

Review Decisions  
of the Variance  
Board  
Item 4.3

The Council was requested to review the decisions of the Variance Board granting the following variances at its meeting of May 23:

Case 7868A-73	Curt Olson 10940 Chowen Avenue	Variance to sideyard setback
Case 6055E-73	R. E. Murray 2501 East 80th Street	Variance to maximum site coverage
Case 7829C-73	Community of the Cross Lutheran Church 10701 Texas Avenue	Variance to parking requirements
Case 7869A-73	Contech, Inc. 333 West 86th Street	Variance to frontage requirements

Discussion was held on the variance requests and the Manager said that the final site plans and building plans for Case 7829C-73 will be before the Council at the next meeting. He, therefore, suggested that the Council withhold a decision on the variance matter until they had looked at the plans.

Following discussion, motion was made by O'Neil, seconded by Belanger, and all voting aye to concur with the Variance Board decisions in granting variances in Cases 7868A-73 Curt Olson, 6055E-73 R. E. Murray and 7869A-73 Contech, Inc., and tabling Case 7829C-73 Community of the Cross Lutheran Church pending review of the final site plans and building plans for this church.

Mechanical License  
Item 4.4

The Council was requested to consider approving a water and utility license for Bowler Company, 511 East Lake Street, Minneapolis 55408. Motion was made by O'Neil, seconded by Belanger, and all voting aye to approve the above license application.

Plan and Specification Approval -  
1973-0331 Sewer and  
Water Project  
Item 4.5

The Council was requested to consider approving the plans and specifications for the 1973-0331 Sewer and Water Project which also includes the 1971-02B1, 1970-2 and 1973-0431 projects. The schedule would be as follows:

Approve plans and specifications	June 4
First advertisement	June 7
Open bids	June 27
Council consider bids	July 2

Following discussion, motion was made by O'Neil, seconded by Belanger, and all voting aye to approve the plans and specifications for the 1973-0332 Sewer and Water Project in accordance with the proposed schedule.

Convention Bureau  
Billing  
Item 4.6

The Council was requested to approve the Convention Bureau billing as follows:

National Camera Exchange	\$ 2.40
IBM - 2 Convention typewriters	990.00
Cecil Nelson Studio	150.00
M. R. Bolin Advertising, Inc.	41.40
Bloomington Chamber of Commerce (Administrator's salary for May)	<u>1,000.00</u>
	\$2,573.80

**ADMINISTRATIVE SUBDIVISION REVIEW COMMITTEE**

**Tuesday, October 13, 1992**

**Item 3      Informal discussion regarding the platting of 333 and 399 W. 86th St.**

Two landlocked parcels are being replatted to remove the internal lot line. The main concern is that the driveway access to W. 86th St. be defined and recorded.

A proposed plant expansion will slightly increase the lot's impervious surface coverage. Standard easements will be provided around the property. A NURP pond may also be required and may be satisfied in cash.

The committee recommended that Mr. Johnson proceed with a Standard Plat.

The meeting adjourned at 9:45 a.m.

**Jeff Petermeier-Korman  
Minutes Secretary**

ADMINISTRATIVE SUBDIVISION REVIEW COMMITTEE

Tuesday, October 27, 1992

Present: Don Elvrum, Chair    Dave Drenth    Judy Remer  
Galen Doyle

Item 1    Preliminary and final plat of 333 and 399 W. 86th St.  
(Replat to remove existing lot line between  
properties).  
ChemRex, Inc.  
Case 7869C-92  
PC: 11/12/92

The 15' driveway and utility easements to 86th St. are not concurrent, and the city water line runs directly through the center of the utility easement. The addition of sanitary sewer lines will require a wider easement. The city will need evidence of the recording of both easements.

The current fire hydrant will be moved to the northwest corner of the property, and a new hydrant will be added in the southwest corner. The proposed building won't encroach in the setback areas.

M/Doyle, S/Drenth to recommend approval of waiver of Section 16.11(4)(c) of the Bloomington City Code, allowing platting of property not abutting a public street.

Motion passed 4-0.

M/Doyle, S/Remer to recommend approval of ChemRex addition, subject to the following conditions of approval:

1. Grading, drainage, and utility plans to be approved by the City Engineer.
2. The proposed building must connect to the city sanitary sewer.
3. Improved utility easement to 86th St. be provided, and a copy of the driveway and utility easement, as recorded with Hennepin County, be furnished to the city.
4. No park dedication to be required.
5. Standard 5' internal, concurrent utility and drainage easements to be provided, except at building encroachment.
6. North property line will be considered the front, South property line the rear, and East and West property lines the sides, for setback purposes.

The meeting adjourned at 9:25 a.m.

Jeff Petermeier-Korman  
Minutes Secretary

would be secured with fencing and chains. The landscaping plan and drainage was reviewed and discussed. They will be using the existing 4 inch utility line to the building. Mr. Klein commented that a fire sprinkler system will be installed. Each entrance will be handicapped accessible (ramped).

The committee recommended the following conditions:

- 1) building(s) be totally sprinklered as approved by the Fire Marshal;
- 2) exterior lighting and building security plans be approved by the Crime Prevention Unit Bloomington Police Dept.;
- 3) fire lanes be posted as approved by the Fire Marshal;
- 4) disabled parking be provided with standard disabled signs;
- 5) handicapped access be provided to the building (5% slope);
- 6) utility plan with existing and proposed water mains and fire hydrants be at locations as approved by the Fire Marshal and Utilities Engineer;
- 7) traffic, circulation and parking plans be approved by the Traffic Engineer;
- 8) enclosed trash facility(s) be provided in a designated area as approved by the Fire Marshal;
- 9) space must be provided for the collection, separation and temporary storage of recyclable materials within or adjacent to the building;
- 10) handicapped toilet facilities be provided;

**Item 3 - Chemrex - addition to existing industrial building - 333-399 West 86th Street**

Jim Phelps, SMMA Architects, presented plans showing the proposed 18,800 square foot addition of office and manufacturing areas. Chemrex will be providing a dry pond on-site as all drainage is presently off-site. Spill containment will be provided at the dock area with a detector at the pump area to notify them of any spills. There will be no discharge into the sanitary sewer system.

Steve Kelly, Chemrex, stated their products are petroleum based and are so thick they are not considered a liquid. There was discussion about the types of solvents and products they would be using and releasing. John Nelson suggested reviewing their Toxic Release Inventory and the Minnesota Pollution Prevention Act.

Jim Phelps reviewed the building layout and various types of building construction was discussed. They propose to construct the building into different types of construction divided by fire rated walls. Mr. Phelps stated the entire building will be sprinklered. Mr. Kelly noted they would be adding another fire hydrant and relocating an existing hydrant.

The committee recommended the following conditions:

- 1) building(s) be totally sprinklered as approved by the Fire Marshal;
- 2) exterior lighting and building security plans be approved by the Crime Prevention Unit Bloomington Police Dept.;
- 3) fire lanes be posted as approved by the Fire Marshal;
- 4) disabled parking be provided with standard disabled signs;
- 5) handicapped access be provided to the building;
- 6) utility plan with existing and proposed water mains and fire hydrants be at locations as approved by the Fire Marshal and Utilities Engineer;
- 7) traffic, circulation and parking plans be approved by the Traffic Engineer;
- 8) enclosed trash facility(s) be provided in a designated area as approved by the Fire Marshal;
- 9) space must be provided for the collection, separation and temporary storage of recyclable materials within or adjacent to the building;
- 10) meet with an get approval by the Environmental Services Division - John K. Nelson
- 11) handicapped toilet facilities be provided;
- 12) alarm system must be checked and approved by the Bloomington Police Department;
- 13) meet with Planning Division on tank location; and,
- 14) driveway access and access to site must be defined.

~~Item 4 - James Elliot - new industrial building - 9201 Grand Avenue South~~

~~Jim Arbuckle or Arbuckle Construction (contractor for this project) reviewed the proposed site layout. The building will be used to store, repair and remake antique autos (for personal use only by owner - no retail). A small office area and bathrooms will also be located in the building. It was noted bathrooms and entrance must be handicapped accessible. He pointed out the location of inside trash enclosures and recycling. There will be a parking lot on the east side of the building and an overhead door on the west side.~~

~~The building will be 4500 square feet with concrete block walls. Construction materials of the proposed building were reviewed. Dick MacAllister stated the building must be sprinklered. Mr. Elliot, the owner, asked if they could use the dry fire sprinkler system because of low building temperature in winter. Mr. MacAllister stated this system would be acceptable.~~

# REQUEST FOR COUNCIL ACTION

AGENDA SECTION: NO. <b>DEVELOPMENT BUSINESS</b>	ORIGINATING DEPARTMENT: <b>COMMUNITY DEVELOPMENT</b> <b>PLANNING DIVISION</b> By: GD	DATE
ITEM: Waiver of Platting, Preliminary Plat and Final Site Plan and NO. Building Plans		Approved For Agenda By:

Item 5

Case 7869ABCD-92

## GENERAL INFORMATION

Applicant: ChemRex, Inc.

Location: 333 and 399 West 86th Street

Request:

- A) Temporary waiver of platting to allow issuance of building permit prior to platting;
- B) Waiver of Section 16.11(4)(C) to allow the platting of land not abutting on a public street;
- C) Preliminary Plat of ChemRex Addition;
- D) Revised final site plan and building plans for an addition to an existing industrial building

Existing Land Use and Zoning: Industrial; zoned I-3

Surrounding Land Use and Zoning: North, East, South and West--Industrial; zoned I-3

Comprehensive Plan: The Comprehensive Land Use Plan recommends Industrial Land Use for the property.

## PROPOSAL

The applicant is proposing an addition to an existing industrial plant that is located on two unplatting parcels of record which are landlocked in that neither abuts a public street. In order to obtain a building permit the property must be platted into one lot in order to both remove the common property line and to provide a lot and block description of the property. In order to allow the plat be considered, a waiver must be obtained to allow the platting of lots which do not abut a public street. In addition, the applicant has requested a temporary waiver to platting that would allow the issuance of building permits prior to the filing of an approved plat with the County.

The existing development consists of a 16,600 square-foot industrial building sited on the easterly parcel of the 1.52 acre site package where it has a zero-foot setback from the east property line abutting the Soo Line trackage. The applicant proposes to remove about 1,800 square feet of the existing building and add a 104'x140' addition to the west side that would total 18,000 square feet of new floor area, including mezzanine, for a total floor area of 32,800 square feet. The existing setbacks of 50 feet from the north and south property lines would be retained and a 50-foot setback provided from the west property line (the north line is treated as the front property line). Two disabled and 39 standard parking spaces are provided along the west and south sides of the property with the parking areas having 4-foot setbacks from the property lines.

COUNCIL ACTION: Motion by \_\_\_\_\_ Second by \_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Waiver To Platting, Preliminary Plat and FSP&amp;BP

Exterior finish of the existing building is metal panel and concrete masonry units and the addition will have a finish of either precast panel or architectural concrete masonry units. Site access is from West 86th Street via a 15-foot wide easement of record across the intervening private property. Utilities reach the property from 86th Street via a companion recorded 15-foot easement. An existing on-site hydrant will be relocated to the northwest corner of the site and a second hydrant added in the southwest corner. Three underground storage tanks will be placed in the northeast corner of the site between the building and the property line.

The temporary waiver to platting would allow the applicant to apply for and receive grading and building permits subsequent to City Council approval of all the requests, but in advance of a filing of the final plat with the County, in order to commence construction this season and hit a target finish date in May of 1993.

The proposed preliminary plat is consistent with the proposed final site plan and building plans for the development, combining the two parcels into one lot, providing standard drainage and utility easements along the internal lot lines (except where there is an existing 0-foot building setback) and no park dedication as recommended by staff.

**APPLICABLE REGULATIONS**

- A) Chapter 16, City Code
- B) Section 16.11(4)(C)
- C) Chapter 16, City Code
- D) Chapter 19, City Code

**REQUIRED FINDINGS**

- A) Section 16.04(a)(1)
- B) Section 16.04(a)(1)
- C) Section 16.05.01(e)(1),(2),(3),(4),(5),(6) and (7)
- D) Section 19.40.12(d)(1),(2),(3),(4) and (5)

**HISTORY**

City Council Action:

June 4, 1973--Approved a variance to allow issuance of a building permit for property not abutting a public street (Case 7869A-73).

