

Following discussion, motion was made by Peterson, seconded by Mahon, and all present voting aye, to close the hearing and to adopt a resolution granting preliminary approval to the issuance of \$7,000,000 of tax-exempt ID financing to James Avenue Associates.

Hearing - Preliminary
Resolution for
Ninety-Fourth Street
Associates ID Financing
Item 4.9
R-85-202

The Council was requested by Ninety-Fourth Street Associates, a general partnership, to consider approving the issuance of \$7,000,000 of tax-exempt industrial development financing for the construction of an office-tech building at the southeast corner of 94th Street and James Avenue South.

The Assistant Director of Staff Services reviewed the application and said the proposed building, which would be part of a two-building project, the other being financed by James Avenue Associates, will generate approximately \$194,000 of taxes annually after deducting \$57,000 for fiscal disparities. He said construction is expected to start in the spring of 1986 with completion in the fall. The application is being made to the State Department of Energy and Economic Development for allocation from the State's competitive pool as none of the City's entitlement would be available. Following discussion, motion was made by Peterson, seconded by Lindau, and all present voting aye, to close the hearing and to adopt a resolution granting preliminary approval to the issuance of \$7,000,000 of ID financing for Ninety-Fourth Street Associates.

Ordinance to Repeal
Moratorium -
Section 16.05.02 of
the City Code
Item 4.10
O-85-47

The Council was requested to consider adopting an ordinance repealing Section 16.05.02 of the City Code which had placed a moratorium on the use, development, subdivision and rezoning of certain lands zoned single-family residential (R-1). The moratorium expired on September 19, 1985. Following discussion, motion was made by Mahon, seconded by Peterson, and all present voting aye, to close the hearing and to adopt the ordinance.

Standard Subdivision,
Preliminary Plat of
CDR 1st Addition
Case 9249A-85
Item 5.1

The Council was requested by CDR Investments to consider approving a standard subdivision and the preliminary plat for the CDR 1st Addition at 5801 and 5901 West Old Shakopee Road. The applicant proposes to divide a 27.5-acre site south of West Old Shakopee Road into six lots in two blocks. The plat would create three industrial lots on each side of a proposed southerly extension of Nesbitt Avenue.

The Planning Commission, at its meeting of October 3, recommended approval of the preliminary plat. Following discussion, motion was made by Lindau, seconded by Mahon, and all present voting aye, to approve the preliminary plat.

Final Plat of CDR 1st
Addition
Case 9249A-85
Item 6.11
R-85-211

The Council was requested by CDR-Minnesota to consider approving the final plat of CDR 1st Addition located at 5801 and 5901 West Old Shakopee Road. The preliminary plat was approved by the Council earlier in the item above. Following discussion, motion was made by Lindau, seconded by Blessum, and all present voting aye, to approve the final plat, to approve the subdivision agreement, and to adopt a resolution granting final approval.

Public hearing re
Request to Open Alley
in 8200 Block Between
Nicollet and Blaisdell
Avenues
Item 4.11

A public hearing was scheduled to consider a request by some residents of the 8200 block between Nicollet and Blaisdell Avenues to open the balance of the alleyway. At the current time, approximately the northerly two-thirds of the alleyway is open and used by some of the residents and garbage trucks. The southerly one-third of the alleyway is not open. A petition has been presented to the City to request the opening of the alleyway the balance of the distance to 83rd Street. This petition was initiated by the resident at 8241 Blaisdell Avenue, who does not have a driveway to Blaisdell Avenue because the previous resident there didn't want one. However, the new occupant has several vehicles and wants access to the rear of his property via an alleyway.

The Traffic and Transportation Advisory Commission, at its meeting of September 12, recommended opening of the alleyway to West 83rd Street with several conditions, including that the City accomplish the curb cut onto West 83rd Street, accept the expense of removing the tree stump that exists in the alley rights-of-way just northerly of 83rd Street, and rough grade and place a suitable gravel surface on the newly-opened portion of the alleyway. Staff recommendation was to open the alleyway with the conditions set forth by the Traffic and Transportation Advisory Commission.

Mahon asked if there would be any cost to the adjacent property owners, and the Director of Public Works said there would not be because they were not requesting any improvement of the alleyway.

James Nelson, 8250 Nicollet Avenue, asked if there would be any expense to the residents to have the tree stump removed and Mr. Langseth said the City would remove the stump and there would be no cost to the adjacent residents. Following discussion, motion was made by Mahon, seconded by Blessum, and all present voting aye, to close the hearing and to approve opening of the alleyway with no costs to be assessed against the adjacent property owners and with the conditions set forth by the Traffic and Transportation Advisory Commission.

Resolution re HRA
1986 Tax Levy for
Relocation Assistance
Item 4.12
R-85-203

The Council was requested to consider adopting a resolution authorizing a levy of \$27,300 for the HRA relocation assistance activity. The HRA Administrator said this levy had been previously considered by the Council at its September 30 meeting and had been postponed for one week pending additional information.

Mr. Daniels said the amount that has been collected for this activity to date is \$28,000 and if approved, the levy would be added to that amount to aid in payment of relocation assistance as required following acquisition of land and moving of the occupants. In response to a question by the Council, Mr. Daniels said nothing has been paid from the relocation fund to date because

ordinance.

~~Preliminary and Final Plat
of The Gables
Case 9379A-87
Item 4.2
R-87-46~~

~~The Council was requested by Dunbar Development Corporation to consider approving the preliminary and final plat of The Gables located at 9711, 9719, 9731, 9741, 9745 Grand Avenue, 304, 312, 316, 324 West 98th Street and 9746 Pleasant Avenue. The plat was submitted to combine several parcels into one lot for construction of an apartment building.~~

The Administrative Subdivision Review Committee, at its meeting of March 31, recommended approval of the plat with the following conditions:

1. provide 10-foot sidewalk easement on entire street perimeter,
2. sidewalk and streetscape to be constructed on Pleasant Avenue, Grand Avenue and 98th Street as per final development plan approval,
3. non-access easement to 98th Street be provided,
4. connection charges be satisfied prior to issuance of any building permits,
5. park dedication be in cash,
6. grading, drainage, utility and erosion control plans be as approved by the City Engineer,
7. street modification to be submitted by developer for Grand Avenue,
8. permanent easement by deed be provided for cul-de-sac on Grand Avenue at the north end of the lot to be as determined by the Director of Public Works and the Housing and Redevelopment Authority,
9. standard easements and rights-of-way to be as shown on the plat.

Schuler commented that the shape of the building was unusual and questioned what leeway the Council has in approval of the plans. The Director of Planning indicated that the building plans have been approved and the developer must follow the approved plans for the building.

Following discussion, motion was made by Peterson and seconded by Mahon to close the hearing, to approve the preliminary and final plat of The Gables, to approve the subdivision agreement, and to adopt a resolution granting final approval. The vote on the motion was ayes, Mahon, Spies, Peterson and Blessum, and nay, Schuler, and the motion carried 4-1.

