

Case no. **5195 A 09**

Type of application

- Temporary
 Interim
 Renewal
 Revision
 Staff approval
 Standard
 Administrative
- Conditional Use Permit
 Preliminary Development Plan
 Final Site and Building Plan
 Ordinance Amendment
- Rezoning
 Final Development Plan
 Comprehensive Plan Amendment
 Sign Design
- Subdivision
 Variance
 Other _____

Site location Additional addresses on back Legal description attached

Property address: **9010 + 9030 Lyndale Ave S.** Common name: **Great Bear Shop. Ctr.**

Business address: _____

PIN: **0902724410071** Lot: **2** Block: **1** Plat name: **Great Bear 1st Addition**

Proposal Full documentation must accompany application

**Exterior Renovations to two existing buildings.
Stucco facelift, new signage**

Complete all applicable sections — Select only ONE person as primary contact

Fee property owner

Primary contact

Business name/name: **Great Bear Shopping Center (Rice Real Estate)**

Mailing address: **5100 Edina Indust. Blvd** City: **Edina** State: **MN** Zip: **55439**

Additional owners on Back

Business address: _____ City: _____ State: _____ Zip: _____

Daytime phone: **952-831-2411** Cell phone: _____ FAX: _____

Rice Real Estate Co. Applicant's signature: *[Signature]* Title: **pres.**
as Managing Agent

User/occupant

Primary contact

Business name/name: _____

Mailing address: _____ City: _____ State: _____ Zip: _____

Business address: _____ City: _____ State: _____ Zip: _____

Daytime phone: _____ Cell phone: _____ FAX: _____

Typed/printed name: _____ Applicant's signature: _____ Title: _____

NOTE: Applications only accepted with ALL required support documents. See Instructions.

Deadline for agency action

60 Days: **5/28/09**

120 Days: **7/27/09** Notice sent

Waiver received: _____

Shaded areas are for office use only

Received: Date **3/30/09** By **LP**

Reviewed: Date _____ By PC CC HE

Fee paid: Date **3/30/09** \$ **75.00**

Admin. approval: Date **3/21/09** By **[Signature]**

Comm. Dev't Dir. Planning Div. Manager

Other: **[Signature]**

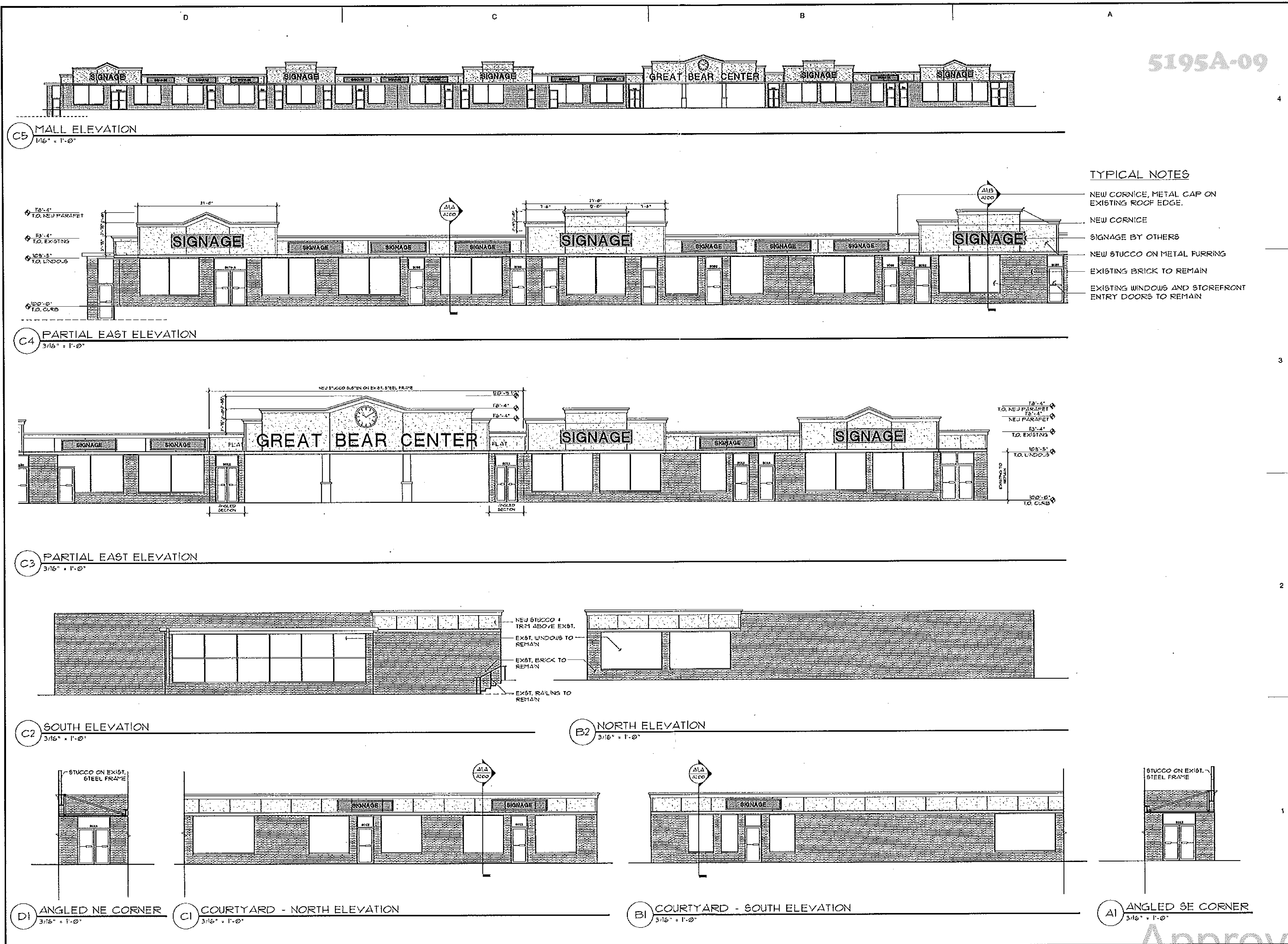
Community Development

Planning and Economic Dev.
1800 W. Old Shakopee Road
Bloomington MN 55431-3027

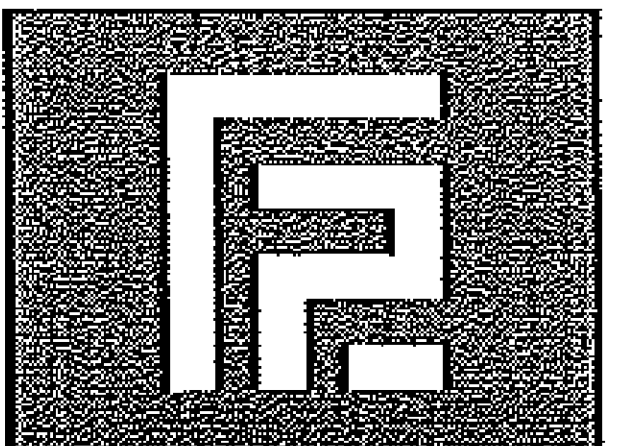
PH 952-563-8920
FAX 952-563-8949
TTY 952-563-8740

E-MAIL planning@ci.bloomington.mn.us
www.ci.bloomington.mn.us

5195A-09



- TYPICAL NOTES**
- NEW CORNICE, METAL CAP ON EXISTING ROOF EDGE.
 - NEW CORNICE
 - SIGNAGE BY OTHERS
 - NEW STUCCO ON METAL FURRING
 - EXISTING BRICK TO REMAIN
 - EXISTING WINDOWS AND STOREFRONT ENTRY DOORS TO REMAIN



**Fendler
Patterson
CONSTRUCTION**

4830 WEST 124TH STREET
SAVAGE, MN 55378
952-890-4364 TEL
952-890-2916 FAX



DJR
ARCHITECTURE INC.