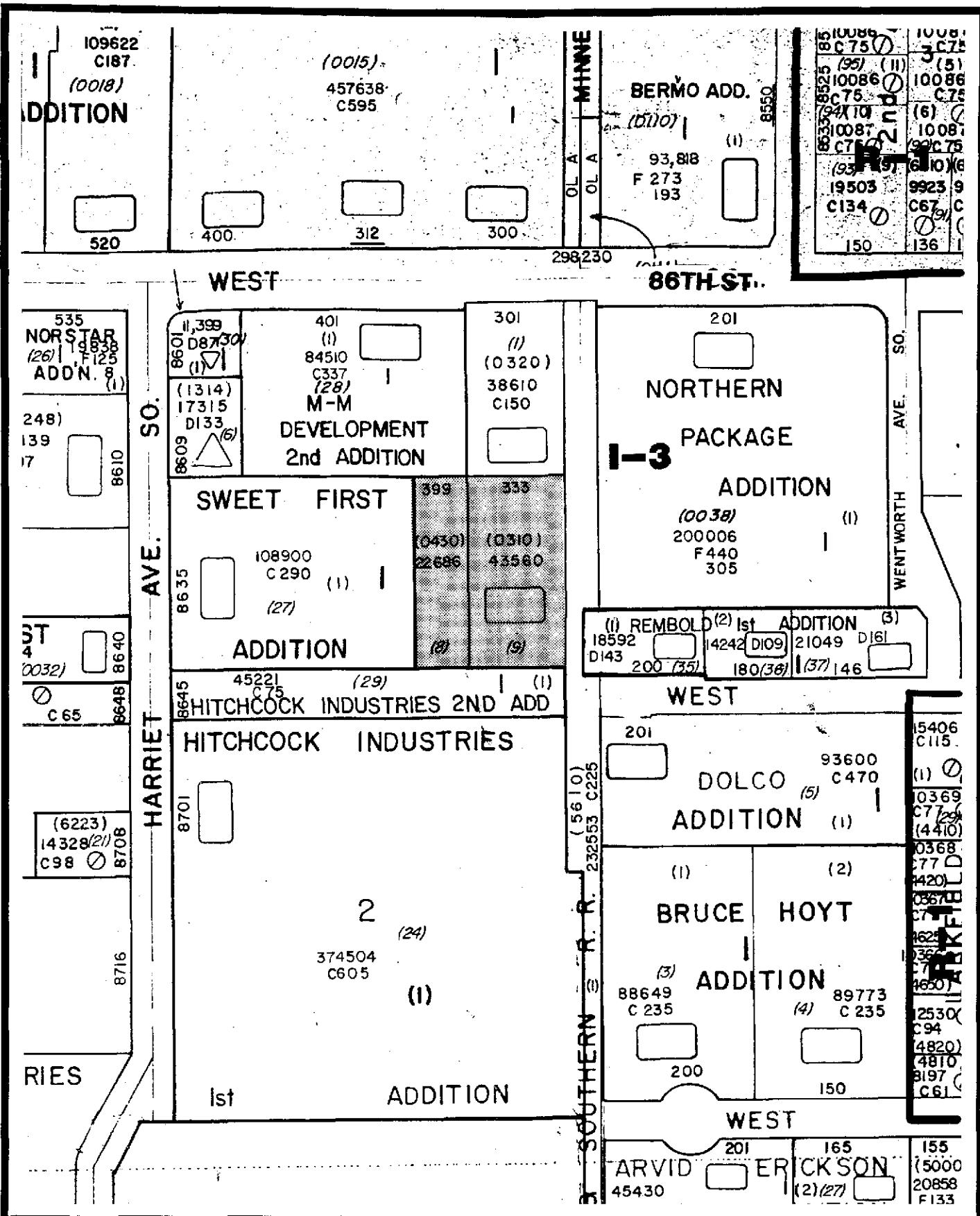
**CHRONOLOGY**

Planning Commission Agenda:

November 12, 1992--Public hearing scheduled.

a7869abcd.dd

2/5





October 16, 1992

City of Bloomington  
2215 West Old Shakopee Road  
Bloomington, MN 55431-3096

RE: ChemRex, Inc. Manufacturing Facility

Bloomington, MN

Final Site and Building Plan Approval

SMMA No: 92412

Dear Members of the City Council and Staff:

This is in response to your request to provide documentation in support of Chemrex' request for a Temporary Waiver of Platting and a Waiver of Zoning Ordinance Section 16.11.4c.

1. The request for a Temporary Waiver of Platting is based upon Chemrex' desire to achieve a project schedule which would permit the issuance of a building permit as soon as site and building plan approval is made by the City Council following its regularly scheduled meeting on November 12. This would permit construction to begin as soon as possible after November 12 with scheduled completion on May 1, 1993. Unless the entire building project is completed by this date, Chemrex would need to delay the project for one year. The reason for this is due to the seasonal demand for its product (caulk and sealant). The building construction cannot disrupt the peak period of the manufacturing operation which begins in the spring and continues through the summer building construction season.

The building site is owned by Chemrex but is currently platted in two parcels and consequently must be replatted in order for Chemrex to expand its existing facility. It is our understanding that proceeding through the conventional platting process would delay the issuance of the building permit for several weeks. Because of the extremely narrow window which would allow construction to be completed by May 1, 1993, any delay in beginning construction would postpone the project start until the fall of 1993. Because of the increasing demand for Chemrex products, it is extremely important for the facility expansion to be complete by the beginning of their peak production period for the upcoming 1993 construction year.

2. The request for the Waiver of Zoning Ordinance 16.11.4c (requiring that each lot abuts on a public street) is based upon the existing conditions of the site. The property does not abut a public street but vehicle access is achieved through an easement agreement with the adjacent property owner to the north who abuts 86th Street. The current building project proposes to expand the existing manufacturing building which has been on the property for many years. Chemrex requests the waiver of the ordinance to obtain a building permit. Because of the need to expand the manufacturing space in the building to meet the demand for its product, limiting

expansion on the existing site would create a hardship to Chemrex, impeding its ability to operate its manufacturing process efficiently and productively.

We hope the information above is sufficient for the purposes of obtaining the two waivers in question. If you require further documentation or have any questions regarding this request, please feel free to call me at your convenience.

Thank you very much for your help in this matter.

Sincerely,

SYMMES, MAINI and MCKEE ASSOCIATES, INC.



James O. Phelps A.I.A  
Project Architect.

cc: DLI, JMW, MFH, (MF)  
Larry Benjamin (ChemRex)  
Steve Kelly (ChemRex)



October 14, 1992

14180 Trunk Hwy. 5  
Eden Prairie, MN 55344  
612-937-5150

FAX 612-937-5822

Mr. Scott Thureen, P.E.  
City of Bloomington  
Department of Public Works  
9750 James Ave. So.  
Bloomington, MN 55431

Re: Chemrex  
Bloomington, MN

Dear Mr. Thureen:

Attached you will find an untitled print of the site, grading, utility and planting plan as submitted to the City today for site plan review. I have also enclosed our storm water calculations for off-site ponding.

As we have previously discussed, the existing site storm water runoff surface drains directly off-site. A small part of the north side drains north but the majority drains south. The site currently has about 49,800 sq. ft. of hard surface (paving and buildings) for 75% coverage. The proposed plan has about 63,300 sq. ft. of hard surface for a 95% coverage. This results in a 13,500 ± sq. ft. (0.30 acre) increase in hard surface. Proposed site drainage is proposed to continue in the same pattern as existing.

Our review of adjacent available storm sewer indicates that there is either insufficient capacity within the pipes, that the pipes on private property would create hardship to obtain appropriate easements for use even if there was pipe capacity or that connection to public storm sewer (87th Street or Harriet Avenue) would have disproportional expense and hardship (i.e., jack pipe and sleeves under railroad to 87th Street or long pipe run, filling for pipe cover and obtaining an easement to Harriet Avenue), again with questionable pipe capacity at least at 87th Street.

The current surface runoff condition does not appear to create any problems with storm drainage in the area. The proposed site plan would increase hard surface by only 0.30+ acres, which would not significantly increase off-site drainage impacts. The plan proposes two controls for on-site runoff which may mitigate to a limited degree, the amount of required off-site ponding compensation.

1. A sump catch basin in the truck dock area that would have a manual override shutoff in case of a potential spill. This can contain anything that may be of an environmental concern and provide some limited detention.

RECEIVED  
DIVISION OF PLANNING

OCT 16 1992

CITY OF BLOOMINGTON  
MINNESOTA

Mr. Scott Thureen, P.E.  
October 14, 1992  
Page 2

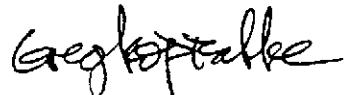
2. The majority of surface water is routed to a small pond/depression over a granular area drain with a baffle weir outfall control. This would allow some settlement of suspended solids, detain some of the runoff, allow percolation into the sandy subsoil and skim off floating debris.

The attached ponding calculations assume that there is no on-site ponding and that it is a stand-alone pond. In summary, using the design criteria you provided, the surface area for the required dead water treatment pond would be about 4624 sq. ft. and the required live runoff storage for the 1 year/24 hour event would be 3760 cu. ft. The dead storage surface area would calculate to a smaller area if incorporated into a larger pond and did not require side sloping to get the average 4-foot water depth.

Please review this information and call if you have any questions.

Sincerely,

WESTWOOD PROFESSIONAL SERVICES, INC.



Greg Kopischke  
Vice President, Planning

cc: Galen Doyle - City Planning Dept.

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CITY OF BLOOMINGTON

OCT 16 1992

CITY OF BLOOMINGTON  
MINNESOTA

10/15

NO. DATE  
REVISIONS

SITE.

UTIL

## DEVELOPMENT DATA

Site Area	• 1.52 acres (66,246 sq. ft.)
Existing Zoning	• I-3 General Industrial
Existing Use	• Industrial
Building Area	
Existing	• 16,600 ± sq. ft.
	• 14,800 ± sq. ft. (after partial demolition)
Proposed	• 18,000 sq. ft.
Total	• 32,800 sq. ft.
F.A.R. (Floor Area Ratio)	• 0.495
Parking	
Required (1/800 sq. ft.)	• 41
Shown	• 41
Actual Need	• 27
	(1 per employee)
Off Street Loading Berths	
Required	• 2
Provided	• 3
Green Space Parking Area	
Required	• 3%
Shown	• 3.7%
Building Yard Setbacks for I-3	
Front	• 35 Feet (NA)
Side to Railroad	• 0 Feet Existing
Side	• 10 Feet
Rear	• 25 Feet

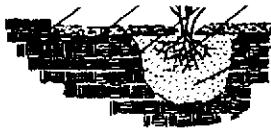
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DIVISION OF PLANNING

OCT 14 1962

CITY OF ST. PAUL  
MINNESOTA

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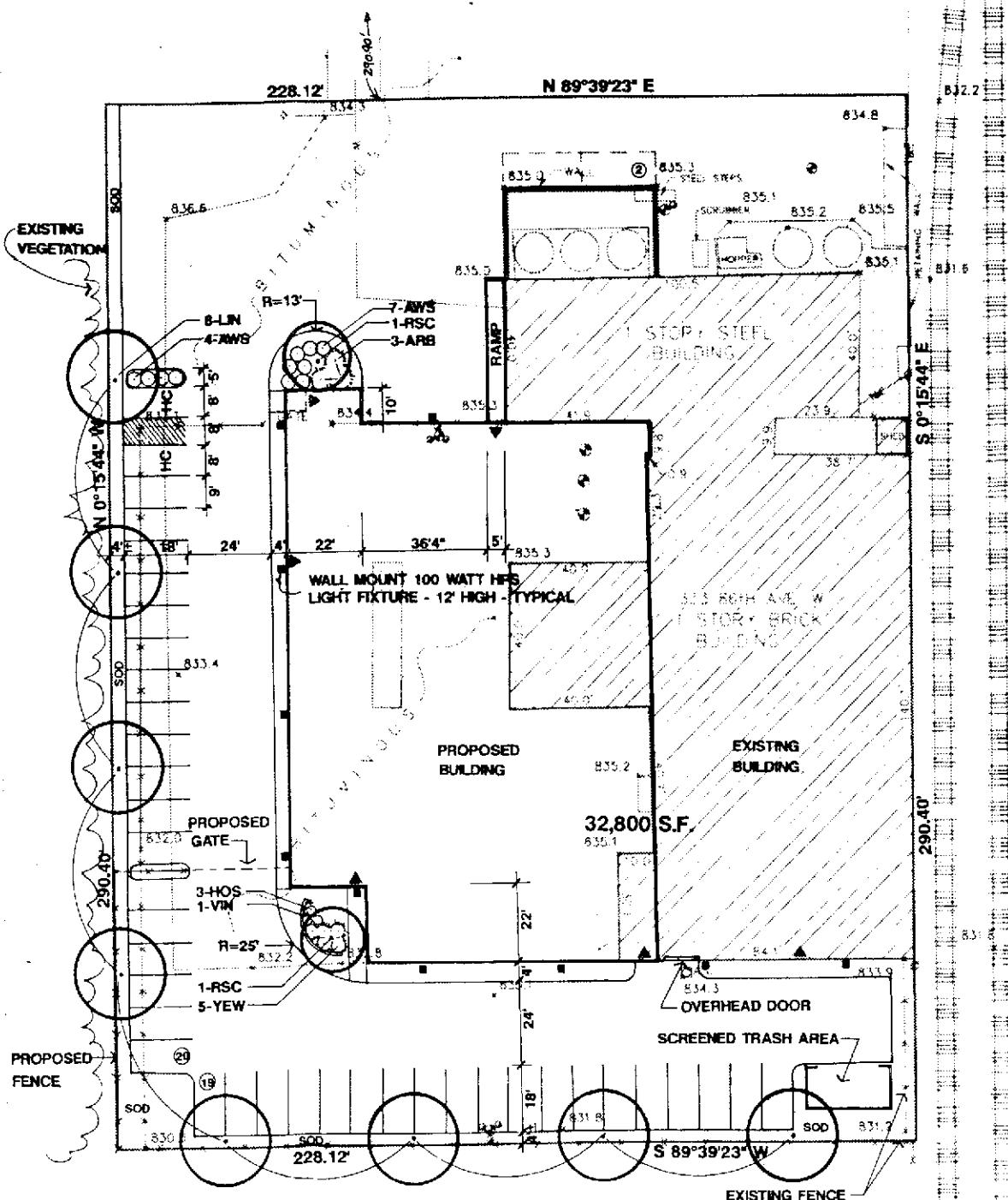
44/5