~~Ordinance Repealing Portion
of City Code re Northern
States Power Company
Franchise
Item 4.3
0-87-24~~

~~The Council was requested to adopt an ordinance repealing Article II, Section 20.58 et al of the City Code, which grants a franchise to Northern States Power Company. The franchise has never taken effect because the conditions of the franchising were not satisfied. Because the City Code is presently being reprinted, the City Attorney has requested that this article be deleted. Following discussion, motion was made by Mahon, seconded by Peterson, and all present voting aye, to close the hearing and adopt the ordinance.~~

~~Ordinance Regulating Lawn
Herbicide and Pesticide
Control by Commercial
Applicators
Item 4.4~~

~~The Council was requested to consider adopting an ordinance regulating the commercial application of lawn herbicides and pesticides. Staff recommendation was to postpone this ordinance for two weeks to allow for notification of certain interested parties. Motion was made by Mahon, seconded by Spies, and all present voting aye, to postpone this ordinance for two weeks.~~

~~Variances to Allow More
Than Visitor Parking and
to Reduce Parking Setback -
10801 Nesbitt Avenue
Case 9395AB-87
Item 6.11
R-87-42~~

~~The Council was requested by Old Shakopee Association, 10801 Nesbitt Avenue, to consider approving variances to allow more than visitor parking in front of their building and to reduce the parking setback from Nesbitt Avenue from 40 feet to 25 feet.~~

~~The Planning Commission, at its meeting of March 26, recommended approval of the variances, based on making the required City Code findings in Section 2.98.01(b)(3)(A) (B) (C) (D) with the following conditions:~~

1. earth mounding, no less than four feet in height, and plant material screening be provided immediately adjacent to and between the north parking lot and the R-1 zoning

- line, as approved by the Director of Planning.
2. the north parking lot maintain a setback of at least 20 feet from the R-1 zoning district line.
 3. no more than 50 percent of the total on-site parking be on the West Old Shakopee Road front (north side of any building),
 4. minimum of three-foot high solid screening be provided along Nesbitt Avenue between all parking areas and driveways as approved by the Director of Planning to include a minimum of six-foot high screening opposite the docking area entrance,
 5. no parking shall be allowed along Nesbitt Avenue between the northerlymost building and southerlymost building lines extended to Nesbitt except as approved by the Director of Planning and only if such parking is face-in to the building on the inside of the driveway,
 6. such parking as may be allowed along Nesbitt shall not exceed the allowed number of visitor spaces.

Following discussion, motion was made by Mahon, seconded by Peterson, and all present voting aye, to adopt a resolution granting the variance based on compliance with the conditions set forth by the Planning Commission.

Ordinance Regulating the
Keeping of Non-Domesticated
Animals
Item 4.5

The Council was requested to adopt an ordinance regulating the keeping of non-domesticated animals. The Director of the Building and Inspection Division said the Advisory Board of Health supports passage of the ordinance because of health problems that can be associated with the keeping of non-domesticated animals such as bites from the animals and diseases contracted from them. He said the Advisory Board of Health had reviewed this proposed ordinance many times, and noted that Bloomington is one of the few cities in the metropolitan area that does not have such an ordinance.

He said the board concluded that wild animals should be kept in the wild, particularly since there is no known inoculation against wild animal bites or scratches. In response to a question by Mahon as to whether Bloomington has had a problem with persons keeping wild animals, he said there have been a number of instances of complaints against people keeping a cougar, a bear and a wolf.

Lynette Matz, Chairman of the Advisory Board of Health, said the board has studied the proposed ordinance in depth and is now asking the Council for its adoption. The City Manager noted that the proposed Mall of America intends to have wild animals as part of an exhibit, and asked how this would be handled if the ordinance was adopted. Mr. Mood said they would have to get a permit, and the ordinance does have a provision for granting permits; however, the ordinance would have to be amended to accommodate the Mall as the present provisions for temporary conditional use permits call for a maximum time limit of 30 days.

In response to a question as to who had been notified of the proposed ordinance, Mr. Mood said various groups were notified, and Sue Pettit, who had met with the Council on the trapping of animals, particularly raccoons, could not attend the meeting but said she was in favor of the ordinance. Blessum said he felt the one-year period for compliance for a person now keeping a non-domesticated animal is too long and should be shortened.

Also speaking in favor of the proposed ordinance were Dean Shepersky, member of the Advisory Board of Health, who indicated that notice of the ordinance was sent to the owners of the seven animal hospitals in Bloomington inviting them to attend this meeting. Dr. James Shanks, also a member of the Advisory Board of Health, said the only opposition that had been voiced to the board by those testifying in regard to the ordinance was the from some pet shop owners who opposed the inclusion of ferrets as animals which may not be kept as pets.

Following discussion, motion was made by Mahon, seconded by Peterson, and all present voting aye, to postpone this ordinance for two weeks and to request the staff to amend the ordinance to provide for a longer period of time for a temporary conditional use permit for the keeping of non-domesticated animals and a shorter period of time in which

~~Vacation of Easements~~
~~8000 Bridge Road~~
~~Item 4.3B~~
~~O-98-15~~

~~Motion was made by Ramthun, seconded by Wilson, and all present voting aye, to adopt an ordinance vacating certain easements over Lot 1, Thrifty Scot Addition, 8000 Bridge Road.~~

Mayor Houle explained that the only items left on tonight's agenda are timed, and the Council must wait until 7:45 p.m. to take action on the next item.

Ordinance Amendment -
 Superior Storage
 Case 10000B-98
 Item 4.4A

Senior Planner Bob Hawbaker explained the request of Superior Storage to amend the required 500 foot setback from a major thoroughfare to 200 feet for a self-storage facility at Nesbitt Avenue and West Old Shakopee Road with an office/warehousing development in the setback between the street and the self-storage facility. Mr. Hawbaker referenced companion items 4.4B and C, requests for a rezone and preliminary and final development plans, and noted the Planning Commission and Staff do not support this application.

Attorney Bill Griffith, representing Superior Storage, commented on the demand for self-storage facilities, the difficulty in locating a parcel in the western industrial park for such a facility, and on the unnecessary restrictiveness of the 500 foot setback. Mr. Griffith provided pictures of other warehouse facilities along Old Shakopee Road which have an exterior similar to that proposed for this facility, provided a drawing of the proposed self-storage facility on the site, and reviewed site security. Mr. Griffith reviewed site plan changes which have been incorporated at the suggestion of staff, and reviewed other Superior Storage locations and occupancy rates.

Mayor Houle referenced several letters of opposition received. Speaking from the public:

- John Moran, 5539 West 107th Street Circle
- Mike Seeland, 6851 Flying Cloud Drive

Mr. Moran expressed concerns with the on-site pond. Mr. Seeland, president of Metro RV and Mini Storage, a self-storage facility located south of the proposed development, indicated if the setback amendment is granted for Superior Storage he will seek the same amendment for his facility, and responded to Council questions of occupancy levels at his facility.

Mr. Hawbaker responded to questions of difficulty in developing on this site, where in the City a self-storage facility could be located, the differences between the I-1 and IP zoning districts, and what percent of the western industrial park is fully developed or committed. Acting City Manager Larry Lee commented on why a past Council established an IP District and the 500 foot setback. Councilmember Lenczewski expressed her concern with changing performance standards for the last few parcels in the park.