333 Washington Ave. N
Suite 210
Minneapolis, MN 55401
Ph: 612-676-2700
Fax: 612-676-2786

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 under the laws of the State of Minnesota.
Paul W. Voigt
Signature
PAUL W. VOIGT
03/25/09
Date
20723
Registration Number
FOR STRUCTURAL ONLY

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 under the laws of the State of Minnesota.
Walt Pfeiffer
Signature
03/25/09
Date
17444
Registration Number

GREAT BEAR CENTER
90TH & LYNDALE
BLOOMINGTON, MN
Exterior Elevations

REVISIONS

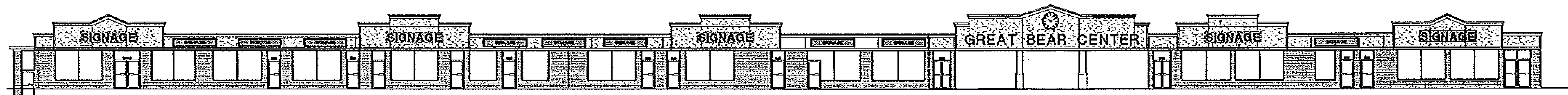
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SCALE	VARIES
JOB NO.	03-0192

A100

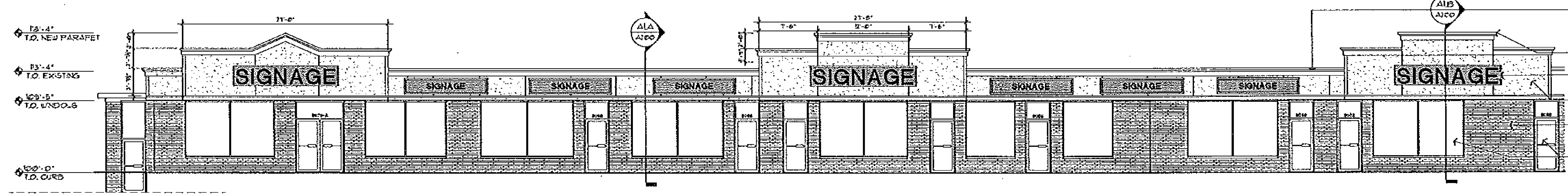
Approved Plan

5195A-09

C5 MALL ELEVATION
1/8" = 1'-0"



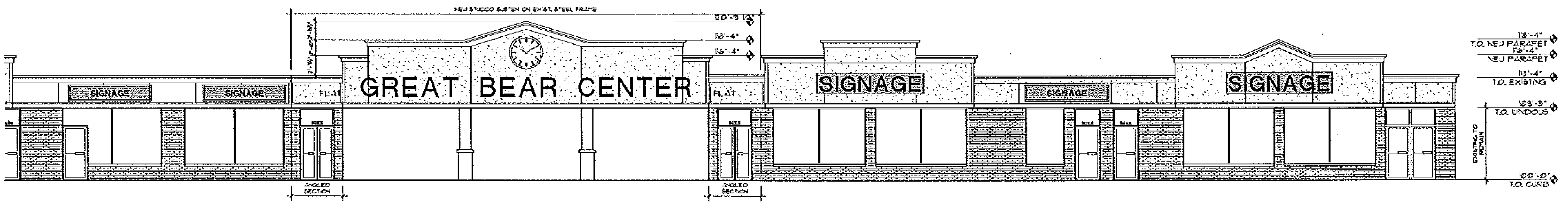
C4 PARTIAL EAST ELEVATION
3/16" = 1'-0"



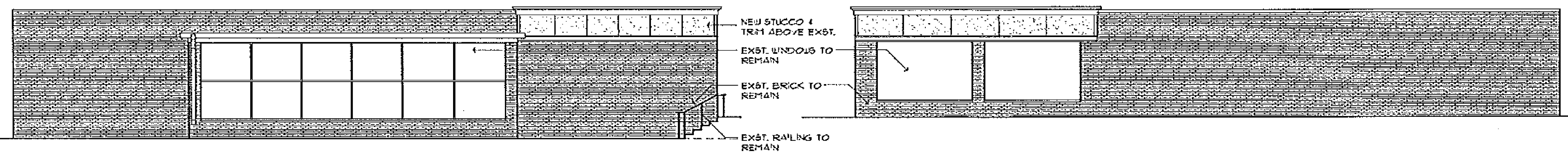
TYPICAL NOTES

- NEW CORNICE, METAL CAP ON EXISTING ROOF EDGE.
- NEW CORNICE
- SIGNAGE BY OTHERS
- NEW STUCCO ON METAL FURRING
- EXISTING BRICK TO REMAIN
- EXISTING WINDOWS AND STOREFRONT ENTRY DOORS TO REMAIN

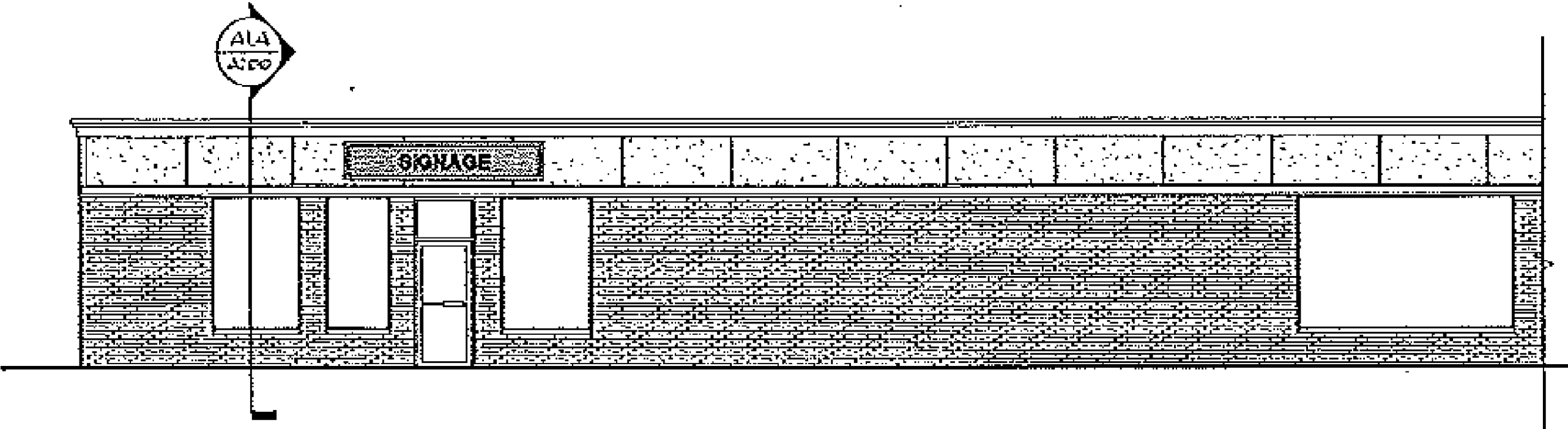
C3 PARTIAL EAST ELEVATION
3/16" = 1'-0"



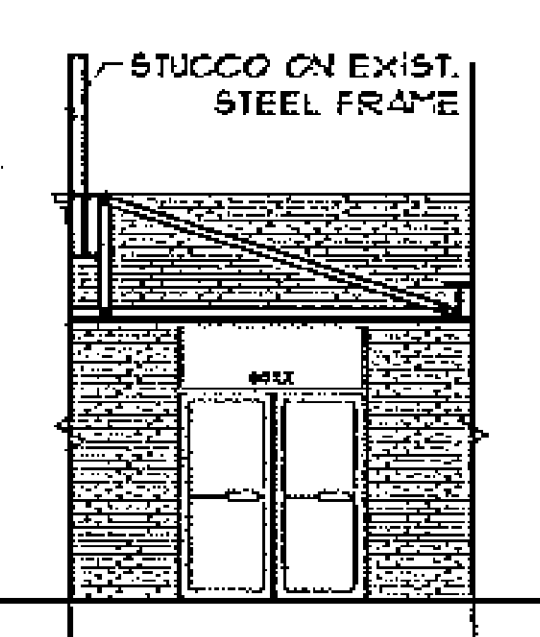
C2 SOUTH ELEVATION
3/16" = 1'-0"



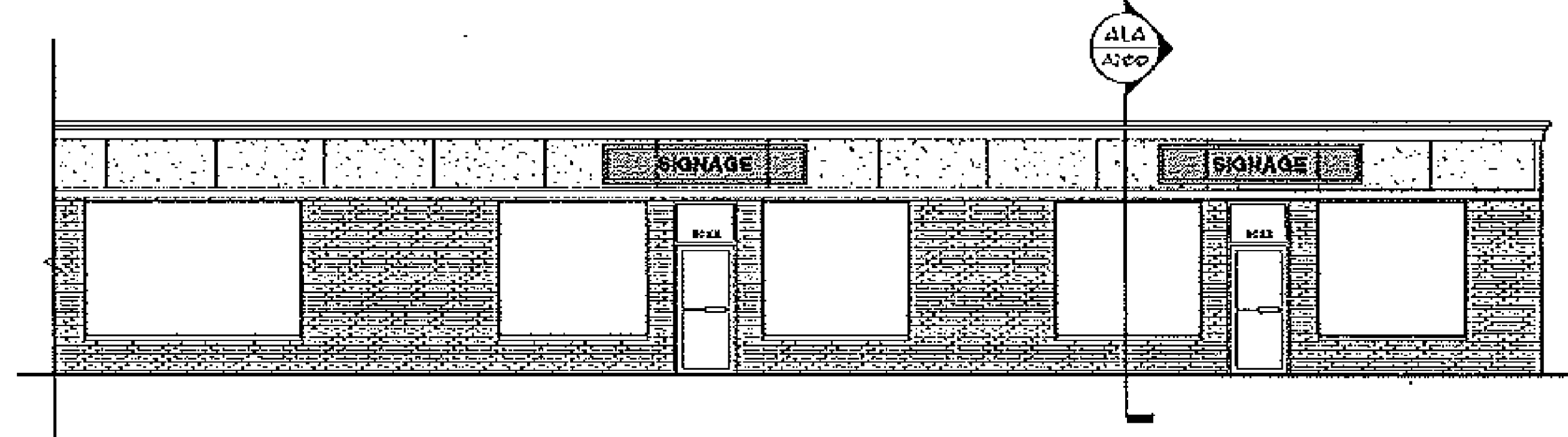
B2 NORTH ELEVATION
3/16" = 1'-0"