пакеты оптимизируются для работы с базами

— Backfill with specified backfill soil

### **SHRUB DETAIL**



## SOCCER LINE TRAINLOAD INFORMATION AND SCHEDULING

#### PLANTING SCHEDULE

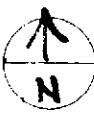
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**KEY COMMUNICATORS**

LIN	LITTLE LEAF LINDEN
REC	RED SPLENDOR CYPRESS
ARB	GLOBE ARBORVITAE
YEW	SPREADING YEW/THUJA
AWL	A.W. SPREA/SPRAY
HOS	HOSTA/HOSTA BEAUTY
VIN	ENGELMANN IVY/PART

## LANDSCAPE NOTES

1. Contractor to provide or  
Warranty period begins  
Installation.
2. All plants shall be Minn.  
specifications.
3. Plants and their installa-  
tion.
4. Contractors shall notify  
any conditions on site +  
Notification shall be in +  
observed.
5. Use minimum 12' kick  
struts (sides and back:  
trees).
6. Staking of trees is option  
one year.
7. Wrap all smooth barked  
trees.
8. Open top of berms on E  
potted plants; split and :  
tuck.
9. Prune all plants as necessary  
practice.
10. Owner shall be respons-  
ible for all water use by  
contractor.  $\Delta$  shall be design:  
approved contractor.
11. Plants shall be planted  
Property held in material
12. All disturbed areas to be  
sod to be standard Minn  
bluegrass mix.
13. Topsoil shall meet Minn:  
specifications. Topsoil  
has been added 3 lbs. c  
yard of topsoil. Fertilizer:  
P, K (nutrient % by weight)
14. All shrub planting beds  
washed gravel and Volk  
edging or similar. Place  
bark mulch at the base.
15. No planting will be insta-  
lled until construction have been  
completed.
16. Contractor shall protect  
gutters, trees, lawns and  
operations. Any damage  
Contractor's expense.
17. Contractor shall locate +  
affect this work.
18. Refer to grading plan for

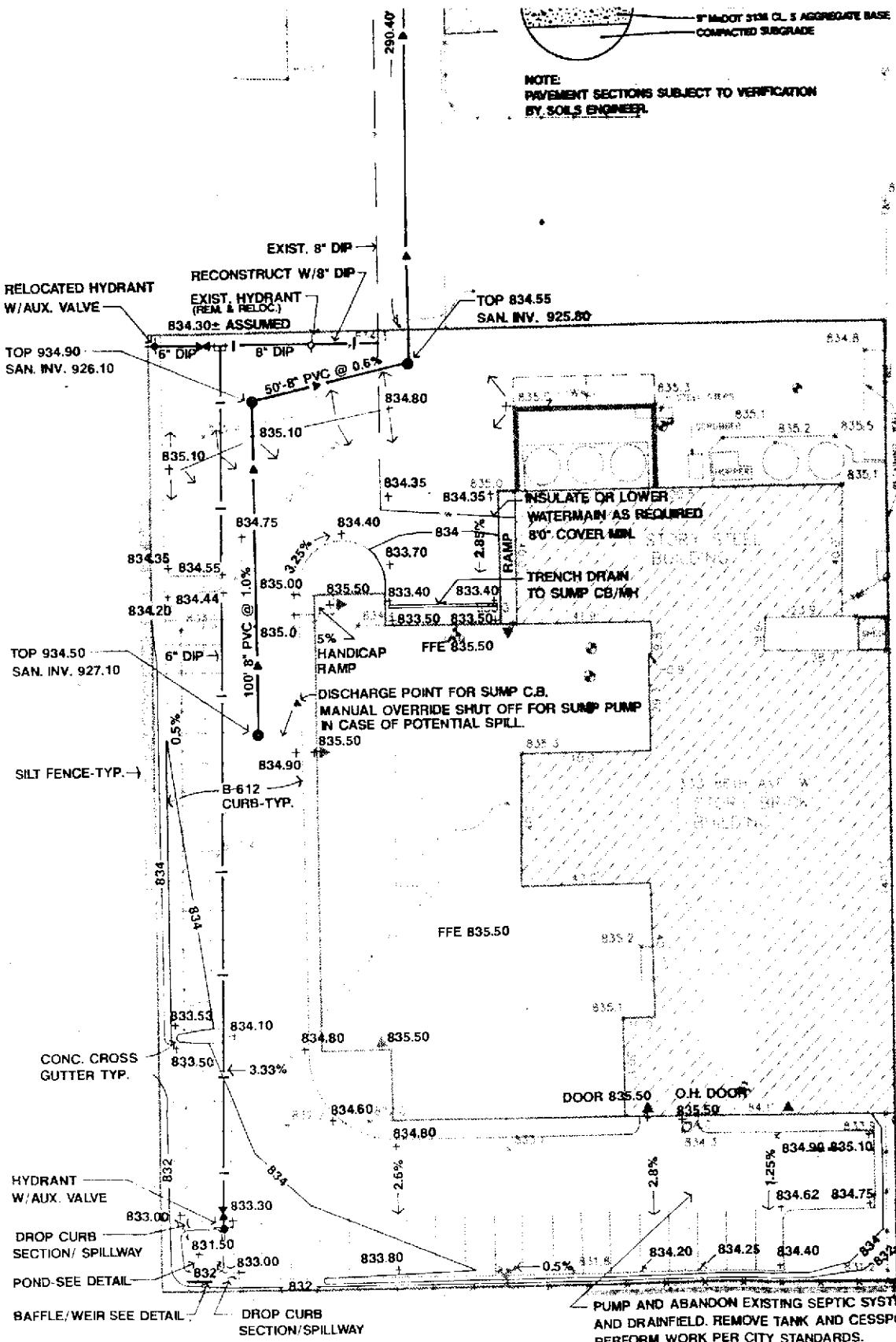


## PRELIMINARY SITE PLAN AND PLANTING PLAN

1215

— 5" MUDOT 510E CL. 5 AGGREGATE BASE  
— COMPACTED SUBGRADE

**NOTE:**  
**PAVEMENT SECTIONS SUBJECT TO VERIFICATION**  
**BY SOILS ENGINEER.**



NOTE:  
EXISTING SITE BOUNDARY AND TOPOGRAPHY PROVIDED  
BY HARRY S. JOHNSON COMPANIES, INC. - SURVEYORS.  
PER SURVEY DATED 9/29/92. VERIFY PRIOR TO  
CONSTRUCTION.