Mayor Houle referenced a letter received on US Bank letterhead and questioned whether this letter represented the position of US Bank, and if so, should Councilmember Wilcox, an employee of US Bank, abstain from this item. City Attorney Dave Ornstein suggested this item be postponed to the April 20 meeting for clarification of the letter and when all Councilmembers will be present.

Following discussion, motion was made by Lenczewski, seconded by Bianchi, and all present voting aye, to continue to the April 20 Council meeting the application of Superior Storage for an ordinance amendment to reduce the required setback. For the record Councilmember Lenczewski indicated the intent of her motion is to allow for clarification of the letter from US Bank.

Rezone and Preliminary
 & Final Development
 Plan - Superior Storage
 Case 9395BC-98
 Item 4.4BC

Motion was made by Lenczewski, seconded by Bianchi, and all present voting aye, to continue to the April 20 meeting the application of Superior Storage for a rezone of the property at 10801 Nesbitt Avenue from IP to I-1(PD).

Motion was made by Lenczewski, seconded by Bianchi, and all present voting aye, to continue to the April 20 meeting the application of Superior Storage for preliminary and final development plans for an office/warehouse and self-storage facility.

15. Environmental Health Services Division staff to review any amplification plan and monitor volumes during events as appropriate.
16. Individual event attendance limits be approved by the Director of Community Development.

Cemetery Code Amendments Item 4.5 O-98-22	Motion was made by Wilcox, seconded by Ramthun, and all voting aye, to adopt an ordinance amending Article II, City Cemetery, Chapter 5 of the City Code, regarding fee increase, internment eligibility and internment requirements.
Sale of 7901 Nicollet and Purchase Agreement Item 4.7 A&B	Following discussion, motion was made by Heintzeman, seconded by Lenczewski, and all voting aye, to continue to the May 18, 1998 Council meeting consideration of an ordinance authorizing the resale of 7901 Nicollet Avenue and a sale agreement for the proposed transfer.
Temporary Conditional Use Permit - 201 West Motors Case 7906A-98 Item 4.8	Motion was made by Bianchi, seconded by Heintzeman, and all voting aye, to continue to the May 18, 1998 Council meeting consideration of a temporary conditional use permit for Class II motor vehicle sales at 201 West Motors (Guy Luedke).
Resolution of Denial - Superior Storage Item 4.9 R-98-56	Motion was made by Bianchi, seconded by Winstead, to adopt a resolution of denial of an application by Superior Storage, LLC to: (1) rezone property located at 10801 Nesbitt Avenue from Industrial Park (IP) to Industrial Park Planned Development (I-1(PD)); (2) approve preliminary and final development plans for an office/warehouse and self-storage facility; and, (3) ordinance amendment to section 19.61.01 of the City Code reducing setback of self-storage facilities from 500 to 200 feet. The motion carried 5 - 2, with Ramthun and Wilcox voting in opposition.
Temporary Conditional Use Permit - Tan Spa/ Sun Place Case 8211A-98 Item 5.1	Motion was made by Heintzeman, seconded by Wilcox, and all voting aye, to approve a five year temporary conditional use permit for a tanning salon at 7840 Portland Avenue, Tan Spa/Sun Place, Inc., subject to the following conditions set forth by the Planning Commission and Planning Staff: 1. Number of tanning units not exceed nine during the period of the temporary conditional use permit unless an increase is approved by the Planning Manager. 2. Renewals of this temporary conditional use permit may be heard by the Hearing Examiner.
Temporary Conditional Use Permit - Acceleration Minnesota Case 4630A-98 Item 5.2	Motion was made by Bianchi, seconded by Lenczewski, and all voting aye, to approve a three year temporary conditional use permit for a physical exercise facility, Acceleration Minnesota, in an existing office-warehouse building at 9801 James Circle, subject to the following conditions set forth by the Planning Commission and Planning Staff: 1. Floor area devoted to the use shall not exceed 3,500 square feet unless approved by the Planning Manager. 2. All refuse be stored in an interior location as approved by the Fire Marshal and Planning Manager. 3. Signage be in conformance with a Uniform Sign Design approved by the Planning Manager.
Variances and Revised Conditional Use Permit - Minnesota Valley Unitarian Universalist Fellowship Case 6329ABC-98 Item 5.3ABC R-98-61 R-98-63	The Council was requested to consider variances and a revised conditional use permit for expansion of Minnesota Valley Unitarian Universalist Fellowship church which will set the framework for expansion of the church. As the applicant was not present, Planning Manager Clark Arneson reviewed the Council's 1997 approval of plans for the church expansion and explained the revised plans incorporate property acquired to the south of the site. Mr. Arneson clarified the differences between this proposal and the plans approved in 1997 in the areas of setbacks and site orientation, and commented on testimony at the Planning Commission regarding screening, noting this is addressed in the conditions of approval. In response to questions, Mr. Arneson clarified questions of drainage would be addressed in the development plan, the proposed rear setback is neither better nor worse than that approved in 1997, and reviewed setback requirements for churches and for homes in an R-1 zoning district. Speaking from the public:

Approved Revised Final
Development Plan for
Life Care Retirement
Communities, Inc.
Case 7975A-99
Item 5.2

Motion made by Wilcox, seconded by Onat, and all voting aye, to approve the revised final development plan for a parking garage and entry/fellowship hall addition to Life Care Retirement Communities, Inc. at 8100 Highwood Drive subject to the following seven conditions being satisfied prior to the issuance of any grading or building permits as set forth by the Planning Division and the Planning Commission, and the additional three conditions of approval and eight code requirements:

1. Grading, drainage, utility and erosion control plans be approved by the City Engineer;
2. A SAC questionnaire be completed and submitted to the Department of Public Works;
3. Access, circulation and parking plans be approved by the City Traffic Engineer;
4. Erosion control measures be in place prior to issuance of grading permits;
5. Applicant meet with the Fire Marshal and Building and Inspection Division staff prior to the commencement of construction;
6. Plans be reviewed and approved by Nine Mile Creek Watershed District;
7. Any trash and recyclable materials collection and storage areas for the addition shall be inside the building and shall be as approved by the Fire Marshal and Planning Manager;

And subject to the following additional conditions of approval:

8. Alterations to utilities be at the developer's expense;
9. Exterior building materials shall consist of brick to match that of the existing buildings, stone, wood trim and columns, and cedar siding on the porte-cochere;
10. All construction loading and unloading, stockpiling, and parking occur on site and off of public streets and the main private circulation drive;

And subject to the following Code requirements:

1. Landscape plan be approved by the Planning Manager (Sec. 19.52);
2. All rooftop equipment be fully screened (Sec. 19.52.01);
3. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands;
4. Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn. Bldg. Code Sec. 904.1 and M.R. Chapter 1306; Uniform Fire Code Sec. 1003);
5. Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
6. 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);
7. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code; and
8. Emergency action plan be reviewed and approved by the Bloomington Police Department