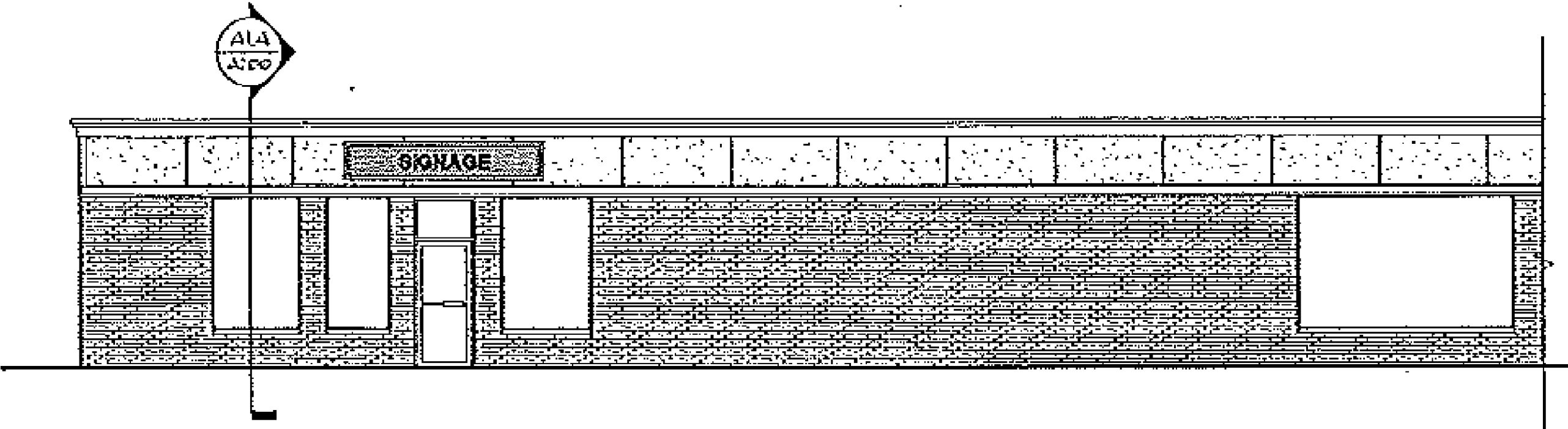
D1 ANGLED NE CORNER
3/16" = 1'-0"



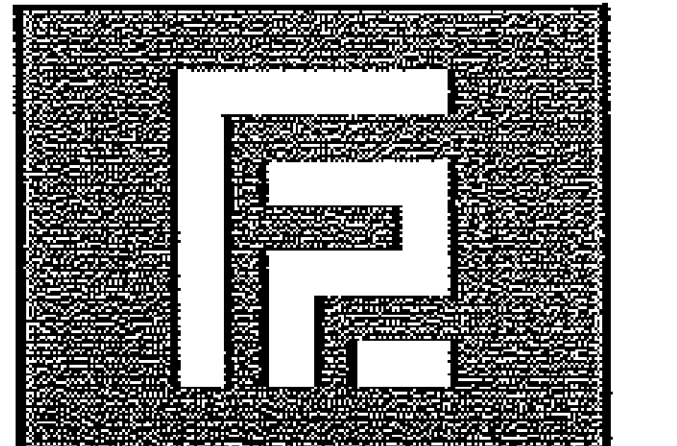
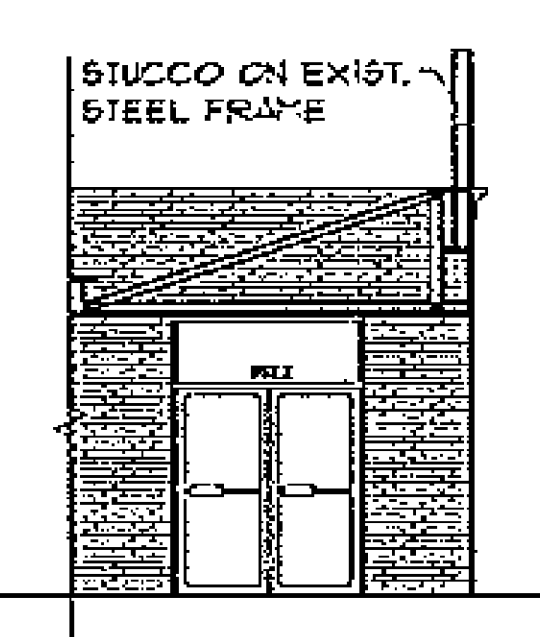
C1 COURTYARD - NORTH ELEVATION
3/16" = 1'-0"



B1 COURTYARD - SOUTH ELEVATION
3/16" = 1'-0"



A1 ANGLED SE CORNER
3/16" = 1'-0"



**Fendler
Patterson
CONSTRUCTION**

4839 WEST 124TH STREET
SAVAGE, MN 55378

952-490-4364 TEL
952-850-2916 FAX



**DJR
ARCHITECTURE INC.**

333 Washington Ave. N
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Fax: 612-676-2796

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 under the laws of the State of Minnesota.