## PRELIMINARY SITE GRADING AND UTILITY PLAN

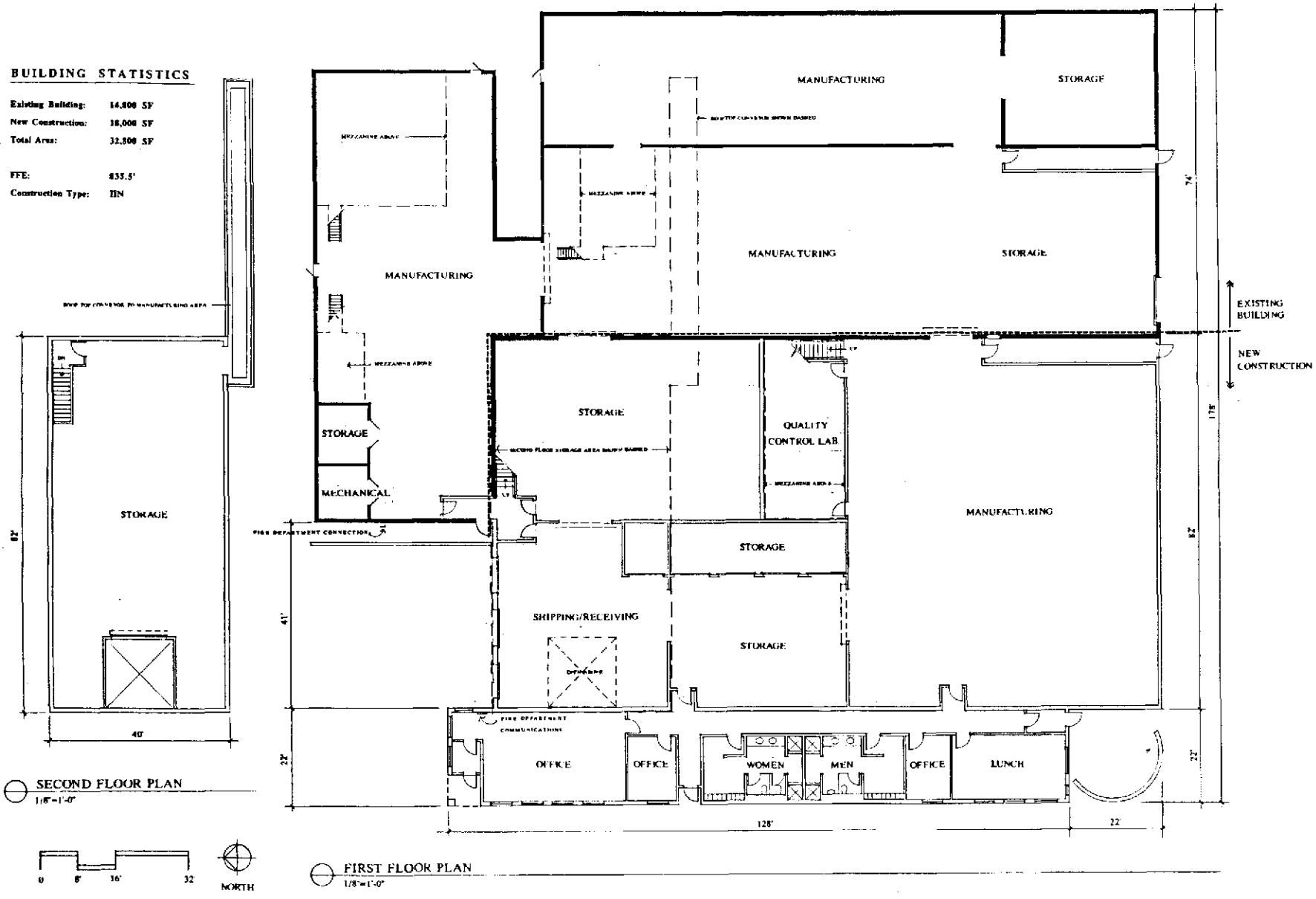


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## BUILDING STATISTICS

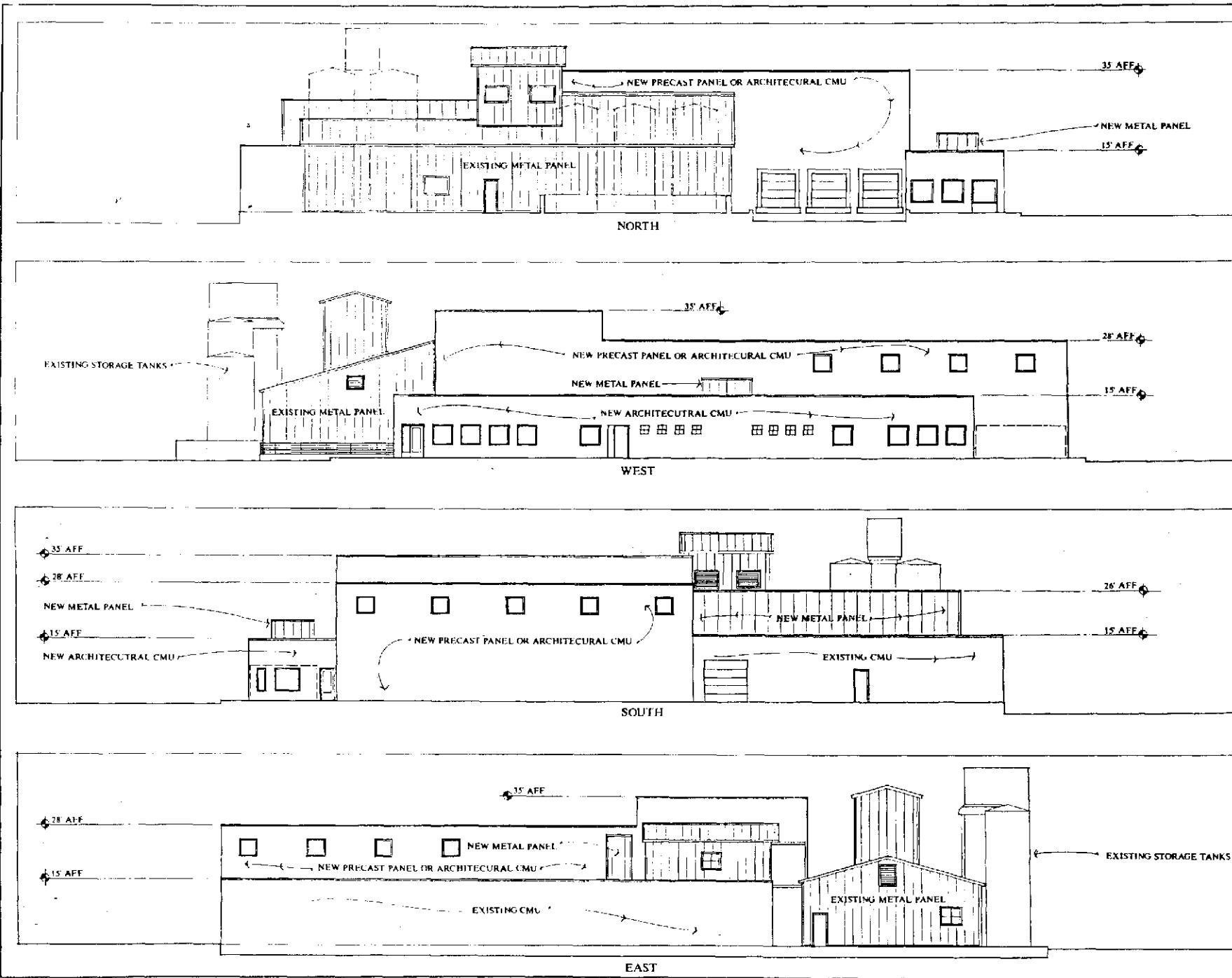
**Existing Building:** 14,800 SF  
**New Construction:** 18,000 SF  
**Total Area:** 32,800 SF

FFE: \$33.5



## BUILDING PLANS

DRW 1964-1  
XAU 1964-1  
DRW 1964-1  
DRW 1964-1  
XAU 1964-1  
DRW 1964-1

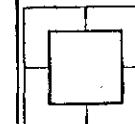


10' 0" 0' 0"

**BUILDING ELEVATIONS**

—

100% H2O	100% H2O
10% H2O	10% H2O
50% H2O	50% H2O
90% H2O	90% H2O
100% H2O	100% H2O



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Norwood 53368

for

Oak Grove Dairy

9125 Lyndale Avenue South  
(formerly Bloomington Foods)

4 Milk and Cream Trucks \$65.00

Following discussion, motion was made by O'Neil, seconded by Belanger, and all voting aye to approve the above application.

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of the Variance  
Board~~

Item 4.3

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~~Business License~~

Item 4.4

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Item 4.5

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The Council was requested to approve the Convention Bureau Billing for the following:

Advertiser	Amount
ABC Convention Writers	\$ 2,40
ABC Convention Writers	990.00
ABC Convention Writers	130.00
ABC Advertising, Inc.	31.50
ABC Advertising, Inc. (report of Administrator's visit to the city)	1,600.00

~~ARRANGEMENTS, THE PARKING CAN BE ARRANGED CLOSER TO THE ENTIRE AREA.~~

Discussion was held about the original approval by the Planning Commission and City Council on a Conditional Use Permit for this development and concern was expressed as to whether or not the petitioner had submitted the revised plan. Mr. Teslow stated that he had discussed the matter with the Planning Director who seemed to feel that it was a very good site plan. It was noted that a Conditional Use Permit is concept approval of the use.

Mr. Anderson questioned the total number of parking spaces available on the site, and Mr. Teslow stated that there would be approximately 88 spaces for the first stage and at the end of the third stage there will be approximately 270 total parking spaces.

Mr. Gould stated he felt the proposed plan was a good design.

Pastor Storlie appeared before the Board to state and describe the land uses around the area.

A general discussion was held concerning the petitioners proposed time schedule for construction, and it was noted that they hoped to begin on June 12. It was also noted that the contractor for this project has had a problem with holding definite bids on the construction for a long period of time because of the increase in prices of building materials and labor costs. The month of June would be the latest possible starting date without having to start all over and obtaining new and higher bids on the project. Mr. Teslow stated that they would like to commence construction as soon as possible because they are limited as far as building funds and the increase in material costs and labor would be detrimental to them.

After further discussion, Mr. Gould read through the criteria stating that the overall plan is well done. He stated that the overall land characteristics of the area made it very difficult for the petitioner to chose any other alternative plan without a substantial increase in the cost. He also stated he could not see where the proposal would be injurious to the surrounding neighborhood because there is still plenty of green areas on the proposal. He therefore made a motion to approve the variance request of the Community of the Cross Lutheran Church, who are proposing to building a new facility at 10701 Texas Avenue South, in an R-1 Zone, for a variance to permit parking in the front of the church and pass this on to the City Council for their concurrence. The motion was seconded by Mr. Wanglie and carried 7-0.

**Variance To Frontage Requirements**

**Case 7869 A-73**

Mr. Robert Foust, representing Contech, Inc., who is proposing to make alterations and repairs to an industrial building at 333 West 86th Street, in an I-3 Zone, requested approval of a variance to get a building permit for a structure on a parcel that does not have frontage on a public street. Access to the property is over a

recorded easement from West 86th Street across the adjacent property to the north.

The variance consideration in this Case is Section 5.04 which states that no building permit shall be granted on any lot which does not abut upon a public street. This limitation shall not apply to planned developments approved by the City Council pursuant to the zoning ordinance.

The existing structure was erected in 1950.

Mr. Wheaten, attorney, representing Mr. Foust, was present at the meeting. He distributed a letter from Mr. Foust to the Board members listing detailed plans of their proposal. He said the building has been in this location since 1950. Their plans are to make minor alterations and repairs to the inside of the building. He said they want to insulate the building which would require a building permit and they would also like to build a free-standing platform and two storage tanks on the outside of the building. He noted that Mr. Foust was present to explain the technical aspects if the Board wished.

Mr. Schaeppi stated that it did not appear that the petitioner was changing the dimensions of the building. Mr. Wheaten said they are making minor alterations and repairs to the interior portion and building a free-standing platform inside.

General discussion was held about ordinance requirements. Until recently, variances like this were approved administratively.

After further discussion, Mr. Schaeppi read through the criteria stating the petitioner is not altering the building dimensions but rather making alterations and minor repairs to the interior portion of the building, and it would be a hardship for the petitioner if he was not allowed to proceed with the necessary alterations and repairs. When the petitioner purchased the property, there was already a recorded easement from West 86th Street across the adjacent property to the north. He therefore made a motion to approve the variance request of Mr. Robert Foust, lessee of Contech, Inc., at 333 West 86th Street, to make alterations and repairs to their building and to obtain a building permit for a structure on a parcel that does not have frontage on a public street, and pass this on to the City Council for their concurrence. The motion was seconded by Mr. Johnson and carried 7-0.

Adjournment

A motion was made by Mr. Wenzel and seconded by Mr. Esau to adjourn. The motion carried and the meeting adjourned at 9:30 PM.

Respectfully submitted,

Pat Cleary, Minutes Secretary  
VARIANCE BOARD

Page 6  
May 12, 1977

VARIANCE BOARD MEETING  
Bloomington, Minnesota

1815

## GENERAL INFORMATION

Applicant: ChemRex, Inc.

Location: 333 and 399 West 86th Street

Request: A) Temporary waiver of platting to allow issuance of building permit prior to platting;  
B) Waiver of Section 16.11(4)(C) to allow the platting of land not abutting on a public street;  
C) Preliminary Plat of ChemRex Addition;  
D) Revised final site plan and building plans for an addition to an existing industrial building

## PROPOSAL

The applicant is proposing an addition to an existing industrial plant that is located on two unplatted parcels of record which are landlocked in that neither abuts a public street. In order to obtain a building permit and to avoid conflict with the Uniform Building Code by having a structure cross a property line, the property must be platted into one lot to remove that common property line and to provide a lot and block description of the property. In order to allow the plat to be considered, a waiver must be obtained to allow the platting of lots which do not abut a public street. In addition, the applicant has requested a temporary waiver to platting that would allow the issuance of building permits prior to the filing of an approved plat with the County.

The existing development consists of a 16,600 square-foot industrial building sited on the easterly parcel of the 1.52 acre site package where it has a zero-foot setback from the east property line abutting the Soo Line trackage. The applicant proposes to remove about 1,800 square feet of the existing building and add a 104'x140' addition to the west side that would total 18,000 square feet of new floor area, including mezzanine, for a total floor area of 32,800 square feet. The existing setbacks of 50 feet from the north and south property lines would be retained and a 50-foot setback provided from the west property line (the north line is treated as the front property line). Two disabled and 39 standard parking spaces are provided along the west and south sides of the property with the perimeters of the parking areas being defined by permanent curbing with a four-foot setback from the west and south property lines.

Exterior finish of the existing building is metal panel and concrete masonry units and the addition will have a finish of either precast panel or architectural concrete masonry units. Site access is from West 86th Street via a 15-foot wide easement of record across the intervening private property. A water line serves the property from 86th Street via a companion recorded 15-foot easement. An existing on-site hydrant will be relocated to the northwest corner of the site and a second hydrant added in the southwest corner. The site is not currently served either by sanitary sewer or storm sewer so sanitary service is proposed to be provided from West 86th Street. Sheet drainage of collected storm water onto the property to the south is proposed by the submitted plan. Two 6,000 gallon underground solvent storage tanks will be placed in the northeast corner of the site with 15-foot setbacks from the north property line.

The temporary waiver to platting would allow the applicant to apply for and receive grading and building permits subsequent to City Council approval of all the requests, but in advance of a filing of the final plat with the County, in order to commence construction this season and hit a target finish date in May of 1993.

The proposed preliminary plat is consistent with the proposed final site plan and building plans for the development, combining the two parcels into one lot, providing standard drainage and utility easements along the internal lot lines (except where there is an existing 0-foot building setback) and no park dedication as recommended by staff.

## ANALYSIS

The existing property situation is very awkward in its own right and additional development raises question regarding a number of issues to be resolved in order to allow both reasonable use of the property package and substantially improve general site conditions and character. Staff finds merit in supporting the package of requests on the basis that the proposed expansion is reasonable and does fit the site and will result in substantially improved site conditions and character, subject to a number of requirements -- the most important being that the addition and upgrading include connection to the public sanitary sewer system and on-site collection of storm water.

The granting of a waiver to allow platting of the "land locked" parcels and create a lot and block description in order to apply for necessary grading and building permits for proposed property improvements is more an issue of technical consideration than anything else. The landlocked condition has existed for many years and is a situation that neither the property owners nor the City can really do anything to significantly correct "on demand". The choices appear to be either continuance of the current development level and condition of the properties by restricting or prohibiting the issuance of permits that might provide upgrading or to recognize the inability to change that legal locational status and proceed to allow appropriate expansion coupled with commensurate reduction of noncomplying features.

Based on the continuing appearance and condition of the properties, the former approach would not seem to offer much hope for any positive change to be undertaken by the owners alone. However, the incentive of increased use of the site also offers an opportunity to clean up the property in a companion action that is not a complete burden with unrecoverable costs to the owner. Staff views the approval of an overall package of development expansion and site improvements as being the course of action most beneficial to the both the community and the immediate area in the long run -- particularly when done in a manner that corrects those deficiencies identified to be the most detrimental to the public benefit.