Approved the Final Site
Plans and Building
Plans for Mount
Properties, Inc.
Case 9395A-99
Item 5.3

Motion made by Bianchi, seconded by Wilcox, and all voting aye, to approve the final site plans and building plans for an office/warehouse building at 10801 Nesbitt Avenue for Mount Properties, Inc. subject to the following eleven conditions being satisfied prior to the issuance of any grading or building permits as set forth by the Planning Division and Planning Commission, and the additional four conditions of approval and eight code requirements:

1. Exterior building materials shall consist of decorative concrete block, glass, Portland Cement stucco, and EIFS trim not to exceed 15 percent of each building elevation;
2. Building plans shall identify trash and recyclable material collection and storage area(s) provided within the building as approved by the Fire Marshal and the Planning Manager;
3. Wetland mitigation plan be completed and approved by the City Engineer;
4. Common utility easement be provided for the south storm sewer line as approved by the City Engineer and proof of filing be provided to the Manager of Building and Inspection;
5. Construction agreement for encroachment of grading on the property to the east be provided as approved by the City Engineer and approved copy be provided to the Manager of Building and Inspection;

Item 5.3
continued

6. Grading, drainage, utility and erosion control plans be approved by the City Engineer;
7. Connection charges estimated to be \$18,240.60 be satisfied;
8. A SAC questionnaire be completed and submitted to the Department of Public Works and charges satisfied;
9. Access, circulation and parking plans be approved by the City Traffic Engineer;
10. Erosion control measures be in place prior to issuance of grading permits;
11. Common driveway/access agreement be provided across the north circulation drive as approved by the Traffic Engineer, and proof of filing be provided to the Manager of Building and Inspection;

And subject to the following additional conditions of approval:

12. Expansion of required or needed parking into the truck circulation/maneuvering area east of the building shall not be allowed without approval by the City Traffic Engineer and the Planning Manager;
13. Alterations to utilities be at the developer's expense;
14. Sidewalk be installed along Nesbitt Avenue, including the intersection radius at the developer's expense as approved by the City Engineer. A sidewalk also be installed along the north service drive to connect the building with the public sidewalk on Nesbitt Avenue;
15. All loading, unloading, and truck maneuvering shall occur on site and off of adjacent public streets;

And subject to the following Code requirements:

1. Landscape plan be approved by the Planning Manager (Sec. 19.52);
2. All rooftop equipment be fully screened (Sec. 19.52.01);
3. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec. 19.64);
4. Building be provided with an automatic fire sprinkler system as approved by the Fire Marshall (Mn Bldg. Code Sec. 904.1 and M.R. Chapter 1306; Uniform Fire Code Sec. 1003);
5. Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
6. 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);
7. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
8. Signage be in conformance with the requirements of Chapter 19, Article X of the City Code.

~~Approved the Preliminary and Final Plat for Brookside Development Company, LLC
Case 10488A-99
Item 5.4
R-99-145~~

~~Motion made by Spies, seconded by Ramthun, to approve the preliminary and final plat and adopted a resolution granting approval and approval of the subdivision agreement for Nine Mile Creek 2nd Addition at 10101 and 10105 Brookside Avenue subject to the following 13 conditions and 2 code requirement as set forth by the Planning Division and Planning Commission, the additional staff recommended conditions 14, 15, 16, 17, 18 and 19, the rewording of Condition #16 to read, "The developer provide a \$5,000 irrevocable erosion control letter of credit and a \$15,000 irrevocable landscape letter of credit to the City to be retained until the certificate of occupancy for all the single family homes is issued;" the rewording of Condition #18, "Provide a 15 foot wide easement along Brookside Circle on the northerly edge of Lot 9 for snow storage, utility and drainage purposes as approved by the City Engineer;" added Condition #20, "Provide a minimum of 40 foot front yard setback from the Brookside Circle property line to the garages on Lot 1 and Lot 9;" and added Condition #21, "Provide as-built certificates of survey to the Building Director prior to home occupancy on Lots 1 and 9." Motion passed 5-2-0 with Wilcox and Bianchi opposing.~~

~~Item 4.3 continued~~

~~City Engineer Pederson stated that she believed the individual had questions regarding the drainage easement. She explained that the City is vacating one easement because the City was given another by the property owner to cover the area where their water drains over the top of it, therefore, the flow pattern is not changing. It's just an easement adjustment to cover the water so that the records will be correct in the event of a future sale of the property. Ms. Pederson stated that she would call Ms. Mahon to explain the action approved tonight.~~

Adopted an Ordinance
Rezoning Certain
Property at 10800 and
10801 Nesbitt Avenue
and 6101 and 6301 West
Old Shakopee Road for
the City of Bloomington
Item 4.4A
O-2001-27

Motion was made by Peterson, seconded by Ornat, and all voting aye, to adopt an ordinance to rezone certain property at 10800 and 10801 Nesbitt Avenue and 6101 and 6301 West Old Shakopee Road from R-1 Single-Family Residential to IP Industrial Park, thereby amending Section 19.72 of the City Code for the City of Bloomington, Case 10002A-01.

Bernhardson explained that all of the following ordinances to rezone certain properties are technical adjustments and that no one attended the Planning Commission meetings to comment on any of them. He stated that the Council did need to take a vote on each one separately.

Hawbaker added that these rezonings have gone through a long public hearing process and that there was a limited response but that calls did come and questions were answered. He stated that no one had any objections to any of the rezonings.

~~Adopted an Ordinance to
Rezoning Certain Property
at 3800 East 80th Street
for the City of
Bloomington
Item 4.4B
O-2001-28~~

~~Motion was made by Peterson, seconded by Wilson, and all voting aye, to adopt an ordinance to rezone certain property at 3800 East 80th Street from CS-0.5(PD) Commercial Service Planned Development to CS-1 Commercial Service, thereby amending Sections 19.73 and 19.75 of the City Code for the City of Bloomington, Case 10002B-01.~~

Adopted an Ordinance to
Rezoning Certain Property
at 5501 West Old
Shakopee Road for the
City of Bloomington
Item 4.4C
O-2001-29

Motion was made by Peterson, seconded by Ornat, and all voting aye, to adopt an ordinance to rezone certain property at 5501 West Old Shakopee Road from R-1(PD) Single-Family Residential (Planned Development) to IP(PD) Industrial Park (Planned Development), thereby amending Sections 19.73 of the City Code for the City of Bloomington, Case 10002C-01.

Adopted an Ordinance to
Rezoning Certain Property
at 8201 Park Avenue,
8200 Chicago Avenue,
and 8101 Park Avenue
for the City of
Bloomington
Item 4.4D
O-2001-30

Motion was made by Peterson, seconded by Ornat, and all voting aye, to adopt an ordinance to rezone certain property at 8201 Park Avenue and 8200 Chicago Avenue from R-1 Single-Family Residential to R-1(PD) Single-Family Residential (Planned Development) and certain property at 8101 Park Avenue from R-1(PD) Single-Family Residential to R-1 Single-Family Residential, thereby amending Section 19.73 of the City Code for the City of Bloomington, Case 10002D-01.