Signature: *Paul W. Voigt*
PAUL W. VOIGT
03.25.09
20225
Registration Number

FOR STRUCTURAL ONLY

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

Signature: *Walt Peltz*
WALT PELTZ
03.25.09
17444
Registration Number

GREAT BEAR CENTER
90TH & LYNDALE
BLOOMINGTON, MN

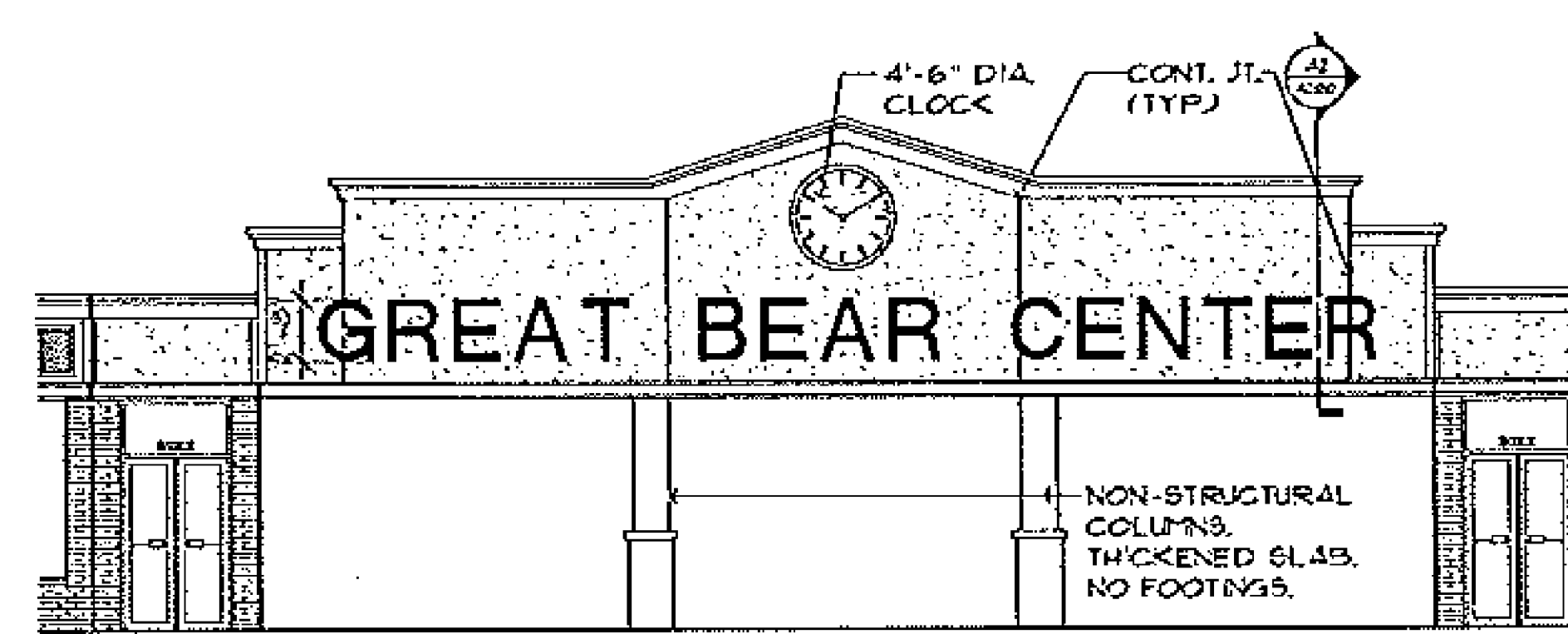
Exterior Elevations

REVISIONS	
DATE ISSUED	03.25.09
SCALE	VARIES
JOB NO.	03.0130

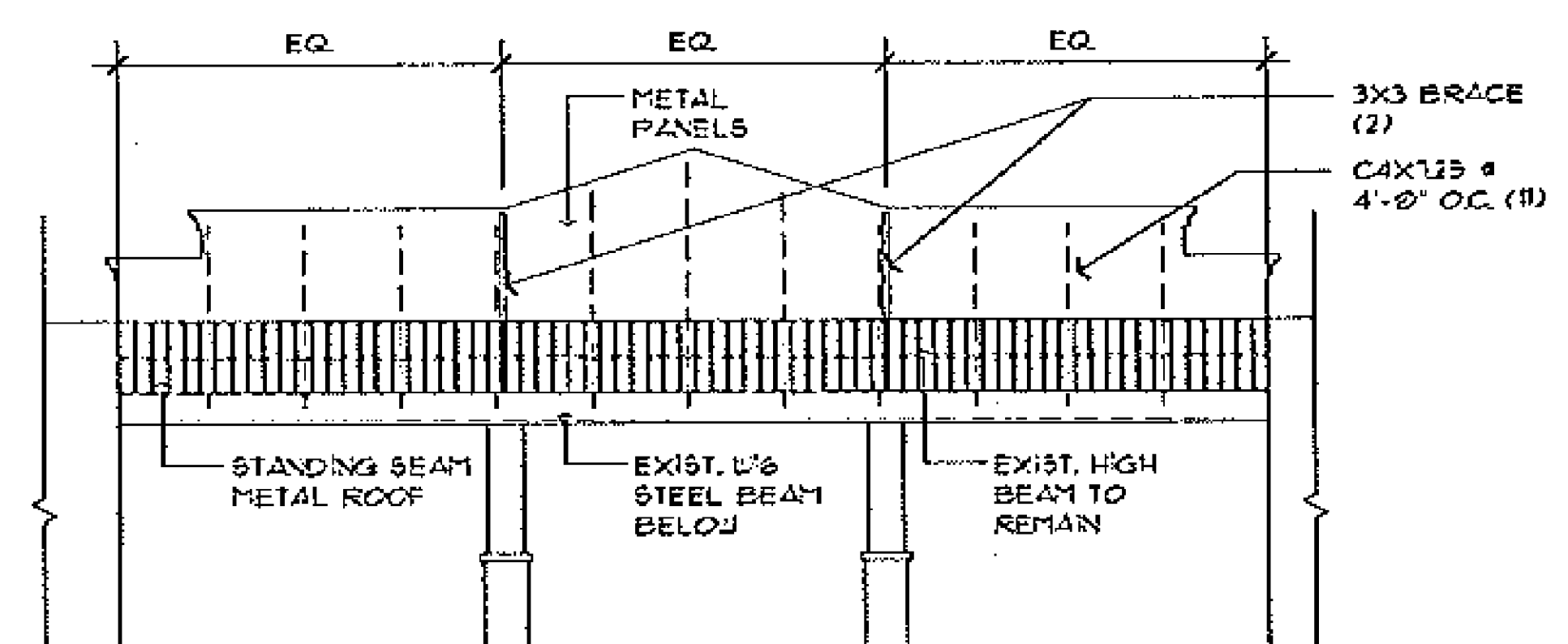
A100

Approved Plan

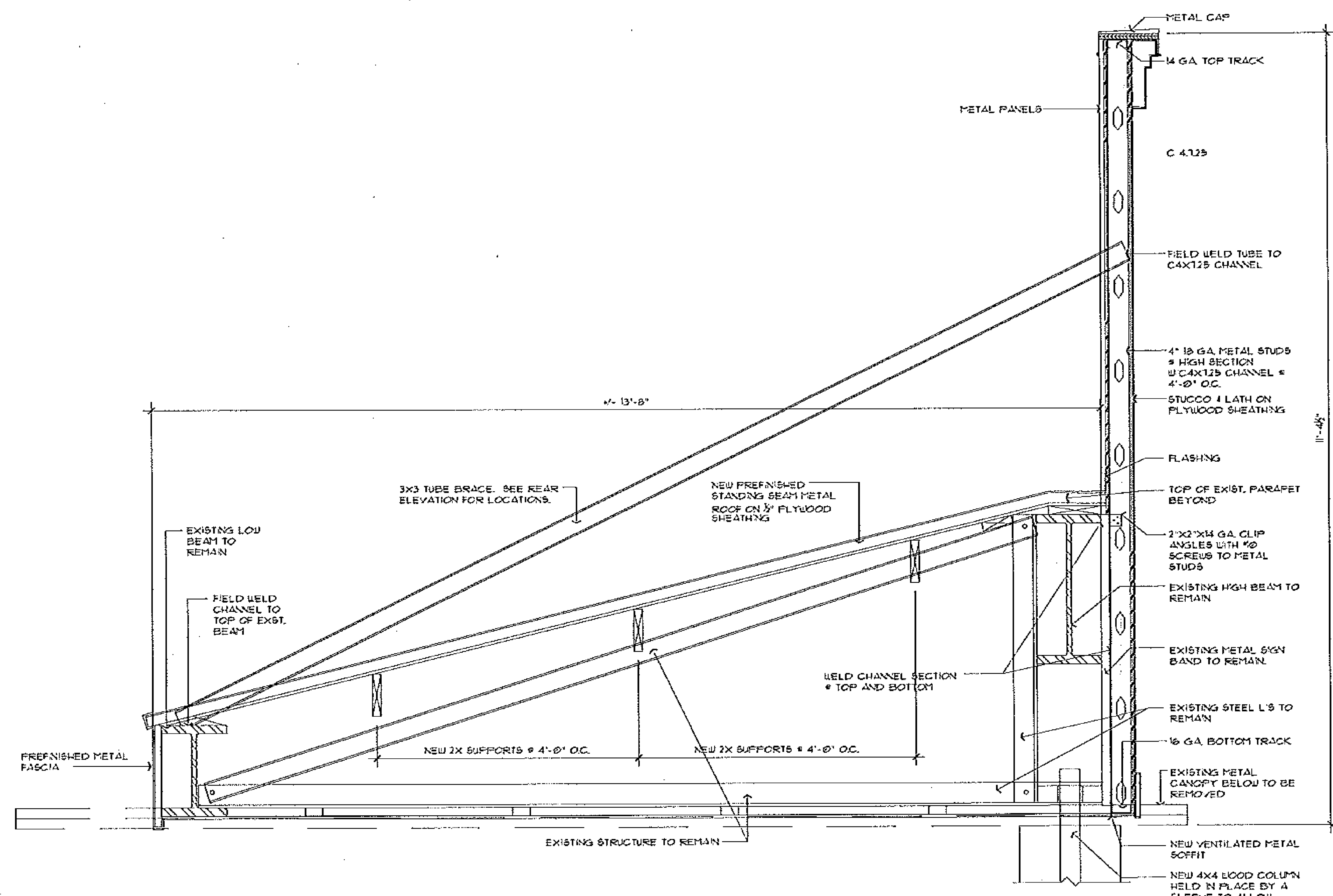
5195A-09



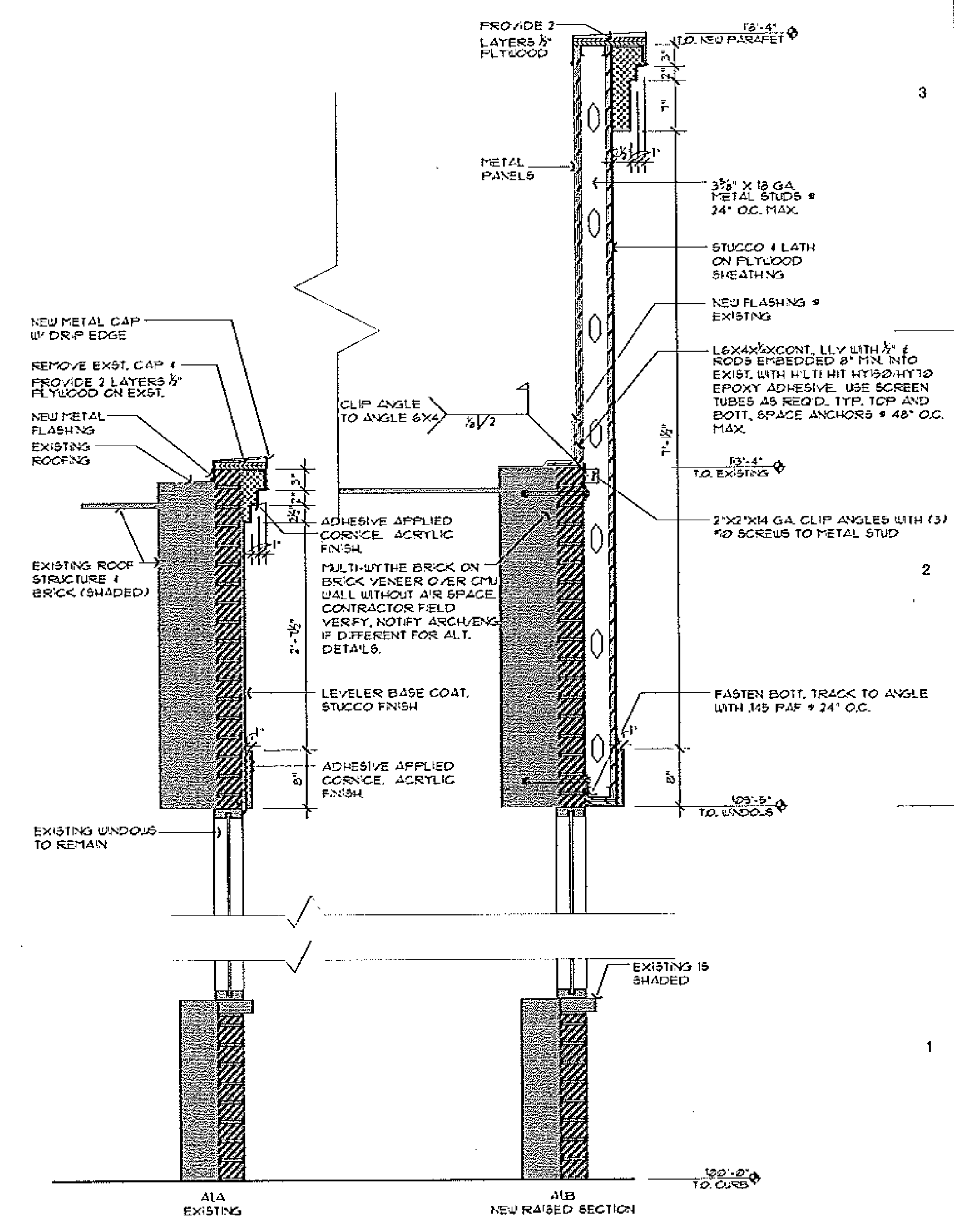
B1 COURTYARD ELEVATION - STRUCTURAL NOTES
1/8" = 1'-0"



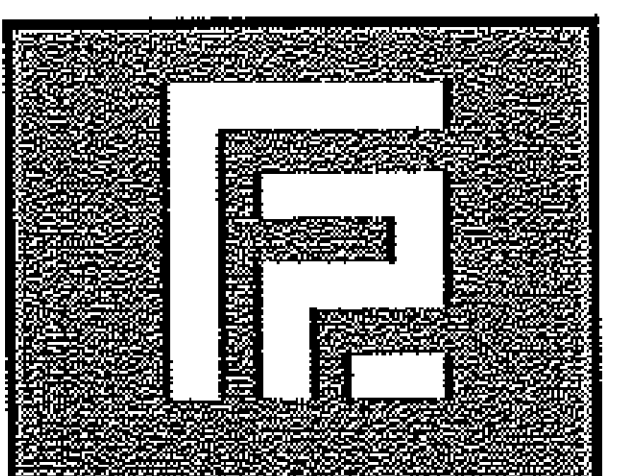
B2 PARTIAL ELEVATION FROM COURTYARD
1/8" = 1'-0"



A2 DETAIL @ COURTYARD CANOPY
