As a 27-year resident of Bloomington, Callahan stated that he doesn't care what happens to the Old Town Hall and requested the Council not spend too much money on it. In closing, he remarked that the Council is doing a "pretty good job."</p>
Approved New Therapeutic Massage License for KYTB, Inc. Item 5.1A	<p>Motion was made by Grady, seconded by Peterson, and all voting aye, to approve a new therapeutic massage enterprise license for KYTB, Inc. at 4816 West 90th Street expiring on August 31, 2005.</p> <p>No public testimony was received.</p>
Approved a New Therapeutic Massage License for Leslie M. Packard Item 5.1B	<p>Motion was made by Grady, seconded by Peterson, and all voting aye, to approve a new therapeutic massage enterprise license for Leslie M. Packard at 10700 Normandale Boulevard expiring on August 31, 2005.</p> <p>No public testimony was received.</p>
Approved Revised Final Development Plans & Change in Condition for Grand Lodge and Water Park of America at 1700 American Boulevard East Case 6001B-04 Item 5.2A	<p>Motion was made by Peterson, seconded by Grady, and all voting aye, to approve the revised final development plan for exterior building modification and change in condition for the Decathlon Exchange, LLC dba Grand Lodge and Water Park of America at 1700 American Boulevard East, Case 6001B-04, subject to the following 4 conditions of approval as set forth by the Planning Division Staff and revised Condition #5:</p> <ol style="list-style-type: none"> 1. Exterior building material for the pool chemical storage addition be a stone material to match the stone exterior approved by the Planning Manager; 2. Water slide colors (not based on primary colors) be approved by the Planning Manager; 3. Water slide clearance from parking and roadway be approved by the Traffic Engineer and Fire Marshal; and, 4. All remaining conditions as noted in the April 19, 2004 approval of Case 6001A-04 shall remain in effect. <p>and revised Condition #5:</p> <ol style="list-style-type: none"> 5. Common driveway and access agreement be provided as approved by the Traffic Engineer and proof of filing be provided to the Manager of Building and Inspection. Should the water park be open to the general public (other than hotel patrons or scheduled groups) a cross parking agreement for overflow parking space shall be provided as approved by the Traffic Engineer and the Planning Manager and proof of filing be provided to the Manager of Building and Inspection.

Item 5.2A continued

Bob Hawbaker, Senior Planner provided the staff report explaining that the need for the developer to submit a revised final development plan was prompted by the additional tubes that showed up on their exterior building plans compared to what was originally approved. He stated there were some clearance issues with the tubes but those have been resolved. He described the tubes as a transparent light blue and not a bright blue and that staff recommends approval of the revised plan.

No public testimony was received.

Approved Preliminary Plat and Adopted a Resolution Granting Final Plat Approval of WEEK Addition at 9700 & 9702 Utica Rd. Case 8132A-04 Item 5.2B R-2004-153

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the Preliminary Plat of WEEK Addition and adopted a resolution granting final plat approval for WEEK Addition located at 9700 and 9702 Utica Road, Case 8132A-04, for Robert D. and Susan B. Week subject to the following 9 conditions of approval and 1 Code requirement and receipt of the title, necessary documents and deposits and a review of all documents by the City Attorney:

1. 15-foot and 5-foot drainage and utility easements be shown along the frontage(s) and interior property lines respectively and excluding building foundation as approved by the City Engineer.
2. A 10-foot sidewalk/bikeway easement shall be provided along all public street frontages.
3. An updated common driveway/access/parking/circulation agreement/easement be provided as approved by the City Traffic Engineer.
4. A 10-foot planting easement be provided along Normandale Boulevard as approved by the City Traffic Engineer.
5. Existing drainage and utility easements be vacated with proof of filing provided to the City Engineer.
6. Alterations to utilities shall be at the developer's expense.
7. Provide a copy of common utility easement and maintenance agreement as approved by the City Engineer.
8. Provide a copy of a common driveway easement and maintenance agreement as approved by the City Engineer.
9. Provide verification of common wall construction for fire separation to City Building Inspection Manager.

and subject to the following Code requirement:

1. The approved Final Plat shall be filed with Hennepin County, a certified copy provided to the Engineering Department.

No public testimony was received.