The submitted final site plan and building plans bring the development substantially into compliance with most of the general Code performance standards. The new development will comply with District standards on setbacks, parking, exterior materials and other features while treating the north property line as the "front" and the south property line as the "rear". The proposed additional development fits physically on the site as satisfactorily as though the site had real frontage. The applicant will explain the projected phasing of the removal of a portion of the existing building and the staging of the building expansion.

In consideration of the long term appropriateness of the proposal, the three primary issues that surfaced were access, sanitary sewer service and runoff collection/control. The properties currently have access to West 86th Street via a 15-foot wide easement across the intervening private property. The easement lies in a hard surfaced area that is shared

by both northerly properties, but is not defined by any temporary or permanent features such as curbing. As long as the easement is properly recorded, this is acceptable to staff although the applicant has been advised that it would be to his long term benefit to improve on that situation. Water service is also provided to the properties via a separate 15-foot wide utility easement along the west side of the access easement. The existing development is not served by the public sanitary sewer system, which is a primary concern of staff and considered to be a key in whether additional development should be allowed to take place. It is staffs' view that the development must be connected to the public sanitary sewer based on established Metropolitan and City Council policy as expressed in the Comprehensive plan. The applicant has been advised of the importance of this element. Extension of service from West 86th Street is possible, but will require expansion of the existing utility easement in order to provide adequate separation from the in-place water line. Staff does not believe that the additional development should be supported by a private on-site system and has so advised the applicant.

Currently the site runoff is overland across neighboring properties, particularly to the south. The proposed development will increase the site runoff since only about 20 percent of the site would be converted from permeable to additional impervious surface. However, the existing situation cannot be allowed to continue and a satisfactory method of dealing with the runoff must be provided. The proposed solution is unacceptable as it concentrates the runoff at one point onto the property to the south. Several options have been identified including a connection to 86th Street, a connection to 87th Street across the Soo Line trackage or connection to one of the existing private systems to the south or west. Solutions are available and staff is willing to support the additional development subject to provision of a storm water collection and dispersal system that is acceptable to the City Engineer.

Other Public Works Comments include the following:

- 1) All additions and alterations to utilities shall be at the expense of the developer;
- 2) Connection charges are estimated to be \$3,361 and must be satisfied;
- 3) Record access and utility easements with the County and provide copy to the City;
- 4) Installation of self-sealing manhole covers;
- 5) Complete SAC Questionnaire and satisfy SAC charge;
- 6) Revise erosion and sedimentation control plan;
- 7) Must comply with water quality and quantity policy requirements;
- 8) Waterline recommended to be looped to 87th Street; and
- 9) Need additional topo information on adjacent properties;

The Administrative Subdivision Review Committee reviewed both the request for permanent waiver to allow platting and the proposed preliminary plat on October 27, 1992 and recommended approval of both with conditions attached to the plat recommendation. Those recommendations have been incorporated into the staff recommendations.

The proposed revised final site plan and building plans for the addition were reviewed by the Fire and Life Safety Committee on October 27, 1992. Recommended conditions have been incorporated into the staff recommendations.

As previously noted, recommended approvals of the package of applications will be subject to a number of recommended conditions, particularly the requirements for satisfactory provisions of storm water collection and dispersal and sanitary sewer service. These are solvable, but include participation of other property owners and perhaps considerable cost. Staff is willing to use conditions rather than a continuance for plan revision in order to allow the applicant to move forward on the desired schedule. However, this places full burden on the applicant to work with staff to achieve acceptable

solutions and can involve risk of future delays if not done in an expeditious manner. Should the applicant be uncomfortable with this situation, the applications can be continued until the issues are resolved to the satisfaction of both parties.

Staff would also suggest that the applicant consider looping the water line east to 87th Street. Although not a requirement, this is typical of what has been requested or even required in many similar situations over the years. The possibility should be discussed with the fire Marshal and Utilities Division.

A time period of three months for the temporary waiver should be adequate to allow issuance of building permits before the approved final plat is filed with the County. Should any unexpected legal problems develop that would push the filing beyond this deadline, the applicant should immediately inform staff so that a course of action can be determined and extension considered.

## RECOMMENDATION

In Case 7869A-92, staff recommends approval of a three month temporary waiver of platting to allow issuance of grading and building permits prior to filing an approved final plat with Hennepin County subject to the following conditions of approval:

- 1) The temporary waiver is valid only if the permanent waiver in Case 7869B-92, the preliminary plat and final plat in Case 7869C-92 and the revised final site and building plans in Case 7869D-92 have been approved by the City Council;
- 2) Grading or building permits shall not be issued until plans for the storm water and sanitary sewer services have been approved by the City Engineer and proof of necessary easement acquisition has been provided the City;
- 3) The three month time period begins upon City Council approval of the revised final site plan and building plans or the preliminary plat
- 4) The approved final plat must be filed with Hennepin County before the termination of the three-month period. This period may be extended for an additional three months by written request to the Director of Community Development.

In Case 7869B-92, staff recommends approval of a waiver to Section 16.11(4)(C) of the City Code to allow platting of land not abutting a public street subject to the following conditions of approval:

- 1) The waiver shall be valid for a period of one year from time of approval of the preliminary or final plat and shall expire if development of the property has not commenced as approved within that one-year period.

In Case 7869C-92, staff recommends approval of a preliminary plat of ChemRex Addition subject to the following conditions of approval;

- 1) The property must connect to the public sanitary sewer;
- 2) An improved utility easement to West 86th Street be obtained to provide adequate separation between sewer and water lines and be properly recorded for all affected properties with a copy to be furnished to the City;
- 3) Easement for the common driveway north to 86th Street be recorded for all affected properties and a copy to be furnished to the City;
- 4) No park dedication be required;
- 5) Standard five-foot drainage and utility easements be provided along the interior of all lot lines except where building encroachment occurs;
- 6) For setback purposes, the north property line shall be considered the "front" property line, the south property line shall be considered the "rear" property line

- 7) Additions or alterations to existing utilities shall be at the developer's expense;
- 8) Grading, drainage, utility and erosion control plans shall be as approved by the City Engineer;
- 9) Approved erosion control measures to be in place prior to the issuance of any grading or building permits;
- 10) Connection charges of an estimated \$3,361.00 shall be satisfied; and
- 11) Utility plan with existing and proposed water mains and fire hydrants be at locations as approved by the Fire Marshal and Utilities Engineer;

In Case 7869D-92, staff recommends approval of revised final site plan and building plans for an addition to an industrial plant subject to the following conditions being satisfied prior to the issuance of any building permits:

- 1) Expanded utility easement to 86th Street be obtained to allow for required separation of sanitary sewer and water lines and be recorded with Hennepin County for all affected properties with a copy furnished to the City;
- 2) The common driveway easement to 86th Street be recorded with Hennepin County for all affected properties and a copy be furnished to the City;
- 3) Grading, drainage, utility and erosion control plans be approved by the City Engineer, to include hook-up to public sanitary sewer service and a storm water collection and dispersal system;
- 4) Access, circulation and parking plans be approved by the City Traffic Engineer;
- 5) Exterior building materials be approved by the Director of Planning;
- 6) Trash and recyclable materials storage be provided in a designated area as approved by the Fire Marshal and be provided with solid screening as approved by the Director of Planning;
- 7) Connection charges of an estimated \$3,361 be satisfied;
- 8) A SAC questionnaire be completed and submitted to the Department of Public Works;
- 9) Erosion control measures be in place prior to issuance of grading permits;
- 10) Exterior lighting plan, building security plans and alarm system be approved by the Chief of Police;
- 11) Plans be approved by Environmental Services Division for compliance with applicable requirements on hazardous material storage, use and disposal;

and subject to the following additional conditions of approval:

- 12) Alterations to utilities be at the developer's expense;
- 13) No parking shall be allowed on any adjacent public streets;
- 14) All construction parking, loading and unloading and material stockpiling occur either on-site or at authorized locations on neighboring properties and off of any adjacent public streets;
- 15) The site shall be kept free and clear of debris and waste material and no exterior storage shall occupy approved parking areas;

and subject to the following Code requirements:

- 1) Landscape plan be approved by the Director of Planning (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) Property be platted in accordance with the requirements of Chapter 16 of the City Code (Sec. 16.03), subject to the allowances of a temporary waiver as approved in Case 7869A-92;

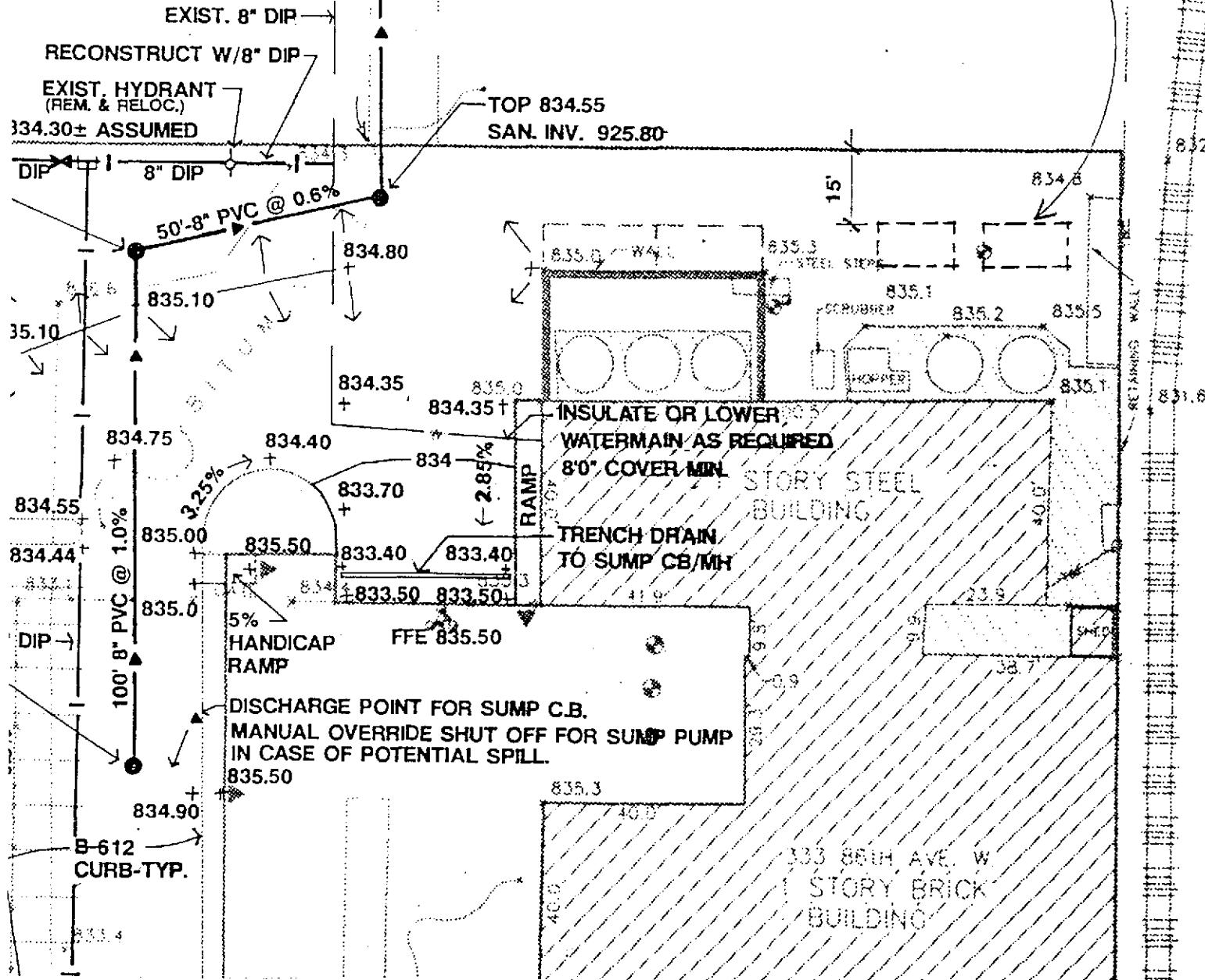
- 5) Existing building and proposed addition be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn Bldg Code 3802; Uniform Fire Code Ch 10.306);
- 6) Fire lanes be posted as approved by the Fire Marshal (Sec. 8.73);
- 7) Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (Sec. 6.20, Uniform Fire Code Ch. 10.301-C);
- 8) Disabled parking be designated with standard signage as approved by the Director of Planning (Mn Bldg Code Chapter 1340);
- 9) Disabled access be provided to the building (Mn Bldg Code Chapter 1340);
- 10) Disabled accessible toilet facilities be provided (Mn Bldg Code Chapter 1340);

Prepared by: 608  
Reviewed by: PA 80

psc5-12.dd

**PAVEMENT SECTIONS SUBJECT TO VERIFICATION  
BY SOILS ENGINEER.**

**2 NEW UNDERGROUND SOLVENT STORAGE  
TANKS 6,000 GALLONS EA.**



CHEMREX MANUFACTURING FACILITY		NEW UNDERGROUND TANK LOCATION	
SYMMES, MAINI & MCKEE ASSOCIATES, INC. ARCHITECTS ENGINEERS PLANNERS CAMBRIDGE, MASSACHUSETTS		SCALE 1" = 30'	DR. BY JP
		DATE 10-29-92	CX. BY

SK-1

ADMINISTRATIVE SUBDIVISION REVIEW COMMITTEE

Tuesday, October 27, 1992

Present: Don Elvrum, Chair    Dave Drenth    Judy Remer  
Galen Doyle

Item 1    Preliminary and final plat of 333 and 399 W. 86th St.  
(Replat to remove existing lot line between  
properties).  
ChemRex, Inc.  
Case 7869C-92  
PC: 11/12/92

The 15' driveway and utility easements to 86th St. are not concurrent, and the city water line runs directly through the center of the utility easement. The addition of sanitary sewer lines will require a wider easement. The city will need evidence of the recording of both easements.