1" = 1'-0"



A1 FRONT WALL SECTIONS
1" = 1'-0"



**Fendler
Patterson
CONSTRUCTION**

4839 WEST 124TH STREET
SAVAGE, MN 55378

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I hereby certify that this specification or report was prepared by me or under my direct supervision and that I am a duly licensed professional Engineer under the laws of the State of Minnesota.
Paul W. Voigt
Signature
PAUL W. VOIGT
03/23/09
Date
Registration Number
20750
FOR STRUCTURAL ONLY

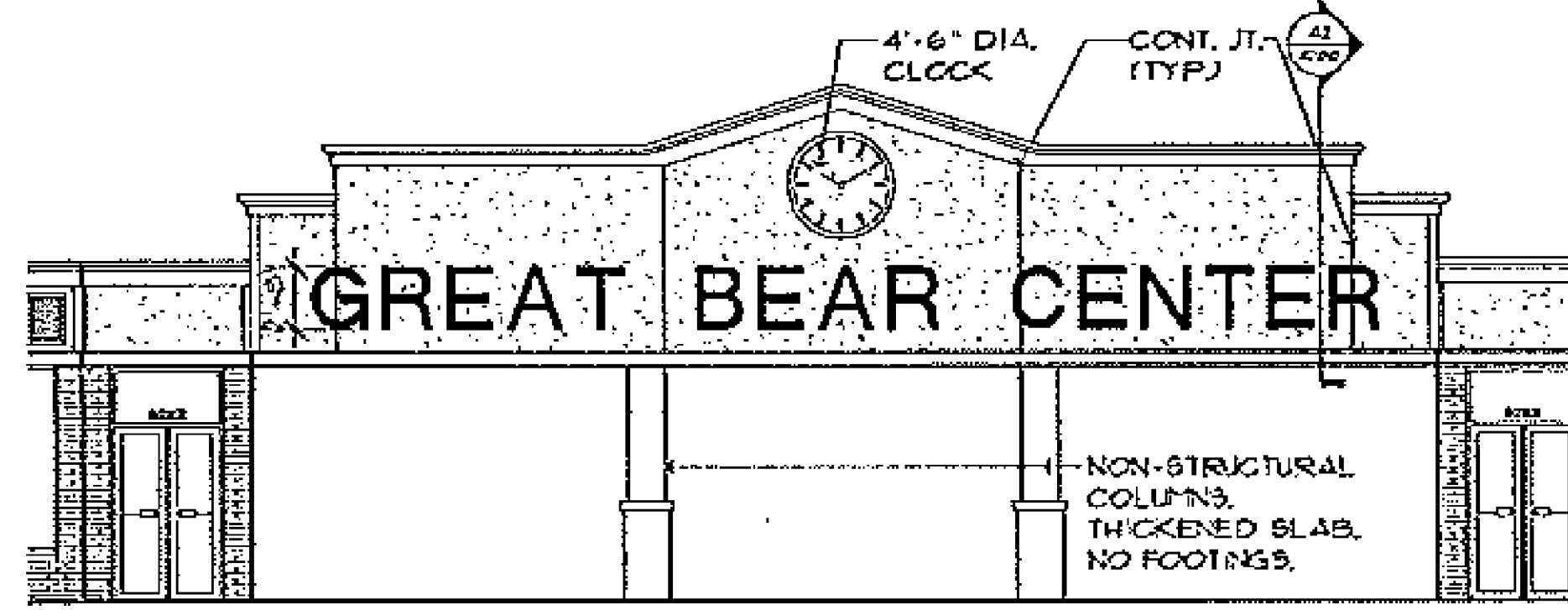
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered professional Engineer under the laws of the State of Minnesota.
Mark Peltz
Signature
03/23/09
Date
Registration Number
17444
FOR STRUCTURAL ONLY