Adopted an Ordinance to
Rezoning Certain Property
at 8801 Portland Avenue
South for the City of
Bloomington
Item 4.4E
O-2001-31

Motion was made by Peterson, seconded by Ornat, and all voting aye, to adopt an ordinance to rezone certain property at 8801 Portland Avenue South from R-4 Multiple-Family Residential to R-1 Single-Family Residential, thereby amending Section 19.67 of the City Code for the City of Bloomington, Case 10002E-01.

INTER-OFFICE CORRESPONDENCE

Date: October 9, 1985
To: Robert A. Mood, Manager of Building and Inspection
From: Rick Geshwiler, Director of Planning
Subject: LETTER OF TRANSMITTAL
Case 9249A-85
Preliminary Plat

At its regular meeting of October 7, 1985 the City Council approved the preliminary plat of CDR 1st Addition at 5801 and 5901 West Old Shakopee Road with the following conditions:

- 1) right-of-way be dedicated to 55 feet from centerline along West Old Shakopee Road;
- 2) 80 feet of right-of-way be dedicated for Nesbitt Avenue;
- 3) 40 feet of right-of-way be dedicated along the south lines of proposed Lot 3, Block 1, and Lot 3, Block 2;
- 4) 50-foot radius be provided at all corners of street intersections;
- 5) ten-foot planting easement be provided along West Old Shakopee Road;
- 6) ten-foot sidewalk easement be provided along all street frontages;
- 7) sidewalk to be constructed on all street frontages in the easement area at the developer's expense;
- 8) temporary 120-foot diameter turnaround be provided at the south end of the property (Nesbitt Avenue), or at the terminus of each phase;
- 9) temporary storm water pond to be provided on proposed Lot 3, Block 1 and a deed for such to be provided as approved by the City Engineer;
- 10) no park dedication be required;
- 11) alterations to existing utilities shall be at the developer's expense,

and subject to the following code requirement:

grading, drainage utility and erosion control plans to be approved by the City Engineer.


Rick Geshwiler
Director of Planning

jb



Municipal Building • 2215 West Old Shakopee Road • Bloomington, Minnesota 55431-3096 • (612) 881-5811

April 15, 1987

Old Shakopee Associates
7188 Shady Oak Road
Eden Prairie, MN 55344
Attention: Gary O'Keefe

Case 9395AB-87
Variances

Dear Mr. O'Keefe:

At its regular meeting of April 6, 1987 the City Council adopted a resolution granting variances to reduce the parking setback on Nesbitt Avenue to 25 feet and to allow more than visitor parking in front of a building at 10801 Nesbitt Avenue with the following conditions:

- 1) earth mounding, no less than four feet in height, and plant material screening be provided immediately adjacent to and between the north parking lot and the R-1 Zoning line, as approved by the Director of Planning;
- 2) the north parking lot maintain a setback of at least 20 feet from the R-1 Zoning District line;
- 3) no more than 50 percent of the total on-site parking be on the West Old Shakopee Road front (north side of any building);
- 4) minimum of three-foot high solid screening be provided along Nesbitt Avenue between all parking areas and driveways as approved by the Director of Planning to include a minimum of six-foot high screening opposite the docking area entrance;
- 5) no parking shall be allowed along Nesbitt Avenue between the northerly most building and southerly most building lines extended to Nesbitt except as approved by the Director of Planning and only if such parking is face-in to the building on the inside of the driveway;
- 6) such parking as may be allowed along Nesbitt shall not exceed the allowed number of visitor spaces.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rick Geshwiler', written over the typed name.

Rick Geshwiler
Director of Planning

jb



2215 West Old Shakopee Road • Bloomington MN 55431-3096 • (612)948-8700 • TDD: 948-8740

May 6, 1998

Todd C. Jones
Superior Storage, LLC
601 Carlson Parkway, Suite 350
Minnetonka, MN 55305

RE: Case 10000B-98 and 9395BC-98

Dear Mr. Jones:

At its regular meeting of May 4, 1998 the City Council adopted a resolution of denial to: an ordinance amendment to Section 19.61.01 of the Code reducing setback of self-storage facilities from 500 to 200 feet; rezone property located at 10801 Nesbitt Avenue from IP to I-1(PD); and approve preliminary and final development plans for an office/warehouse and self-storage facility.

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

Sincerely,

A handwritten signature in cursive script that reads 'Clark Arneson'.

Clark Arneson
Planning Manager

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10000 B 98



2215 West Old Shakopee Road • Bloomington MN 55431-3096 • (612) 948-8920 • FAX: 948-8949 • TDD: 948-8740
e-mail: planning@ci.bloomington.mn.us

October 5, 1999

Mr. Stephen Michals
Mount Properties, Inc.
7808 Creekridge Circle, Suite 305
Bloomington, MN 55439

RE: Case 9395A-99

Dear Mr. Michals:

At its regular meeting of October 4, 1999 the City Council approved the final site plans and building plans for an office warehouse building at 10801 Nesbitt Avenue. You may apply for the necessary permits upon completing the signature block at the bottom of this letter guaranteeing compliance with the conditions of approval attached by the City Council. This letter must be delivered to Cyndi Osberg in the Planning Division, City of Bloomington. A duplicate copy is included for your files.

Your application was approved subject to the following conditions being satisfied prior to the issuance of any grading or building permits:

- 1) Exterior building materials shall consist of decorative concrete block, glass, Portland Cement stucco, and EIFS trim not to exceed 15 percent of each building elevation;
- 2) Building plans shall identify trash and recyclable material collection and storage area(s) provided within the building as approved by the Fire Marshal and the Planning Manager;
- 3) Wetland mitigation plan be completed and approved by the City Engineer;
- 4) Common utility easement be provided for the south storm sewer line as approved by the City Engineer and proof of filing be provided to the Manager of Building and Inspection;
- 5) Construction agreement for encroachment of grading on the property to the east be provided as approved by the City Engineer and approved copy be provided to the Manager of Building and Inspection;
- 6) Grading, drainage, utility and erosion control plans be approved by the City Engineer;
- 7) Connection charges estimated to be \$18,240.60 be satisfied;
- 8) A SAC questionnaire be completed and submitted to the Department of Public Works and charges satisfied;
- 9) Access, circulation and parking plans be approved by the City Traffic Engineer;
- 10) Erosion control measures be in place prior to issuance of grading permits;
- 11) Common driveway/access agreement be provided across the north circulation drive as approved by the Traffic Engineer, and proof of filing be provided to the Manager of Building and Inspection;

9395 A 99

Mr. Stephen Michals
October 5, 1999

Page 2

and subject to the following additional conditions of approval:

- 12) Expansion of required or needed parking into the truck circulation/maneuvering area east of the building shall not be allowed without approval by the City Traffic Engineer and the Planning Manager;
- 13) Alterations to utilities be at the developer's expense;
- 14) Sidewalk be installed along Nesbitt Avenue, including the intersection radius at the developer's expense as approved by the City Engineer. A sidewalk also be installed along the north service drive to connect the building with the public sidewalk on Nesbitt Avenue;
- 15) All loading, unloading, and truck maneuvering shall occur on site and off of adjacent public streets;

and subject to the following Code requirements:

- 1) Three foot high solid screening be provided along Nesbitt Avenue as approved by the Planning Manager (Sec. 19.52);
- 2) Landscape plan be approved by the Planning Manager (Sec 19.52);
- 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);
- 4) Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn Bldg. Code Sec. 904.1 and M.R. Chapter 1306; Uniform Fire Code Sec. 1003);
- 5) Fire lanes be posted as approved by the Fire Marshal (Uniform Fire Code Sec. 901.4);
- 6) 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);
- 7) Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code;
- 8) Signage be in conformance with the requirements of Chapter 19, Article X of the City Code.