The current fire hydrant will be moved to the northwest corner of the property, and a new hydrant will be added in the southwest corner. The proposed building won't encroach in the setback areas.

M/Doyle, S/Drenth to recommend approval of waiver of Section 16.11(4)(c) of the Bloomington City Code, allowing platting of property not abutting a public street.

Motion passed 4-0.

M/Doyle, S/Remer to recommend approval of ChemRex addition, subject to the following conditions of approval:

1. Grading, drainage, and utility plans to be approved by the City Engineer.
2. The proposed building must connect to the city sanitary sewer.
3. Improved utility easement to 86th St. be provided, and a copy of the driveway and utility easement, as recorded with Hennepin County, be furnished to the city.
4. No park dedication to be required.
5. Standard 5' internal, concurrent utility and drainage easements to be provided, except at building encroachment.
6. North property line will be considered the front, South property line the rear, and East and West property lines the sides, for setback purposes.

The meeting adjourned at 9:25 a.m.

Jeff Petermeier-Korman  
Minutes Secretary

would be secured with fencing and chains. The landscaping plan and drainage was reviewed and discussed. They will be using the existing 4 inch utility line to the building. Mr. Klein commented that a fire sprinkler system will be installed. Each entrance will be handicapped accessible (ramped).

The committee recommended the following conditions:

- 1) building(s) be totally sprinklered as approved by the Fire Marshal;
- 2) exterior lighting and building security plans be approved by the Crime Prevention Unit Bloomington Police Dept.;
- 3) fire lanes be posted as approved by the Fire Marshal;
- 4) disabled parking be provided with standard disabled signs;
- 5) handicapped access be provided to the building (5% slope);
- 6) utility plan with existing and proposed water mains and fire hydrants be at locations as approved by the Fire Marshal and Utilities Engineer;
- 7) traffic, circulation and parking plans be approved by the Traffic Engineer;
- 8) enclosed trash facility(s) be provided in a designated area as approved by the Fire Marshal;
- 9) space must be provided for the collection, separation and temporary storage of recyclable materials within or adjacent to the building;
- ~~10) handicapped toilet facilities be provided;~~

Item 3 - Chemrex - addition to existing industrial building - 333-399 West 86th Street

Jim Phelps, SMMA Architects, presented plans showing the proposed 18,800 square foot addition of office and manufacturing areas. Chemrex will be providing a dry pond on-site as all drainage is presently off-site. Spill containment will be provided at the dock area with a detector at the pump area to notify them of any spills. There will be no discharge into the sanitary sewer system.

Steve Kelly, Chemrex, stated their products are petroleum based and are so thick they are not considered a liquid. There was discussion about the types of solvents and products they would be using and releasing. John Nelson suggested reviewing their Toxic Release Inventory and the Minnesota Pollution Prevention Act.

Jim Phelps reviewed the building layout and various types of building construction was discussed. They propose to construct the building into different types of construction divided by fire rated walls. Mr. Phelps stated the entire building will be sprinklered. Mr. Kelly noted they would be adding another fire hydrant and relocating an existing hydrant.

The committee recommended the following conditions:

- 1) building(s) be totally sprinklered as approved by the Fire Marshal;
- 2) exterior lighting and building security plans be approved by the Crime Prevention Unit Bloomington Police Dept.;
- 3) fire lanes be posted as approved by the Fire Marshal;
- 4) disabled parking be provided with standard disabled signs;
- 5) handicapped access be provided to the building;
- 6) utility plan with existing and proposed water mains and fire hydrants be at locations as approved by the Fire Marshal and Utilities Engineer;
- 7) traffic, circulation and parking plans be approved by the Traffic Engineer;
- 8) enclosed trash facility(s) be provided in a designated area as approved by the Fire Marshal;
- 9) space must be provided for the collection, separation and temporary storage of recyclable materials within or adjacent to the building;
- 10) meet with an get approval by the Environmental Services Division - John K. Nelson
- 11) handicapped toilet facilities be provided;
- 12) alarm system must be checked and approved by the Bloomington Police Department;
- 13) meet with Planning Division on tank location; and,
- 14) driveway access and access to site must be defined.

~~Item 4 James Elliot new industrial building 9201 Grand Avenue South~~

Jim Arbuckle of Arbuckle Construction (contractor for this project) reviewed the proposed site layout. The building will be used to store, repair and remake antique autos (for personal use only by owner - no retail). A small office area and bathrooms will also be located in the building. It was noted bathrooms and entrance must be handicapped accessible. He pointed out the location of inside trash enclosures and recycling. There will be a parking lot on the east side of the building and an overhead door on the west side.

The building will be 4500 square feet with concrete block walls. Construction materials of the proposed building were reviewed. Dick MacAllister stated the building must be sprinklered. Mr. Elliot, the owner, asked if they could use the dry fire sprinkler system because of low building temperature in winter. Mr. MacAllister stated this system would be acceptable.

PUBLIC WORKS DEPARTMENT REVIEW  
Commercial, Industrial and Multiple Development

Waiv./Plat.FS&BP,Rev.  
10-15-92

Name: ChemRex, Inc.

Case No.: 7869 AB 92

7869 D 92

Location: 333 & 399 W. 86th St.

Scheduled for Planning Comm.: 11-12-92

Return: Planning By: 10-29-92

I. ENGINEERING SERVICES -

INITIAL & DATE

Attach conditions of approval (with appropriate minutes),  
connection charges, petitions, platting, etc.

Resolve drainage - appears storm sewer from east should be utilized.  
Connection charges \$3361.26. Plat has been applied for.

10-19-92

II. TRAFFIC DIVISION -

Parking lot layout, curbcuts and other traffic items.

Possibly could make arrangements for ChemRex to meet their schedule if additional conditions are established. Does ChemRex have a plan to clear up the situation to normal standards within 18 months±. Items include

1. Updating of adjacent property toward W. 86th St. easement if not platting.
2. File at county recorder the common dwy. easement with copy to city .
3. The proposed bldg. may be fine, but results in an extremely high ground coverage percentage; only limited users could support this large of a bldg. with limited remaining site.
4. Absolutely no on-street pkg. in area.

III. UTILITIES DIVISION

Permits, Sewer Availability Charge, hydrant location, etc.

Install self-sealing manhole covers with concealed pickhole (Neenah) on all manholes subject to surface ponding.

Confer with Chief Utilities Inspector re: SAC charge. Comply with Fire Protection requirements of Fire & Life Safety Committee.

FHK 10-19-02  
WEE 10-20-92

IV. ENGINEERING

1. Elevations and grading  
- Concrete curb required around entire parking area.
- Grades generally OK.
- Storm sewer required - connect to existing system on W. 87th Street east of RR. Easements required, some alteration of parking lot grades should be considered.
- Loop watermain to existing stub on W. 87th east of RR. Easements required.

WAF 10-16-92

IV. ENGINEERING DIVISION Cont.

2. Drainage

- Method #2 for silt fence installation is not permitted.
- Show topo on adjacent properties.
- Proposed storm drainage plan will concentrate overland flow as it enters adjacent property. This is not acceptable.
- Have had numerous meetings w/applicant's engineer to discuss alternatives:
  1. storm to W. 87th, under RR tracks
  2. connect to private systems to west or south
  3. storm to W. 86th - cost of each is great. Might consider a variation of the proposed design using a much wider outlet.
- Applicant will need to meet water quality/quantity policy requirements.

SDT 10-22-92

3. San. Sewer and Water

Sanitary generally OK. Last MH is only 7.4' deep, some of the line has less than 8' of cover.

It would be best to loop the watermain by connecting into the existing stub on 87th St. (or other alternate locations. RLR)

SAP 10-21-92

4. City Engineer

RLR 11-3-92

V. PUBLIC WORKS ADMINISTRATION -

1. Deputy Director

Show topo of adjacent properties for drainage evaluation. Storm sewer required for site. Water quantity and water quality requirement must be met prior to issuance of permits. Is it possible to eliminate one san. sewer manhole? Potential grade conflict for WM and san. sewer crossing. Alterations to existing utilities to be at developer's expense. Storm water management as proposed is not acceptable. Show erosion control plan.

JBG 11-4-92

2. Director

Storm plan required including ponding requirements.

CVH 11-3-92

80th Street and that proof of filing be provided to the Manager of Building and Inspection;

- 9) The existing display and inventory storage parking east of the driveway for 8005 Penn Avenue to West 80th Street shall be provided with a 20-foot setback from the current right-of-way line for West 80th Street to maintain proper circulation drive alignment as shown on approved plans in Case 5463A-92 for the development of 2151 West 80th Street;
- 10) Exterior lighting plan and building security plans be approved by the Chief of Police;

and subject to the following additional conditions of approval:

- 11) The conditional use permit shall be limited to the display and sale of used cars only and no new cars shall be displayed either in the building or on the site north of the south end of the building;
- 12) The seven parking spaces to the east and the first two spaces to the west of the revised entry drive shall be signed for and used only for customer parking;
- 13) No more than one sign shall be allowed for each business on the property, not to exceed a total of two signs, only wall signs shall be allowed, no sign shall have an area larger than 80 square feet, and only individual internally illuminated letters and/or logo shall be used;
- 14) Alterations to utilities be at the developer's expense;
- 15) Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal;
- 16) All loading and unloading occur on site and off of public streets;
- 17) No more than two used vehicles shall be displayed north of the showroom at any time;

Motion carried 6-0

In addition to the above conditions, the following Code requirements must also be met:

- 1) Three-foot high solid screening be provided along West 80th Street as approved by the Director of Planning (Sec. 19.52);
- 2) Landscape plan be approved by the Director of Planning (Sec 19.52);
- 3) All rooftop equipment be fully screened (Sec. 19.52.01);
- 4) Fire lanes be posted as approved by the Fire Marshal (Sec. 8.7);
- 5) Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (Sec. 6.20, Uniform Fire Code Ch. 10.301-C);
- 6) Disabled parking be designated with standard signage as approved by the Director of Planning (Mn Bldg Code Chapter 1340);
- 7) Disabled access be provided to the building (Mn Bldg Code Chapter 1340);
- 8) Disabled accessible toilet facilities be provided (Mn Bldg Code Chapter 1340);

Item 5  
Case 7869ABCD-92  
ChemRex, Inc.  
333 & 399 West 86th St  
Waivers, Preliminary  
Plat, Revised Final Site  
and Building Plan for  
Addition to Existing  
Industrial Building

Mr. Doyle presented the Staff Report and noted Staff recommends granting a temporary waiver of platting to allow issuance of a building permit prior to platting; granting waiver of Section 16.11(4)(C) to allow platting of land not abutting a public street; approving the preliminary plat of ChemRex Addition; and approving the revised final site and building plans for an addition to an existing industrial building at 333 and 399 West 86th Street. He noted the the Administrative Subdivision Committee has also recommended granting the waivers and Public Works Division recommends approval of the site and building plans for the building addition.

5:55 PM

Greg Kopischke, consulting engineer representing the applicant, said because there appears to be some ambiguity about storm water on the site and possibly some

discrepancies regarding alternative solutions, he would like to have the opportunity to work with Staff to find a mutually acceptable solution to this issue. Addressing the requirement for both Cases 7869C-92 and 7869D-92 that easements to 86th Street be recorded for all affected properties, he said they feel the site has always had adequate legal access and are concerned about possibly having to provide additional easements. Mr. Doyle said the intent of these conditions is not to provide additional access or easements but rather to assure that the existing easement is legally defined in relation to all affected properties and properly recorded. Because of the relationship of cases to each other there is duplication of conditions among the several applications but that does not mean several easements have to be entered into; it merely seeks assurance that the easement will be legally defined and recorded, with a copy furnished the City.