GREAT BEAR CENTER
90TH & LYNDALE
BLOOMINGTON, MN
Sections & Details

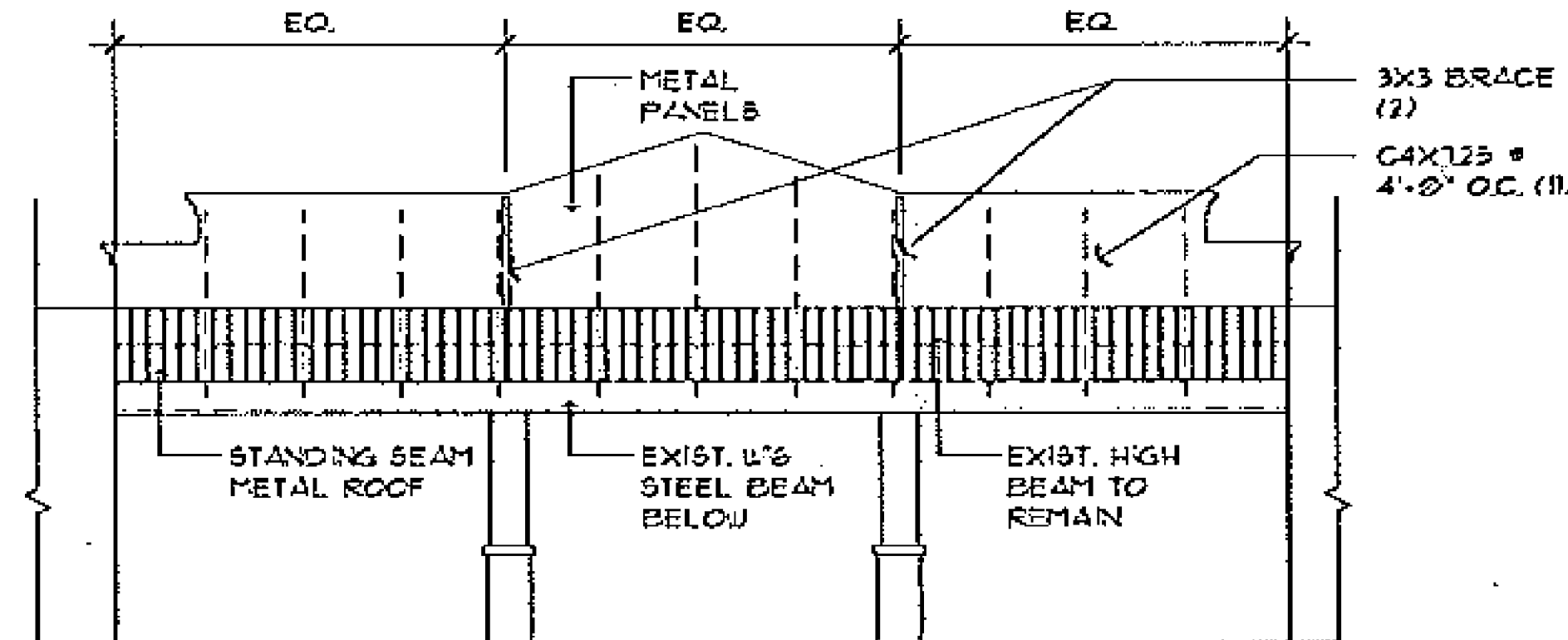
REVISIONS	
DATE ISSUED	03.25.09
SCALE	VARIABLES
JOB NO.	03 0139

A200

Approved Plan

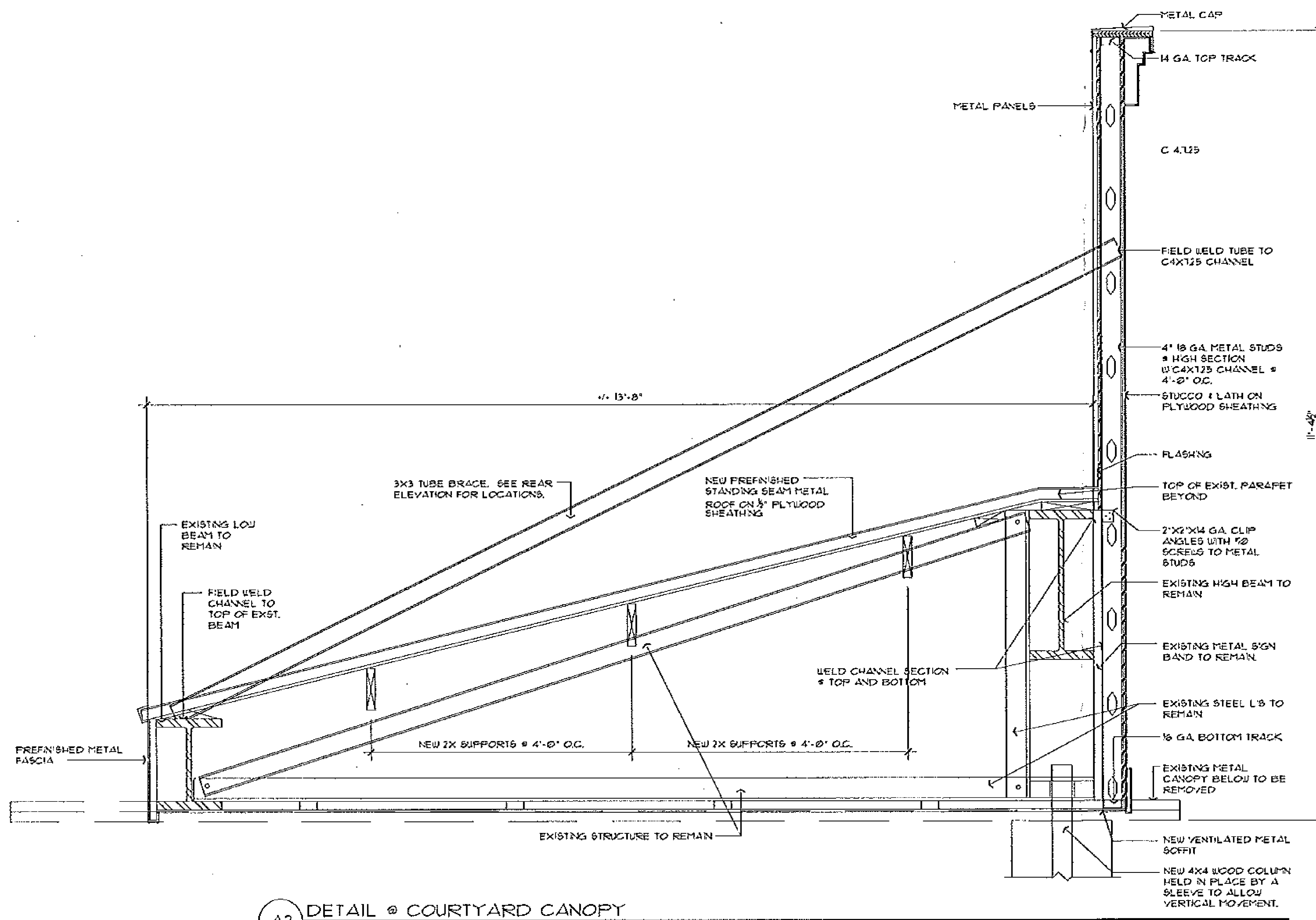


B1 COURTYARD ELEVATION - STRUCTURAL NOTES
1/8" = 1'-0"

