

present voting aye, to adopt a resolution granting the waiver of platting requirements subject to compliance with the conditions set forth by the Planning Commission.

Ordinance Rezoning
Properties from FD-1
and R-1 to CS-1
Item 4.7
0-91-66

The Council was requested to adopt an ordinance to rezone property located at 7901 Xerxes Avenue South, 2720, part of 2740, 2800 and 2850 West 80th Street from Freeway Development (FD-1) and Single-Family Residential (R-1) to Commercial Service (CS-1).

The Planning Commission, at its meeting of September 12, recommended approval of the rezoning. The Director of Planning indicated this will rezone the property on which an office building and the Embassy Suites hotel are located, and removes the Freeway Development zoning from this area which is being rezoned to Commercial Service (CS-1). He said with accomplishment of this rezoning, it will bring land use density controls to the property for the first time. In response to a question by Johnson about an island strip of property on 80th Street, Mr. Geshwiler said as illustrated on the map printed in the agenda, there has been a small strip of property along West 80th Street that was zoned R-1 which is being eliminated with the rezoning to CS-1. He said the City would have the right to approve preliminary and final development plans should other development occur on this property.

Following discussion, motion was made by Houle, seconded by Herbst, and all present voting aye, to close the hearing and adopt the ordinance.

Declare Recess

The Mayor declared an eight-minute recess after which the meeting was reconvened at 8 p.m.

Conditional Use Permit
for Private School
Case 5891A-91
Item 5.1

The Council was requested by Medical Institute of Minnesota to approve a conditional use permit for a private school at 5503 Green Valley Drive and 5700 Norman Center Drive.

The Planning Commission, at its meeting of September 12, recommended approval of the conditional use permit for a post-secondary educational institution in a multi-tenant building subject to satisfaction of the following conditions prior to the issuance of any building permits:

1. an easement agreement be filed with the appropriate Hennepin County agency reserving a minimum of 188 spaces on the site at 5700 Norman Center Drive for use by the Medical Institute of Minnesota or their successor for as long as they shall occupy the building,
2. building plans be reviewed by the Fire and Life Safety Committee prior to issuance of any building permits or occupancy of the building,
3. any other conditions of approval prescribed by the Director of Environmental Services regarding the keeping of animals,

and the following additional condition of approval:

4. additional enrollment may be approved by the Issuing Authority subject to submission of current tenant information in the 5501 and 5503 Green Valley Drive buildings, and additional reservation of parking spaces at 5700 Norman Center Drive, if needed; parking requirements for additional enrollment shall be calculated on the basis of 0.8 full-time equivalent daytime students.

The Director of Planning explained what is being proposed, noting that an ordinance was adopted earlier in the evening that will allow post-secondary educational institutes as conditional uses in the CO-1 zoning district. He said staff was initially concerned about the keeping of animals in the building so problems would not be created for other tenants of the building. Johnson said she was also concerned about odors from the

The Public Works Department indicated that items 1 and 2 are accomplished on the final plat and a deed has been submitted to accomplish item 3.

Following discussion, motion was made by Anderson and seconded by Allen to close the hearing and approve the preliminary and final plat of Jersee-Security Trust and adopt a resolution granting final approval subject to the conditions specified and favorable title opinion by the City Attorney. All present voted aye except O'Neil, who abstained, and the motion carried 5-0-1.

Preliminary and
Final Plat - A. G.
Bogen Company's
Xerxes Avenue
Addition
Item 5.4

A public hearing was scheduled at 7:40 p.m. for consideration of the preliminary and final plat of A. G. Bogen Company's Xerxes Avenue Addition lying east of Xerxes Avenue South between West 78th Street and West 80th Street as presented by Roy A. Bogen.

The Administrative Subdivision Review Committee reviewed the plat on March 22, 1972, and recommended approval with the following conditions:

1. 5' utility easement be provided along street right-of-way of property lines,
2. 10' drainage easement be provided along both sides of the east lot line of Lot 2,
3. 50' access easement be granted by deed over the westerly 50' of Lot 3 for Lots 1 and 2 to be filed concurrently with the final plat,
4. street dedication of right turn radius of 80' at the southwest corner of Lot 2.

The Public Works Department indicated that items 1, 2 and 4 are accomplished on the final plat and a copy of the access easement has been submitted to accomplish item 3.

Following discussion, motion was made by Allen, seconded by Anderson, and all present voting aye (6-0) to close the hearing and approve the preliminary and final plat of A. G. Bogen Company's Xerxes Avenue Addition subject to the four conditions above and subject to a favorable title opinion by the City Attorney and to adopt a resolution granting final approval.

Award of Bids,
Water Meters
Item 4.7

The Council was requested to consider the award of bids for the purchase of water meters. The City Attorney asked that this matter be tabled pending clarification of one of the bids. Motion was made by O'Neil, seconded by Malone, and all present voting aye (6-0) to table this item.

Ordinance re Drug
Paraphernalia
Item 5.2

The Council was requested to consider adopting an ordinance dealing with drug "paraphernalia." The Council considered this ordinance at its meeting of March 27 and tabled for a week to allow revisions by the City Attorney. Prior to the meeting Mr. Herbst had sent to the Council excerpts of New York and California laws on the same subject and case decisions.

The City Attorney reviewed the proposed ordinance and reiterated the reasons he felt it is important for Bloomington to have such an ordinance. The Council reviewed the proposed ordinance and question was raised in Section 3 how differentiation would be made in possession of pipes used for smoking a controlled substance and one kept as a curio for exhibition purposes. In Section 4 relating to being present intentionally in any room or place where drugs are being used illegally, it was questioned how it would be determined that the person was "intentionally" in the place. After considerable discussion, motion was made by O'Neil and seconded by Anderson to close the hearing and adopt the ordinance with further clarification of possession for exhibition purposes and "intent." There was no vote because of further discussion.