M/Schneider S/Grady to close the hearing. Motion carried 6-0

M/Schneider S/Thorson, having reviewed the findings in Chapter 16 of the City Code, in Case 7869A-92 to recommend granting a temporary waiver of platting to allow issuance of a building permit prior to platting the property at 333 and 399 West 86th Street subject to the following conditions:

- 1) The temporary waiver is valid only if the permanent waiver in Case 7869B-92, the preliminary plat and final plat in Case 7869C-92 and the revised final site and building plans in Case 7869D-92 have been approved by the City Council;
- 2) Grading or building permits shall not be issued until plans for the storm water and sanitary sewer services have been approved by the City Engineer and proof of necessary easement acquisition has been provided the City;
- 3) The three month time period begins upon City Council approval of the revised final site plan and building plans or the preliminary plat
- 4) The approved final plat must be filed with Hennepin County before the termination of the three-month period. This period may be extended for an additional three months by written request to the Director of Community Development.

Motion carried 6-0

M/Schneider S/Thorson, having reviewed the findings in Section 16.11(4)(C), in Case 7869B-92 to recommend granting a waiver of the platting requirements under Chapter 16 of the City Code to allow platting land not abutting a public street, subject to the following condition:

- 1) The waiver shall be valid for a period of one year from time of approval of the preliminary or final plat and shall expire if development of the property has not commenced as approved within that one-year period.

Motion carried 6-0

M/Schneider S/Gussler, having reviewed the findings in Section 16.05.01(e)(1)-(7), in Case 7869C-92 to recommend approval of the preliminary plat of ChemRex Addition subject to the following conditions:

- 1) The property must connect to the public sanitary sewer;
- 2) An improved utility easement to West 86th Street be obtained to provide adequate separation between sewer and water lines and be properly recorded for all affected properties with a copy to be furnished to the City;
- 3) Easement for the common driveway north to 86th Street be recorded for all affected properties and a copy to be furnished to the City;
- 4) No park dedication be required;

- 5) Standard five-foot drainage and utility easements be provided along the interior of all lot lines except where building encroachment occurs;
- 6) For setback purposes, the north property line shall be considered the "front" property line, the south property line shall be considered the "rear" property line and the east and west property lines shall be considered the side property lines;
- 7) Additions or alterations to existing utilities shall be at the developer's expense;
- 8) Grading, drainage, utility and erosion control plans shall be as approved by the City Engineer;
- 9) Approved erosion control measures to be in place prior to the issuance of any grading or building permits;
- 10) Connection charges of an estimated \$3,361.00 shall be satisfied; and
- 11) Utility plan with existing and proposed water mains and fire hydrants be at locations as approved by the Fire Marshal and Utilities Engineer.

Motion carried 6-0

M/Schneider S/Thorson, having reviewed the findings in Section 19.40.12(3)(1)-(5), in Case 7869D-92 to recommend approval of revised final site and building plans for an addition to an existing industrial building at 333 and 399 West 86th street, subject to satisfaction of the following conditions prior the issuance of any building permits:

- 1) Expanded utility easement to 86th Street be obtained to allow for required separation of sanitary sewer and water lines and be recorded with Hennepin County for all affected properties with a copy furnished to the City;
- 2) The common driveway easement to 86th Street be recorded with Hennepin County for all affected properties and a copy be furnished to the City;
- 3) Grading, drainage, utility and erosion control plans be approved by the City Engineer, to include hook-up to public sanitary sewer service and a storm water collection and dispersal system;
- 4) Access, circulation and parking plans be approved by the City Traffic Engineer;
- 5) Exterior building materials be approved by the Director of Planning;
- 6) Trash and recyclable materials storage be provided in a designated area as approved by the Fire Marshal and be provided with solid screening as approved by the Director of Planning;
- 7) Connection charges of an estimated \$3,361 be satisfied;
- 8) A SAC questionnaire be completed and submitted to the Department of Public Works;
- 9) Erosion control measures be in place prior to issuance of grading permits;
- 10) Exterior lighting plan, building security plans and alarm system be approved by the Chief of Police;
- 11) Plans be approved by Environmental Services Division for compliance with applicable requirements on hazardous material storage, use and disposal;

and subject to the following additional conditions of approval:

- 12) Alterations to utilities be at the developer's expense;
- 13) No parking shall be allowed on any adjacent public streets;
- 14) All construction parking, loading and unloading and material stockpiling occur either on-site or at authorized locations on neighboring properties and off of any adjacent public streets;
- 15) The site shall be kept free and clear of debris and waste material and no exterior storage shall occupy approved parking areas.

Motion carried 6-0

Item 5 continued  
Case 7869ABCD-92

In addition to the above conditions the following Code requirements must also be met:

- 1) Landscape plan be approved by the Director of Planning (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) Property be platted in accordance with the requirements of Chapter 16 of the City Code (Sec. 16.03), subject to the allowances of a temporary waiver as approved in Case 7869A-92;
- 5) Existing building and proposed addition be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn Bldg Code 3802; Uniform Fire Code Ch 10.306);
- 6) Fire lanes be posted as approved by the Fire Marshal (Sec. 8.73);
- 7) Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (Sec. 6.20, Uniform Fire Code Ch. 10.301-C);
- 8) Disabled parking be designated with standard signage as approved by the Director of Planning (Mn Bldg Code Chapter 1340);
- 9) Disabled access be provided to the building (Mn Bldg Code Chapter 1340);
- 10) Disabled accessible toilet facilities be provided (Mn Bldg Code Chapter 1340).

Motion carried 6-0

Mr. Schneider withdrew from the meeting.

Item 6  
Case 7088B-92  
Computing Devices  
International  
2601 West 88th Street  
Revised Final Site and  
Building Plan for Micro-  
wave Antenna Addition  
to Existing Building

6:15 PM

Mr. Hawbaker presented the Staff Report and noted Staff recommends approval of final site and building plans for an antenna mast and receiving dish on an existing building at 8800 Queen Avenue subject to the condition that the antenna be used for receiving purposes only and not for transmission of signals. He presented aerial photos of the building and site with the mast superimposed to show its negligible impact on surrounding properties. To Mr. Napier's questions, he said the antenna poses no danger of radiation and there is no need to monitor the antenna because it is incapable of transmitting signals. To do so would require a separate antenna with electronic devices.

An unidentified member of the audience said he concurs with the Staff Report and agrees the proposed antenna is incapable of transmitting signals.

M/Gussler S/Thorson to close the hearing. Motion carried 5-0

M/Thorson S/Gussler in Case 7088A-92 to recommend approval of revised final site and building plans for a microwave antenna addition to an existing office building at 2601 West 88th Street, subject to the following conditions:

- 1) antenna mast shall be utilized only for receiving purposes and not for the transmission of signals.

Motion carried 5-0

Item 7  
Case 9946A-92  
Judith Klein  
8764 Walton Oaks Drive  
Conditional Use Permit  
For Deposit of Fill in  
Floodplain and Beach

Mr. Hawbaker reminded the Commission this item was discussed at the October 15th Commission meeting at which time the Commission asked that the proposed fill and beach improvement plan be reviewed by the City Attorney. He also noted the issue was reviewed by the Park and Recreation Advisory Commission on November 4, 1992 and that body expressed concern that the granting of the request would alter the intent of the future plans for the lakeshore and, if the request were granted, urged that caution be exercised and the site be carefully monitored.

RESOLUTION NO. 92-184

A RESOLUTION APPROVING A WAIVER OF THE PLATTING REQUIREMENTS OF CHAPTER 16 OF THE CITY CODE TO ALLOW THE PLATTING OF LAND NOT ABUTTING A PUBLIC STREET

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington; and

WHEREAS, the applicant herein, ChemRex, Inc., is the owner of certain lands located at 333 and 399 West 86th Street, Bloomington, Minnesota, and legally described as follows: the South 1/2 of the East 253.12 feet of the North 580.8 feet of the Northwest 1/4 of the Northwest 1/4 of Section 10, township 27, Range 224, except the East 25 feet thereof; and

WHEREAS, the City Council is empowered to approve waivers to provisions of Chapter 16 of the City Code when strict compliance thereof would result in an unnecessary hardship and where failure to comply does not interfere with the purpose of the Code; and

WHEREAS, the applicant has requested a waiver of the platting requirements of Chapter 16 of the City Code in order to allow the platting of land not abutting a public street; and

WHEREAS, the City Council has reviewed the findings in Section 16.04(a)(1) and (2) and has found as follows:

1. that compliance will involve an unnecessary hardship and where failure to comply does not interfere with the purpose of Chapter 16, Article I; and
2. An improved plat can be achieved by deviation from the provisions of Chapter 16.

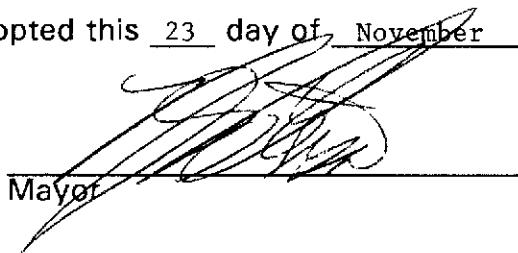
WHEREAS, the City Council has considered the report of the City Staff, the findings and decision of the Planning Commission, and the comments of persons, if any, who wished to speak to the Council on the issue of the proposed waiver; and

WHEREAS the City Council finds that compliance with the subdivision ordinance will involve an unnecessary hardship and that failure to comply will not interfere with the purpose of Chapter 16 or an improved plat can be achieved by deviation from the provisions of Chapter 16; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON IN REGULAR MEETING ASSEMBLED:

- A. That the affirmative findings of the Planning Commission are adopted by the City Council and that the requested waiver of the platting requirements of Chapter 16 of the City Code is hereby granted to allow for the platting of land not abutting a public street subject to the following:
- I. The waiver shall be valid for a period of one year from the time of approval of the preliminary or final plat and shall expire if development of the property has not commenced as approved within that one year period.

Passed and adopted this 23 day of November, 1992

  
\_\_\_\_\_  
Mayor

ATTEST:

Debbyne Thompson  
Secretary to the Council

c7869b.res

The attached resolution was adopted by the City Council  
of the City of Bloomington on November 23, 1992.

The question was on the adoption of the resolution, and  
there were 7 yeas and 0 nays as follows:

CITY OF BLOOMINGTON COUNCIL MEMBERS:	YEA	NAY	OTHER
Neal W. Peterson	<u>✓</u>	—	—
Jim Andrews	<u>✓</u>	—	—
Coral S. Houle	<u>✓</u>	—	—
Carol C. Johnson	<u>✓</u>	—	—
Mark P. Mahon	<u>✓</u>	—	—
Charles S. Schuler	<u>✓</u>	—	—
Thomas P. Spies	<u>✓</u>	—	—

RESOLUTION ADOPTED.

ATTEST: Neal W. Peterson  
Secretary to the Council

RESOLUTION NO. 92-185

A RESOLUTION APPROVING A THREE MONTH TEMPORARY WAIVER OF THE PLATTING REQUIREMENTS OF CHAPTER 16 OF THE CITY CODE TO ALLOW THE ISSUANCE OF A BUILDING PERMIT PRIOR TO THE FILING OF AN APPROVED FINAL PLAT

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington; and

WHEREAS, the applicant herein, ChemRex, Inc., is the owner of certain lands located at 333 and 399 West 86th Street , Bloomington, Minnesota, and legally described as follows: The South 1/2 of the East 253.12 feet of the North 580.8 feet of the Northwest 1/4 of the Northwest 1/4 of Section 10, Township 27, Range 24, except the East 25 feet thereof; and

WHEREAS, the City Council is empowered to approve waivers to provisions of Chapter 16 of the City Code when strict compliance thereof would result in an unnecessary hardship and where failure to comply does not interfere with the purpose of the Code or where an improved plat can be achieved by deviation from the provisions of Chapter 16; and

WHEREAS, the applicant has requested a temporary waiver of the platting requirements of Chapter 16 of the City Code in order to allow for the issuance of a building permit prior to the filing of an approved final plat; and

WHEREAS, the City Council has reviewed the findings in Section 16.04(a)(1) and (2) and has found as follows:

1. That compliance will involve an unnecessary hardship and where failure to comply does not interfere with the purpose of Chapter 16, Article I.