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.

Continued on next page

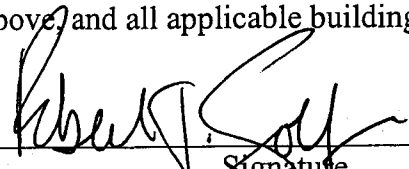
Mr. Stephen Michals
October 5, 1999

Acknowledgment:

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

DATED 10-6-99

By



Signature

ROBERT J. SOLFELT

Typed or Printed Name

PRESIDENT

Title

7808 CREEKRIDGE CIRCLE

Address

SUITE 305

BLOOMINGTON MN 55439

City

State

ZIP

941-1383

Telephone

Obligations of the City:

The City will issue the necessary permits for development and use of the property for the purpose stated in Case 9395A-99, subject to the conditions set forth above.

Sincerely,



Clark Arneson
Planning Manager

planning\pc\xmit99\939599.doc

9395 A 99



2215 West Old Shakopee Road • Bloomington MN 55431-3096 • (952) 563-8920 • FAX: 563-8949 • TDD: 563-8740
e-mail: planning@ci.bloomington.mn.us

August 7, 2001

City of Bloomington
Planning Division
2215 West Old Shakopee Road
Bloomington, MN 55431

RE: Case 10002A-01

File:

At its regular meeting of August 6, 2001, the City Council adopted an ordinance approving the rezoning of a portion of the properties at 10800 and 10801 Nesbitt Avenue and 6101 and 6301 West Old Shakopee Road from R-1, Single-family Residential to IP, Industrial Park.

Should you have any questions regarding this action, please contact Becky Schindler, Planner at (952) 563-8927.

Sincerely,

Bob Hawbaker
Senior Planner

[planning\pct\mit01\10002A01.doc](#)



June 7, 2012

Barry Stoffel
Greiner Construction
625 Marquette Ave S., Suite 840
Minneapolis, MN 55402

RE: Case 9395A-12
10801 Nesbitt Ave S.

Dear Mr. Stoffel:

As set forth in the City Code Section 21.501.01(c)(1), I have approved a minor revision to Final Site Plans and Building Plans for parking changes and modifications to the exterior building elevation by replacing two existing windows with two loading docks at 10801 Nesbitt Ave S. subject to the following conditions:

- 1) Exterior building renovation to the east elevation and parking lot changes shall be limited to those shown on the plans approved in Case 9395A-12;
- 2) The two new loading docks are to match the two existing loading docks on the east elevation;
- 3) All parking stalls to be painted with white striping;
- 4) Install crosswalk pavement markings in accordance with MMUTCD;
- 5) All public sidewalks shall not be obstructed;
- 6) Sewer Availability Charge (SAC) be determined by contacting Met Council and be satisfied as required;
- 7) All construction and post-construction parking, loading, unloading, and truck maneuvering shall occur on-site and off of adjacent public streets; and
- 8) Any future additional parking spaces will need to meet the City of Bloomington regulations and receive Final Site and Building Plan approval.

And subject to the following Code requirements:

- 1) All signage shall be in conformance with the requirements of Article X, Sign Regulations, City Code; and
- 2) All trash and recyclable material collection and storage shall be provided for inside the building (Sec 19.51).

9395 A

12

Should you have any questions regarding this action, please contact Jason Schmidt, Planner at (952) 563-8922.

Sincerely,



Glen Markegard, AICP
Planning Manager

cc: Christy Swenson
Liberty Property Limited Partnership
10400 Viking Drive #130
Eden Prairie, MN 55344

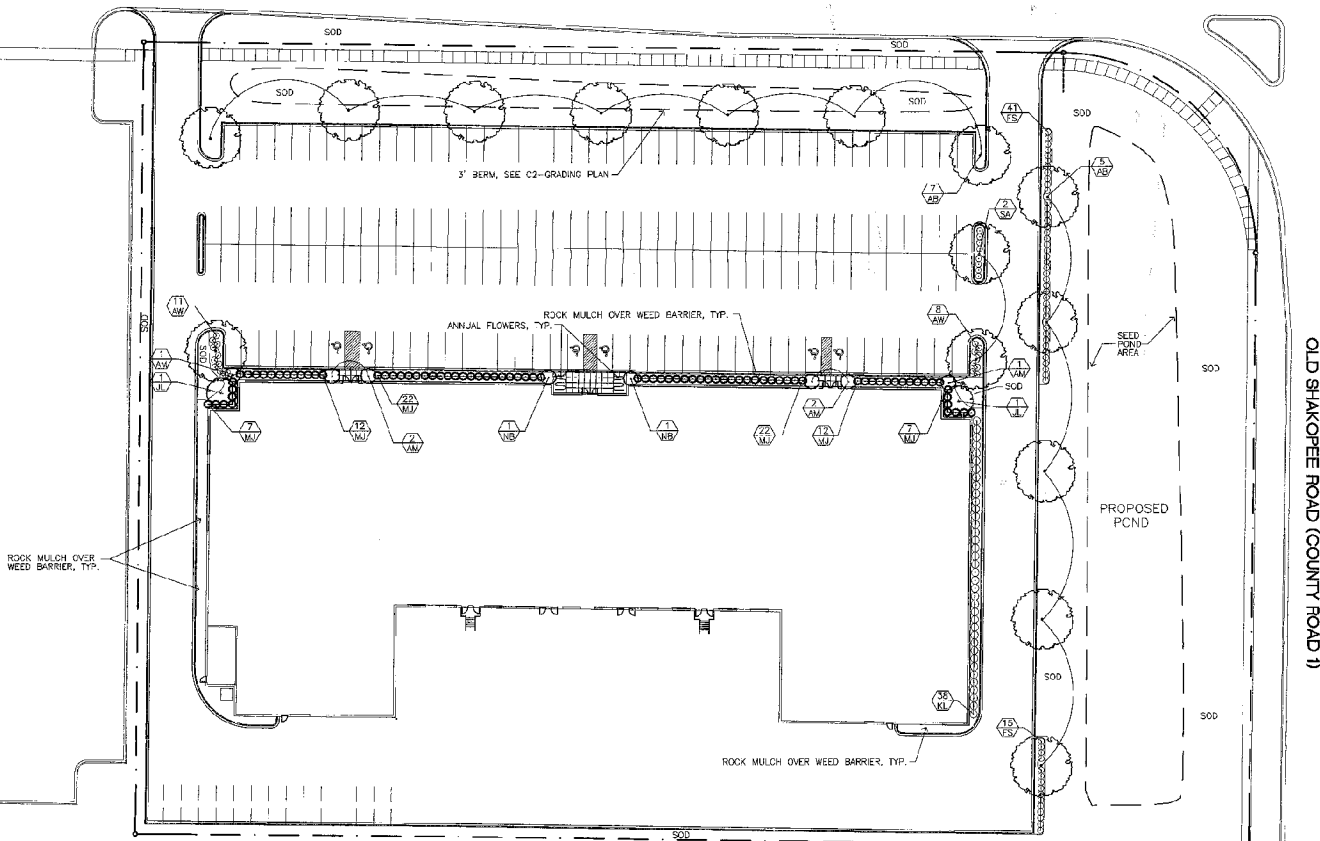
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9395 A