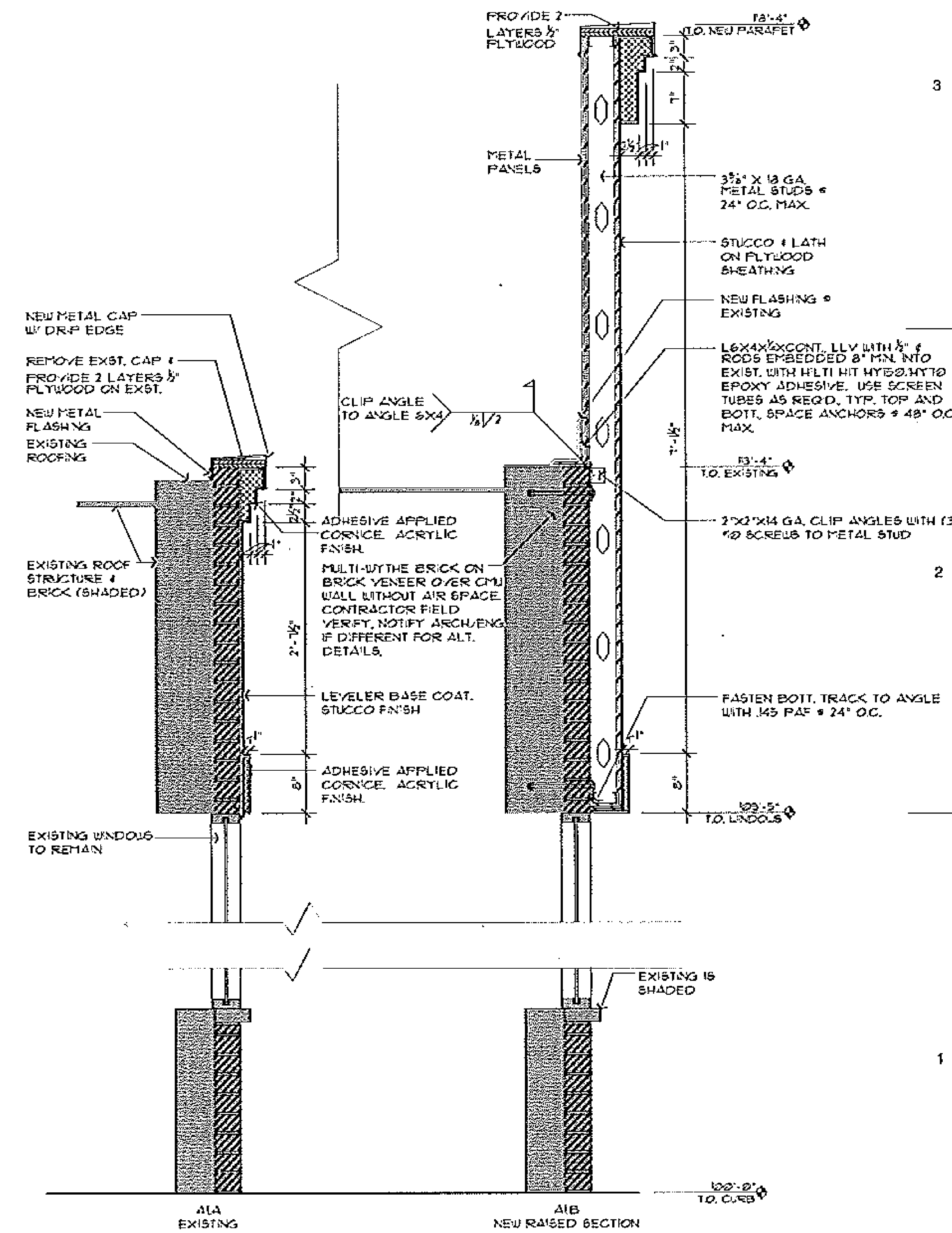


B2 PARTIAL ELEVATION FROM COURTYARD
1/8" = 1'-0"

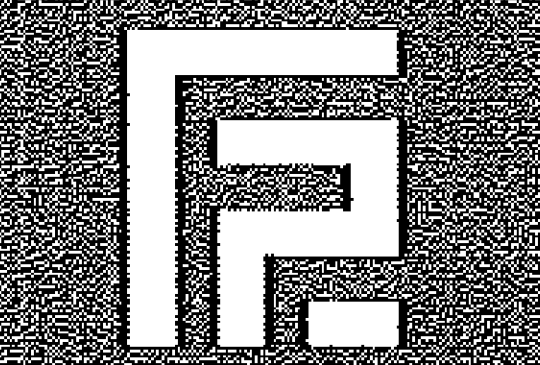
5195A-09



A2 DETAIL @ COURTYARD CANOPY
1" = 1'-0"



A1 FRONT WALL SECTIONS
1" = 1'-0"



**Fendler
Patterson
CONSTRUCTION**

4839 WEST 124TH STREET
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Paul W. Voigt
Signature
PAUL W. VOIGT
03/25/09
Date
22705
Registration Number

FOR STRUCTURAL ONLY

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 and that I am a duly licensed architect under the laws of the State of Minnesota.

Mark Mel
Signature
03/25/09
Date
17444
Registration Number

GREAT BEAR CENTER
90TH & LYNDALE
BLOOMINGTON, MN

Sections & Details

REVISIONS	
DATE ISSUED	03/25/09
SCALE	VARIES
JOB NO.	08-0139

A200

Approved Plan

Request to Set Hearing
On-Sale Intoxicating
Liquor License Application
of David Fong

The Council was requested to consider the on-sale intoxicating liquor license application of David Fong to do business at 9329 Lyndale Avenue South and to set a public hearing on this application. Motion was made by Viitala, seconded by Hoffman, and all voting yea, to set the public hearing on this application for 9:00 p.m. July 12, 1965, in the Council Chambers.

Request to Set Hearing
On-Sale Intoxicating
Liquor License Application
of Karmac Development Co.

The Council was requested to consider the on-sale intoxicating liquor license application of the Karmac Development Company to do business at 9440 Bloomington Freeway and to set a public hearing on this application. Motion was made by Viitala, seconded by Hoffman, and all voting yea, to set the public hearing on this application for 9:30 p.m. July 12, 1965, in the Council Chambers.

1965 License Application

The Council was requested to consider approving the following 1965 license application:

Edward L. Swanson dba 94th Street Liquor 1 Cigarette (retail)
11064 Glen Wilding Lane 9400 Lyndale Ave. So. half-year \$6.00

Motion was made by Viitala, seconded by Hoffman, and all voting yea, to approve the license application.

Ordinance Permitting
Certain Encroachments
Within Setback Areas

The Council was requested to consider adopting an ordinance which would allow underground garages to encroach within the setback area. Request was made to lay over this ordinance to July 12, which the

~~Council considered.~~

Application for Planned
Business Development
90th and Lyndale
Case 5195-A & B

The Council was requested by Mr. Clarence Gross to consider approving a planned business development consisting of a shopping center with a service station at the southwest corner of 90th and Lyndale.

The Planning Commission at its meeting of June 22 approved the request with the following recommendations: (1) that the parking behind the stores be moved to other areas on the lot if possible; (2) that the blacktop area behind the stores be limited to what is necessary for trucks to get into the stores; (3) that refuse receptacles and incinerators be shown on the plan and properly screened; (4) that the site, drainage, and traffic patterns be reviewed by the Engineering Department; (5) that there be no access to Aldrich; (6) that behind the stores the area not blacktopped should be green area and also landscaped using trees and shrubs; (7) that the rear and side elevations of the stores shall be brick; (8) that the screening for the parking areas where it abuts on residential property, which includes the south line, shall be shown; (9) that all these things be reviewed by the administrative staff before presentation to the Council for approval; (10) that the screening for the gas station refuse should also be indicated on the plan; (11) that the matter of the utility easement should be worked out to the satisfaction of the City staff before presentation to the Council, and (12) that the foundations and walls of the main building shall be under construction before the service station permit is issued.

Mr. Ed Christian appeared on behalf of the developers and explained what is proposed. Adams questioned points 5, 8 and 9 listed above and was informed by the Assistant City Planner that as far as the Planning Commission is concerned, these items have been resolved.

Motion was made by Crain and seconded by Hoffman to accept and uphold the recommendation of the Planning Commission and approve conditional use permits for this planned business development pending satisfactory compliance with the conditions outlined. The vote on the motion was as follows: Ayes, Hoffman, Viitala, Nelson, Crain, Malone and Hasselberg, and nay, Adams, and the motion so carried.

~~The Council did not have the authority to change the ordinance,~~
however, if the Council did desire a change, the matter would be referred to the City Attorney and the Planning Department. A letter from the applicants, dated July 14 1970, was submitted to the Council members.

Lengthy discussion was held concerning how much property was useable for legal parking for the service station and trailers, and where, if any, was the easement for the driveway to the bowling alley.

The Director of License and Inspection stated he would require a land survey, adding that this use of the land would have to comply with setbacks passed by ordinance for trailers in residential zones.

In reply to the suggestion of eliminating the trailers, Mr Johnson, the service station operator, stated that without the U-Haul business, he would not make enough to pay the rent.

Councilman O'Neil stated that since the business was operating and apparently not harming anyone else, since there was no objection to it, he would consider permitting it to remain, not changing the ordinance, but allowing 90 days for compliance to the ordinance.

Following further discussion, Councilman Belanger made a motion, seconded by Councilman Pleasant, with all present voting aye, 5-0, to table the consideration for Staff report. The Direction of License and Inspection stated the report would be made as soon as the applicant brought in a survey.

Mr Plowman inquired if Mr Johnson could operate the business in the meantime. The City Attorney ruled this would be contrary to the ordinances. Mayor King then told Mr Johnson he was out of business

Final Plat Approval
Great Bear 1st Addition
Lyndale & W 90 St
Clarence Gross
Case #5195H-70
Item 6.7

~~The Council was requested to consider granting final approval of the plat of Great Bear 1st Addition, lying on the west of Lyndale Avenue South, south of W 90 St. Conditions of approval were--~~

1. Internal storm sewer shall be provided in the southerly portion of the plat.
2. A 5' drainage and utility easement shall be provided along the south property line.
3. An additional 7' of right-of-way shall be provided along 90 St and Lyndale Av.

The City Engineer, in the agenda item, stated that items 2 & 3 had been accomplished on the plat. No plan had been submitted to accomplish item 1. Since this was a commercial platting, escrow deposits, subdivision agreement, and park donation had been waived. The City Attorney was checking title. The City Engineer approved final approval of the plat, subject to a favorable title opinion by the City Attorney and the arrangements to provide the storm sewer as required.

A motion was made by Councilman Malone to uphold the recommendation of the City Engineer, adopting a resolution granting final approval to the plat of Great Bear 1st Addition, subject to favorable title opinion by the Attorney and arrangements to provide storm sewer as required.