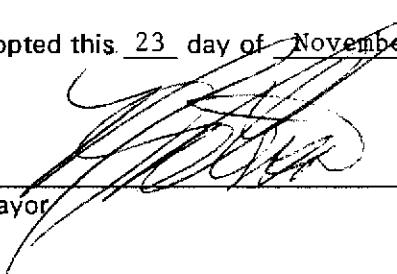
WHEREAS, the City Council has considered the report of the City Staff, the findings and decision of the Planning Commission, and the comments of persons, if any, who wished to speak to the Council on the issue of the proposed waiver; and

WHEREAS the City Council finds that compliance with the subdivision ordinance will involve an unnecessary hardship and that failure to comply will not interfere with the purpose of Chapter 16; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON IN REGULAR MEETING ASSEMBLED:

- A. That the affirmative findings of the Planning Commission are adopted by the City Council and that the requested three month temporary waiver of the platting requirements of Chapter 16 of the City Code is hereby granted to allow for the issuance of a building permit prior to the filing of an approved final plat subject to the following:
  
- I. The temporary waiver is valid only if the permanent waiver in Case 7869B-92, the preliminary plat and final plat in Case 7869C-92 and the revised final site plan and building plans in Case 7869D-92 have been approved by the City Council;
  
2. Grading or building permits shall not be issued until plans for the storm water and sanitary sewer services have been approved by the City Engineer and proof of necessary easement acquisition has been provided the City;
  
3. The three month time period begins upon City Council approval of the revised final site plan or the preliminary plat;
  
4. the approved final plat must be filed with Hennepin County before the termination of the three-month period. This period may be extended for an additional three months by written request to the Director of Community Development.

Passed and adopted this 23 day of November, 1992



Mayor

ATTEST:

Enayne Thompson  
Secretary to the Council

c7869a.res

The attached resolution was adopted by the City Council  
of the City of Bloomington on November 23, 1992.

The question was on the adoption of the resolution, and  
there were 1 yeas and 0 nays as follows:

CITY OF BLOOMINGTON COUNCIL MEMBERS:	YEA	NAY	OTHER
Neal W. Peterson	✓	—	—
Jim Andrews	✓	—	—
Coral S. Houle	✓	—	—
Carol C. Johnson	✗	—	—
Mark P. Mahon	✓	—	—
Charles S. Schuler	✓	—	—
Thomas P. Spies	✓	—	—

RESOLUTION ADOPTED.

ATTEST: Eulynne Thompson  
Secretary to the Council

Waiver of Platting,  
Preliminary Plat and  
Final Site Plan and  
Building Plans  
Case 7869ABCD-92  
Item 5.4  
R-92-184 & 185

The Council was requested by ChemReX, Inc., 333 and 399 West 86th Street, to approve a temporary waiver of platting to allow issuance of a building permit prior to platting, to approve a waiver of Section 16.11(5)(C) to allow the platting of land not abutting on a public street, to approve the preliminary plat of ChemReX Addition, and to approve the revised final site plan and building plans for an addition to an existing industrial building.

The applicant is proposing an addition to an existing industrial plant that is located on two unplatting parcels of record which are landlocked in that neither abuts a public street. To allow issuance of a building permit, the property must be platted into one lot in order to both remove the common property line and to provide a lot and block description of the property, and to allow the plat to be considered, a waiver must be obtained to allow the platting of lots which do not abut a public street. In addition, the applicant has requested a temporary waiver to platting that would allow the issuance of building permits prior to the filing of an approved plat with the County.

The Planning Commission, at its meeting of November 12, recommended granting of the waiver of platting to allow issuance of a building permit prior to platting and waiver of Chapter 16 requirements to allow platting of land not abutting a public street. The Planning Commission also recommended approval of the preliminary plat of ChemReX Addition and the revised final site and building plans for the addition to the existing building. The conditions placed by the Planning Commission on the temporary waiver of platting (Case 7869A-92) were as follows:

1. the temporary waiver is valid only if the permanent waiver in Case 7869B-92, the preliminary plat and final plat in Case 7869C-92 and the revised final site and building plans in Case 7869D-92 have been approved by the City Council,
2. grading or building permits shall not be issued until plans for the storm water and sanitary sewer services have been approved by the City Engineer and proof of necessary easement acquisition has been provided the City,
3. the three month time period begins upon City Council approval of the revised final site plan and building plans or the preliminary plat,
4. the approved final plat must be filed with Hennepin County before the termination of the three-month period. This period may be extended for an additional three months by written request to the Director of Community Development.

In Case 7869B-92, staff recommends approval of a waiver to Section 16.11(4)(C) of the City Code to allow platting of land not abutting a public street subject to the following conditions of approval:

1. the waiver shall be valid for a period of one year from time of approval of the preliminary or final plat and shall expire if development of the property has not commenced as approved within that one-year period.

In Case 7869C-92, staff recommends approval of a preliminary plat of ChemReX Addition subject to the following conditions of approval;

1. the property must connect to the public sanitary sewer,
2. an improved utility easement to West 86th Street be obtained to provide adequate separation between sewer and water lines and be properly recorded for all affected properties with a copy to be furnished to the City,

3. easement for the common driveway north to 86th Street be recorded for all affected properties and a copy to be furnished to the City,
4. no park dedication be required;
5. standard five-foot drainage and utility easements be provided along the interior of all lot lines except where building encroachment occurs;
6. for setback purposes, the north property line shall be considered the "front" property line, the south property line shall be considered the "rear" property line and the east and west property lines shall be considered the side property lines;
7. additions or alterations to existing utilities shall be at the developer's expense;
8. grading, drainage, utility and erosion control plans shall be as approved by the City Engineer,
9. approved erosion control measures to be in place prior to the issuance of any grading or building permits,
10. connection charges of an estimated \$3,361.00 shall be satisfied,
11. utility plan with existing and proposed water mains and fire hydrants be at locations as approved by the Fire Marshal and Utilities Engineer.

In Case 7869D-92, staff recommends approval of revised final site plan and building plans for an addition to an industrial plant subject to the following conditions being satisfied prior to the issuance of any building permits:

1. expanded utility easement to 86th Street be obtained to allow for required separation of sanitary sewer and water lines and be recorded with Hennepin County for all affected properties with a copy furnished to the City,
2. the common driveway easement to 86th Street be recorded with Hennepin County for all affected properties and a copy be furnished to the City,
3. grading, drainage, utility and erosion control plans be approved by the City Engineer, to include hook-up to public sanitary sewer service and a storm water collection and dispersal system,
4. access, circulation and parking plans be approved by the City Traffic Engineer,
5. exterior building materials be approved by the Director of Planning,
6. trash and recyclable materials storage be provided in a designated area as approved by the Fire Marshal and be provided with solid screening as approved by the Director of Planning,
7. connection charges of an estimated \$3,361 be satisfied,
8. a SAC questionnaire be completed and submitted to the Department of Public Works,
9. erosion control measures be in place prior to issuance of grading permits,
10. exterior lighting plan, building security plans and alarm system be approved by the Chief of Police,
11. plans be approved by Environmental Services Division for compliance with applicable requirements on hazardous material storage, use and disposal,

and subject to the following additional conditions of approval:

12. alterations to utilities be at the developer's expense,
13. no parking shall be allowed on any adjacent public streets,
14. all construction parking, loading and unloading and material stockpiling occur either on-site or at authorized locations on neighboring properties and off of any adjacent public streets,
15. the site shall be kept free and clear of debris and waste material and no exterior storage shall occupy approved parking areas.

Following discussion, motion was made by Schuler, seconded by Houle, and all voting aye, to adopt a resolution granting the temporary waiver of platting to allow issuance of a building permit prior to platting and adopted a resolution to waive Section 16.11(5)(C)

Revised Final Site Plan  
and Building Plans for  
Microwave Antenna  
Case 70-PR-92  
Item 5.5

to allow the platting of land not abutting on a public street based on compliance with the conditions set forth by the Planning Commission. Motion was made by Schuler, seconded by Houle, and all voting aye, to approve the preliminary plat of ChemRex Addition and the revised final site plan and building plans for an addition to an existing building based on compliance with the conditions set forth by the Planning Commission.

The Council was requested by Computing Devices International, 2601 West 88th Street, to approve the revised final site plan and building plans for a microwave antenna addition on an existing office building.

The Planning Commission, at its meeting of November 12, recommended approval of the revised final site and building plans for the microwave antenna addition based on compliance with the following condition:

1. antenna mast shall be utilized only for receiving purposes and not for the transmission of signals.

Andrews said in looking at the map that was enclosed with the agenda he was not certain that this antenna would be more than 300 feet from a protected property. The Director of Planning said the antenna mast per the submitted plan, which is before the Council for approval, is 350 feet from the closest residential property to the south and west and 600+ feet from the closest residential property to the north and east.

Following discussion, motion was made by Mahon, seconded by Houle, and all voting aye, to approve the revised final site plan and building plans for the microwave antenna addition based on compliance with the condition set forth by the Planning Commission and adding an additional condition that the antenna must not be within 300 feet of a protected property.

I-35W/I-494 Discussion  
with MNDOT Commissioner  
James Denn  
Item 7.5

The Council had scheduled time for a discussion with Commissioner James Denn of the Minnesota Department of Transportation regarding proposed improvements to I-494 and I-35W. The Director of Public Works introduced Commissioner Denn, who was accompanied by William Crawford, Charles Siggard, Craig Robinson and Richard Elasky, all employees of the Department of Transportation.

Mr. Denn said he has reviewed the City of Bloomington's comments on I-35W so he is familiar with the City's concerns about the proposed improvements. He said he will be discussing the improvements with the Governor because whatever is done in any of the major corridors has to tie in with the transit agenda for the entire state. He said he intends to make a decision on the preferred alternatives for I-35W and I-494 in December although actual construction will await the funding, which may be after 1998. A request is being submitted to the Legislature for funding for these improvements.

The Mayor said the I-35W Solutions Group has been meeting regularly and is concerned that as progress appears to be made, there are pockets of resistance from neighborhood groups that threaten to impede that progress. Mr. Denn said the Highway Department cannot control individual action by groups but the roadway is there and the right-of-way has been taken although some alternatives could call for additional right-of-way. He said the intent of the Department is to fix the safety problems, and that may call for the taking of some dwelling units. He said projects of these types cannot be done without some of those types of consequence. Peterson asked if there would be a way of splitting the project and to do the portion first that doesn't have resistance. Mr. Denn said that would be possible, and when the design is chosen the Department will proceed with an EAW on the third lane. He said it would be his intent to make a decision on both I-35 and

7. Security and fire detection improvements should be made as soon as possible and provisions should be made for an on-site caretaker.
8. A site map should be prepared in accordance with the study recommendations and archeological and archival study should be initiated.
9. The Mdewakanton and Santee Dakota communities should be consulted regarding plans and funding for the site, a reconciliation ceremony and plans for the Christian Indian cemetery.
10. The oral history of the site should be documented by interviews with the descendants of the Gideon Pond family and descendants of Cloudman.

Thomas Zahn, private consultant hired as principal investigator for the reuse study, said this type of study is not a new process as he has been involved in similar studies of other state historical sites. He said this particular site is of historic significance not only to Bloomington, but to the State because of the American Indian habitation, pioneer, early agricultural and river settlement, and the effect on early education and religion. He reviewed the process for the study which was conducted with a team that included an archeologist, interpretive specialist, a descendant of the Pond family (Richard St. Martin), native American specialists and City planners. He said 16 persons with knowledge of the site were interviewed and the site was thoroughly explored. The five alternatives that were chosen were outlined in the study report together with an executive summary on pages 1-4 of the report.

Larry Granger, an Interpretive Specialist with the Minnesota Historical Society, said when the report was completed, the focus was on the long term use of the property, particularly because of the financial considerations that are involved. He said the Pond House is a significant part of Bloomington's history and its preservation is also important to the State of Minnesota, noting there has been continuous occupancy in the house since it was built by descendants of the Pond family. Mr. Granger said the City has created an island of green around the house which provides the same type of setting as in the 1800's. He noted that the report indicates there are many ways this site can be developed over the years for the benefit of the Bloomington community, school children who can tour the site during their study of American history, and finally a period of full development with restoration of all of the buildings that were once on the site, probably by the year 2010. He said at that time it could be a multi-cultural center open on a year-round basis.

Following discussion, motion was made by Spies, seconded by Houle, and all voting aye, to reject Alternatives 1 and 2 of the Reuse Study Report, to approve Alternatives 3, 4 and 5, and implementation of the report recommendations and action plan as feasible.

Final Plat Approval  
of ChemRex Addition  
Case 7869C-92  
Item 6.3  
R-92-198

The Council was requested by ChemRex, Inc., to approve the final plat of ChemRex Addition located at 333 and 399 West 86th Street. The preliminary plat was approved by the Council on November 23 with a number of conditions, which have been or are being met. Following discussion, motion was made by Mahon, seconded by Johnson, and all voting aye, to approve the final plat of ChemRex Addition, to approve the subdivision agreement, and to adopt a resolution granting final approval.