12

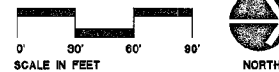
PL2022-215 PL202200215

NESBITT AVENUE SOUTH



LANDSCAPE SCHEDULE			
KEY	COMMON NAME	BOTANICAL NAME	REMARKS
TREES			
AR	AUTUMN BLAZE MAPLE	<i>Fraxinus pennsylvanica</i> 'Summit'	2 1/2" B&B
AL	GLIMP JAPANESE TREE LILAC	<i>Syringa reticulata</i>	10" B&B
SA	SUMMIT ASH	<i>Fraxinus pennsylvanica</i> 'Summit'	2 1/2" B&B
SHRUBS			
AW	ANTHONY WATERER SPIREA	<i>Spiraea japonica</i> 'Anthony Waterer'	15" HT., CONT.
AM	COMPACT MAUI MAPLE	<i>Acer glabrum</i> 'Compactum'	3" HT., CONT.
FB	FROBEL SPIREA	<i>Spiraea bumalda</i> 'Froebel'	15" HT., CONT.
KL	DWARF KOREAN LILAC	<i>Syringa meyeri</i> 'Palatin'	15" HT., CONT.
WJ	MINT JULEP JUNIFER	<i>Spiraea chinensis</i> 'Mint Julep'	15" HT., CONT.
NB	NANNYBERRY	<i>Viburnum lentago</i>	5" HT., B&B

SEED PLANTING NOTES:
GENERAL CONTRACTOR TO SEED AREAS SHOWN AT THE FOLLOWING RATES:
MIXED # 404 SEED MIXTURE (DESIGNATIONS - 15 LBS PER ACRE)
RE-SEED AFTER 60 DAYS ALL AREAS NOT MORE THAN 75% GERMINATION.



FOR REVIEW ONLY
PRELIMINARY
NOT FOR CONSTRUCTION

PLANTING NOTES:

LANDSCAPE CONTRACTOR SHALL OBTAIN SOIL PRIOR TO SUBMITTING BID TO BECOME COMPLETELY FAMILIAR WITH SITE CONDITIONS.

INSTALL 4" MIN. BLACK BIRT TO ALL SOI AND SHRUB AREAS. CONTRACTOR RESPONSIBLE FOR FINE GRADING OF SOI AREAS.

CONTRACTOR WILL STAKE OR MARK ALL PLANT MARKING LOCATIONS PRIOR TO INSTALLATION. CONTRACTOR SHALL HAVE DIMENSIONS REPRESENTATIVE APPROVE ALL STAKING PRIOR TO INSTALLATION.

ALL SHRUB AREAS TO BE BED MULCHED WITH 3" DEPTH OF 1/2" WASHED RIVER ROCK OVER WEED BARRIER. POLY-ESTER TO BE VALLEY VIEW BLACK BRAND OR APPROVED EQUAL.

CONTRACTOR WILL COMPLETELY GUARANTEE ALL WORK FOR A PERIOD OF ONE YEAR FOLLOWING AT THE DATE OF ACCEPTANCE. CONTRACTOR WILL MAKE ALL REPLACEMENTS PROMPTLY (AS PER DIRECTION OF OWNER).

ANY MATERIAL WHICH DIES OR DEGRADATES PRIOR TO ACCEPTANCE OF THE WORK WILL BE PROMPTLY REMOVED AND REPLACED.

THE OWNER REPRESENTATIVE RESERVES THE RIGHT TO REFUSE ANY PLANT MATERIAL NOT MEETING SPECIFICATIONS.

ALL MATERIAL SHALL COMPLY WITH THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AND AN ASSOCIATION OF NURSERYMEN.

ALL TREE TRUNKS SHALL BE WRAPPED WITH BROWN CREPE TREE WRAP. APPLY WRAP IN NOVEMBER AND REMOVE IN APRIL.

LANDSCAPE CONTRACTOR TO WATER AND MAINTAIN ALL PLANT MATERIALS AND SOI UNTIL INITIAL ACCEPTANCE.

REPAIR AT NO COST TO OWNER ALL DAMAGE TO PROPERTY RESULTING FROM LANDSCAPE WORK.

CONTRACTOR IS RESPONSIBLE FOR CALLING OWNER STATE ONE AT 454-0002 AND FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL JAVO DAMAGE TO UTILITIES DURING THE COURSE OF THE WORK. CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE TO UTILITIES, SITE STRUCTURES, ETC., RESULTING FROM LANDSCAPE CONSTRUCTION.

LANDSCAPE CONTRACTOR IS TO BE RESPONSIBLE FOR WATERING PLANTING MATERIALS UNTIL THE TIME THE PERMANENT IRRIGATION SYSTEM IS FULLY FUNCTIONAL.

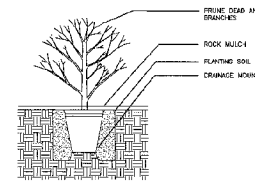
CHEMICAL WEED CONTROL MUST BE APPLIED TO ALL LANDSCAPE AREAS PRIOR TO ANY PLANT INSTALLATION.

LANDSCAPE CONTRACTORS TO COORDINATE INSTALLATION WITH GENERAL CONTRACTOR.

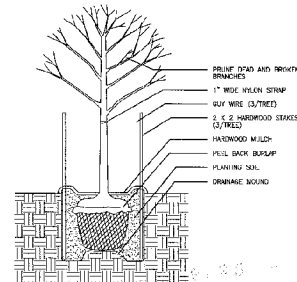
STAKING AND GRADING OF TREES OPTIONAL. LANDSCAPE CONTRACTOR SHALL MAINTAIN PLUMBNESS OF TREES FOR DURATION OF WARRANTY PERIOD.

INSTALL SOI FROM BACK OF CURB ON HANSHIRE AVENUE. SLOPE AND WASH ALL PAVED SURFACES AND REMOVE ALL DEBRIS RESULTING FROM LANDSCAPE OPERATIONS.

CONTRACTOR TO SUPPLY DESIGN AND INSTALLATION OF IRRIGATION PLAN WITH 100% COVERAGE. USE RAINBOW OF APPROVED EQUAL.