In response to inquiry from Councilman Belanger as to how item #1, internal storm sewer could be handled, the City Manager stated there were 2 ways: tabling the request until the storm sewer was finished, or to approve it, when the conditions were fulfilled, in which case he would not sign the plat until it had been approved by the City Engineering Division.

Councilman Malone stated that the motion included that the approval would be contingent upon condition 1 being fulfilled.

The amended motion was seconded by Mayor King, and all present voted aye, 5-0.

Final Plat Approval
McDonald's Kell Avenue
1st Addition
R F McDonald Realty Inc
Case #5637B-70
Item 6.3

The Council was requested to consider granting final approval of the plat of McDonald's Kell Avenue 1st Addition on the west side of Kell Avenue South at the MN&S Railway, as requested by R F McDonald Realty, Inc, in Case #5637B-70.

In the agenda item, the Public Works Department noted that the final plat conformed to approvals granted by the Planning Commission and the City Council. Necessary subdivision agreement, escrow deposit, and park donation had been submitted, as well as an escrow deposit for street construction. The City Attorney was checking title. Conditions of approval were as follows--

1. Cash deposit shall be made for the building of the street before the final plat is approved.
2. Street profiles and drainage plans shall be approved by the Engineering Division.
3. Park donation shall be in cash.

It was noted, in the agenda item, that items 1, 2 and 3 had been accomplished. The Public Works Department recommended final approval of the plat, subject to a favorable title opinion by the City Attorney.

A motion was made by Councilman Malone, seconded by Councilman O'Neil, with all present voting aye, 5-0, to uphold and adopt the recommendation of the Public Works Department and adopt a resolution granting a final approval to McDonald's Kell Avenue 1st Addition as requested, subject to a favorable title opinion by the City Attorney.

Reactivation of Housing
and Redevelopment
Authority
Item 7.4

The Council was requested to consider reactivation of the Housing and Redevelopment Authority. At its meeting of July 13 1970, the Council had directed that this item be placed on the agenda.

The City Manager advised, in the agenda item, that adoption of a resolution to provide for reactivating this authority was not required by law. The preliminary findings, declarations, hearings, notices, publication, resolution, and filings with the State Housing Commission had been done, and all that was necessary at this time was to appoint new commissioners. He indicated the resolution submitted for adoption was merely for "our own purposes." He further stated that he would suggest that, because of the failure to appoint new commissioners since 1960, the Council should appoint for terms of 1, 2, 3, 4 and 5 years.

The City Manager stated, at the Council meeting, that Councilman Viitala had phoned him earlier in the day to state he would be opposed to having this item on the agenda until such a time as a housing study, including valuation and distribution throughout the City, had been submitted to the Council members. The Manager described, in detail, as to why this had not been done, could not be done easily, and if done, would be costly.

Councilman O'Neil stated he felt the reactivation of the Housing Authority would provide a vehicle to redevelop the Oxboro Neath Area, and he did not want it to be "just an Authority for housing."

Mayor King stated he agreed with the aspect of redeveloping Lyndale Avenue, adding that it might be possible to include housing of the

~~He stated that during a recent conference he had attended, the "Urban Land Institute," urgent points of consideration had been--~~

- ...Environment ecology
- ...Density
- ...Rise in cost
- ...Need for housing.

He stated some of these were diametrically opposed, and problems of cities across the country show you cannot save the ecological areas of that higher density. The costs of development were forcing this, also. All problems could not be solved by planned developments, therefore, higher density was one of the most economical solutions. He stated that BARC has strongly advised that the City Council must get all kinds of housing in Bloomington, pointing out that the average new, single-family home in Bloomington today costs more than the average family can afford to pay.

In addition, he noted the people that were most closely affected were not opposing the development and for this reason and for those listed above, he would support adopting this motion.

Councilman Viitala stated that he would oppose the motion "very strongly." He stated he understood that BARC advocated values of pride, dignity and stability for the community, and he felt that there would be vehicles found to overcome the land and development cost. He felt the Council should strive to retain the single-family home.

Councilman Malone stated that he, too, would oppose the motion but his main reason was he felt it would change the character of the area. He stated zoning should not be changed unless there was an overwhelming reason. He would prefer single-family homes.

Vote was called and all voted aye except Councilmen Viitala

~~and Malone who voted nay, 5-0.~~

Preliminary Plat Approval
Great Bear 1st Addition
9010-9080 Lyndale Av
Clarence Gross
Case 5195H-70

The Council was requested to consider approval of the preliminary plat of a two-lot subdivision, Great Bear 1st Addition, at 9010-9080 Lyndale Avenue South as requested by Clarence Gross in Case 5195H-70.

On April 16 1970, the action of the Planning Commission was to recommend approval of the preliminary plat with the following conditions:

1. The internal storm sewer shall be provided in the southerly portion of the plat.
2. A 5' drainage and utility easement shall be provided along the south property line.
3. An additional 7' of right-of-way shall be provided along 90 Street and Lyndale Avenue.

A motion was made by Mayor King, seconded by Councilman O'Neil, with all voting aye, 7-0, to uphold and adopt the Planning Commission recommendation adopting a resolution approving the preliminary plat of the Great Bear 1st Addition.

Conditional Use Permit
for Doughnut Shop
Case 5195A-77
Item 5.9

The Council was requested by Rey Dolman to consider approving a conditional use permit for a doughnut shop in a vacant store in the Great Bear Shopping Center at 9010 Lyndale Avenue South.

The Planning Commission at its meeting of May 26 recommended approval of the conditional use permit based on making the required City Code findings in Section 19.22(2)(A), (B), (C), (H), and (I) of the City Code and on compliance with the following conditions:

1. alterations be made to the sprinkler system to meet the needs of this use,
2. fryers must have activated fire extinguishing system,
3. handicapped parking be posted in conformance with the standard Bloomington handicapped sign and provide one handicapped ramp,
4. detailed building plans be reviewed by the Director of Planning prior to issuance of a building permit,
5. one sign not to exceed requirements of the ordinance and not to extend above the roof of the structure be permitted,
6. trash enclosure be constructed at the rear of the structure with the entire shopping center to comply with the City Code requirements concerning trash enclosures.

Question was raised by Spies as to the need for 24-hour operation of this shop. Mr. Dolman said it was proposed to be open 24 hours because there would be a baker on the premises so it would be convenient to be open 24 hours. Discussion was held on condition #6 relating to the trash enclosures and the Director of Building and Inspection explained what is proposed for the entire center to handle this problem.

Jack Miller, representing the owners of the shopping center, reviewed the problem with the trash enclosures, citing the fact that it had been proposed to burn all trash in incinerators which were outlawed about the time this center began operation. He also asked about the requirement that this store located on a corner can have only one sign. He said with two exposures he felt it would be proper for them to have a sign facing each direction. Mr. Mood explained the provisions of the sign ordinance which cites one sign per business. The City Attorney said he would research this matter and report to the Council.

Following discussion, motion was made by O'Neil and seconded by Darr to approve the conditional use permit based on making the required City Code findings and on compliance with the conditions set forth by the Planning Commission except for deletion of condition #6. All voted aye, except Spies, who voted nay, and the motion carried 7-1. Spies opposed the motion because of the proposed 24-hour operation.

~~Item 5.10~~

~~The Council was requested by Draper and Kramer, Inc., and LeRoy Signs and Manufacturing to consider approving new signs for Normandale Plaza which has a uniform sign design.~~

~~The Planning Commission at its meeting of May 26 recommended that the proposed fascia sign follow the location and size requirements of the approved uniform sign design for this shopping center. The Planning Commission failed to reach agreement on a motion concerning the proposed freestanding sign and, therefore, voted to forward this item to the Council with no recommendation.~~

~~Mar Raiche with LeRoy Signs and Bill Silvas with Draper and Kramer, Inc., the management firm for the shopping center, explained what is proposed.~~

~~James Burkhardt, general manager of Korner Plaza, and Marcel Sutton, Vice President and part owner of Korner Plaza, both objected to changing the name of the shopping center. They indicated they would not object to the fascia sign for Loehmann's but would object to the larger freestanding sign.~~

~~Following discussion, motion was made by Malone and seconded by Herbst to approve the two signs as requested. O'Neil indicated he would oppose the motion for approval of the fascia sign but would approve of the freestanding sign. The motion, therefore, carried 7-1 on the freestanding sign with Darr voting nay and 6-2 on the free standing sign with O'Neil and Darr voting nay.~~

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~~The Council was requested by the Promotion and Development Commission to allow them to place an insert in the City's utility billings to promote a contest they are having to select a slogan for the City. Mavis Falconer, Promotion and Development Commission Chairman, explained the contest and said it should depict "the good life in Bloomington." She said the slogan would be used in advertising the City.~~

~~Following discussion, motion was made by Malone, seconded by O'Neil, and all voting aye to approve the insertion of this information in the City's utility billings.~~