Approved Final Development Plans for Applewood Pointe Senior Cooperative and Lyndale Green Townhomes at 8341 Lyndale Avenue Case 4213F-04 Item 5.2C1

Motion was made by Peterson, seconded by Harden, and all voting aye, to approve the final development plans for the Applewood Pointe Senior Cooperative and the Lyndale Green Townhomes at 8341 Lyndale Avenue, Case 4213F-04, for United Properties, subject to the following conditions being satisfied prior to issuance of grading, footing and foundation permits:

1. A development agreement including all conditions of approval be executed by the applicant and the City and proof of filing be provided to the Manager of Building and Inspection;
2. The final plat for the property must be recorded with the County with proof of filing provided to the Manager of Building and Inspection and a certified copy provided to the City Engineer;
3. Utility connection charges be satisfied;
4. Sewer Availability Charge (SAC) be satisfied;
5. Final grading, drainage, storm water management, utility and erosion control plans be approved by the City Engineer following review by the appropriate watershed district;
6. Erosion control measures be in place and bond be filed with the Manager of Building and Inspection;
7. Plans be revised to show a minimum setback of 30 feet between townhome units and 84th Street;

Regular Meeting #36
Monday, December 18, 2006, 7:00 p.m.
Bloomington Civic Plaza
1800 West Old Shakopee Road
Bloomington, Minnesota 55431-3027

**Call to Order and
Pledge to Flag**

Mayor Gene Winstead called the meeting to order at 7:00 p.m. and led the audience in the pledge of allegiance to the flag.

Roll Call

Present: Mayor Winstead, Councilmembers R. Axtell, S. Elkins, A. Grady, K. Nordstrom, S. Peterson, and V. Wilcox.

**Approved Agreement
with Bloomington
Civic Theatre**
ITEM 3.1

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve the lease agreement between the City and Bloomington Civic Theatre to serve liquor at the Hello Sally Gala Reception at the Bloomington Center for the Arts on December 29, 2006. A temporary liquor license has also been applied for in conjunction with this event.

**Approved Human
Services Agreements**
ITEM 3.2

Motion was made by Peterson, seconded by Elkins, and all voting aye, to approve one-year Human Services Agreements with Volunteers of America for a non-time nutrition program at an affordable price/donation at Creekside Community Center serving approximately 950 people each year Monday through Friday and with Leaves and Fishes, Too for an evening congregating dining program at no cost to participants at Creekside Community Center.

**Ratified LELS
Agreement**
ITEM 3.3

Motion was made by Peterson, seconded by Elkins, and all voting aye, to ratify a three-year labor agreement for years 2007, 2008, and 2009 with Police Supervisors Law Enforcement Labor Services (LELS) representing the Police Supervisors (Local 30).

**Adopted Resolution
Approving Variance at
9300 Wyoming Ave. S.**
Case 8612A-06
ITEM 3.4
R-2006-153

Motion was made by Peterson, seconded by Elkins, and all voting aye, to adopt a resolution approving a variance to reduce the rear yard setback from 30 feet to 22 feet for a three season porch addition at 9300 Wyoming Avenue South, Case 8612A-06 for Jerry & Carolyn Degen subject to the following 2 conditions of approval as set forth by the Planning Division Staff:

1. The variance to the rear yard setback shall only apply to the proposed three-season porch as shown in approved plans in Case 8612A-06;
The exterior finish and materials shall match those of the existing residence.

**Adopted Resolution
Approving Variance
for Water Park of
America**
Case 6001ABC-06
ITEM 3.5
R-2006-154

Motion was made by Peterson, seconded by Elkins, and all voting aye, to adopt a resolution approving variances to: 1) Increase signage on the east elevation by 94.6 square feet bringing the total allowed from 400 square feet to 494.6 square feet (Case 6001A-06); 2) Increase signage on the north elevation by 66.75 square feet bringing the total allowed from 400 square feet to 466.75 square feet (Case 6001B-06); and 3) Increase signage on the west elevation by 25.96 square feet bringing the total allowed from 225 square feet to 250.96 square feet (Case 6001C-06) at 1700 American Boulevard East for Water Park of America, subject to the following 2 conditions of approval as set forth by the Planning Division Staff and the Hearing Examiner:

1. Future modifications of the uniform sign design may be approved by the Planning Manager provided there is no increase in the total allowable signage area as approved by this variance; and
2. These variances shall apply to the entire structure, which includes both Grand Lodge and Water Park of America.