SHRUB PLANTING DETAIL
NOT TO SCALE



TREE PLANTING DETAIL
NOT TO SCALE

ALLIANT ENGINEERING
INCORPORATED



210 SECOND STREET SE
ST. ANTHONY MAIN
MINNEAPOLIS, MN 55414
(612) 755-8480
(612) 755-8707 FAX

I hereby certify that this plan, specification or schedule was prepared by me or under my direct supervision and that I am a duly registered professional engineer in the State of Minnesota.

NESBITT BUSINESS CENTER
BLOOMINGTON, MINNESOTA

LANDSCAPE PLAN

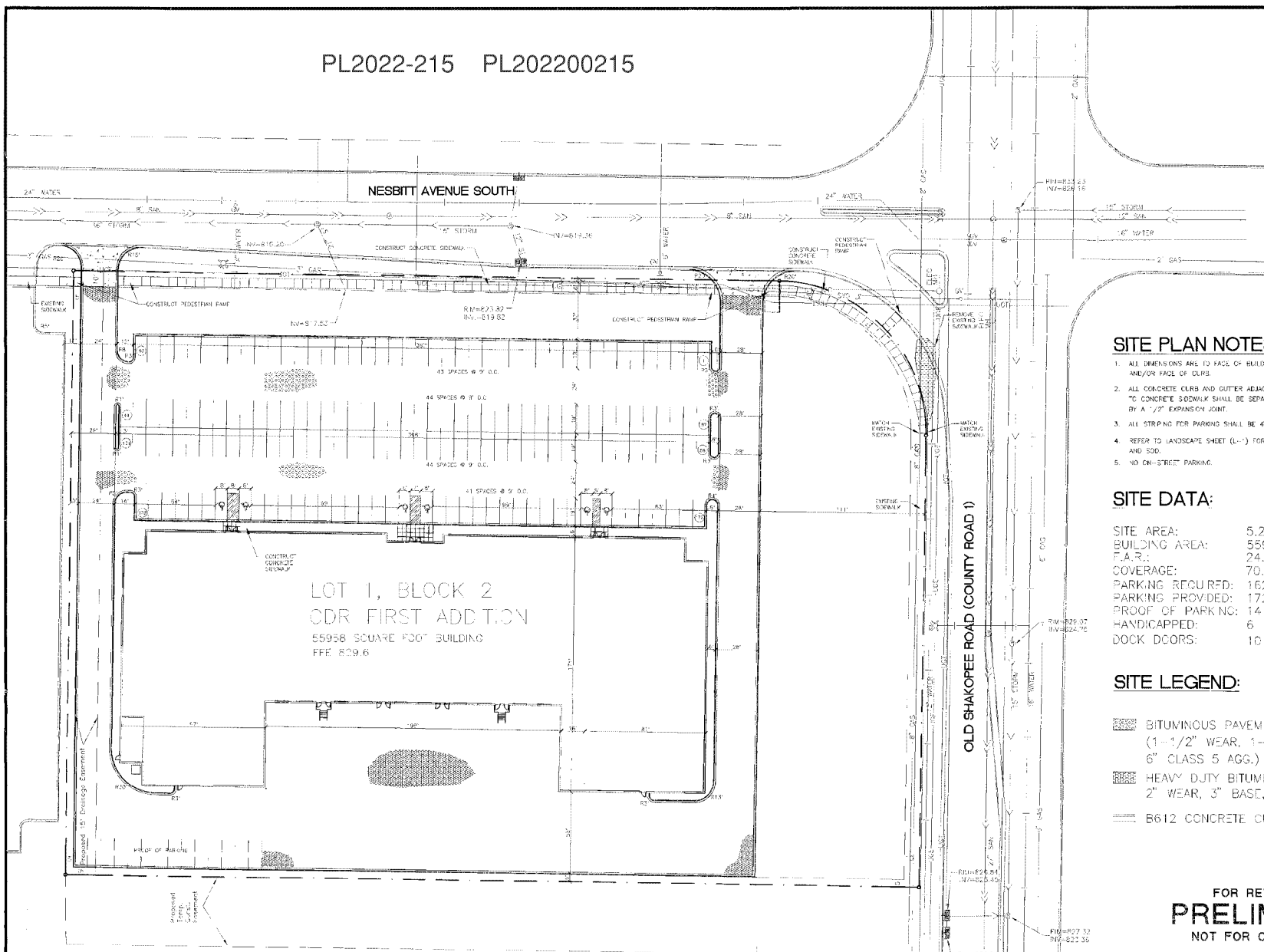
REVISIONS
NEW BUILDING WITH LOADING DOCKS 8/26/99
CITY SUBMITTAL 8/26/99
DESIGNED
DIVISION OF CITY PLANNING
AUG 27 1999
CITY OF BLOOMINGTON
MINNESOTA

DRAWN BY: M.C.
CHECKED BY: M.A.
DATE ISSUED: 6.26.99
SCALE: 1"=30'
JOB NO.: 99227

L1

SHEET OF

PL2022-215 PL202200215



SITE PLAN NOTES:

1. ALL DIMENSIONS ARE TO FACE OF BUILDING AND/OR FACE OF CURB.
2. ALL CONCRETE CURB AND OUTER ADJACENT TO CONCRETE SIDEWALK SHALL BE SEPARATED BY A 1/2" EXPANSION JOINT.
3. ALL STRIPING FOR PARKING SHALL BE 4" WHITE.
4. REFER TO LANDSCAPE SHEET (L-1) FOR LIMITS OF SEED AND SOIL.
5. NO ON-STREET PARKING.

SITE DATA:

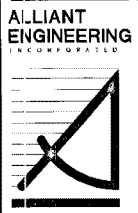
SITE AREA: 5.22 ACRES
 BUILDING AREA: 55958 SQUARE FEET
 F.A.R.: 24.6%
 COVERAGE: 70.9%
 PARKING REQUIRED: 162
 PARKING PROVIDED: 172
 PROOF OF PARKING: 14
 HANDICAPPED: 6
 DOCK DOORS: 10 + 2 AT GRADE

SITE LEGEND:

- BITUMINOUS PAVEMENT (1-1/2" WEAR, 1-1/2" BASE, 6" CLASS 5 AGG.)
- HEAVY DUTY BITUMINOUS PAVEMENT (2" WEAR, 3" BASE, 8" CLASS 5 AGG.)
- B612 CONCRETE CURB AND GUTTER

FOR REVIEW ONLY
PRELIMINARY
 NOT FOR CONSTRUCTION

SITE PLAN



215 SECOND STREET SE
 ST. ANTHONY, MN 55414
 (612) 662-0422
 (612) 670-2707 FAX

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of MINNESOTA.

Signature: _____
 Date: _____
 Registration Number: _____

NESBITT BUSINESS CENTER

BLOOMINGTON, MINNESOTA

SITE PLAN

REVISIONS
 NEW BUILDING WITH LOADING DOCKS 8/20/99
 MOVE BUILDING 8/22/99
 CITY SUBMITTAL 8/26/99

DRAWN BY: JED
 CHECKED BY: JWO
 DATE ISSUED: 8/28/99
 SCALE: 1" = 30'
 JOB NO.: 99227

C1

SHEET OF