

Planning Commission Minutes - July 23, 2009

**ITEM 2**

6:15 p.m.

---



---

<b>CASE:</b>	9282ABCDE-09
<b>APPLICANT:</b>	Feldmann Imports
<b>LOCATION:</b>	4901 and 4951 American Boulevard West
<b>REQUEST:</b>	<ol style="list-style-type: none"> <li>1) Rezone property at 4951 American Boulevard West from Commercial Service (Planned Development), CS-0.5(PD) to Freeway Office and Service (Planned Development), C-1(PD) (Case 9282A-09);</li> <li>2) Preliminary Development Plan for 4901 and 4951 American Boulevard West (Case 282B-09)</li> <li>3) Variance to reduce the minimum Floor Area Ratio (FAR) from 0.37 to 0.22 at 4901 and 4951 American Boulevard West (Case 4982D-09);</li> <li>4) Final Development Plan for a Class I motor vehicle sales facility at 4901 and 4951 American Boulevard West (Case 9282C-09); and</li> <li>5) Preliminary Plat (Feldmann Imports Addition) for property located at 4901 and 4951 American Boulevard West (Case 9282E-09)</li> </ol>

---



---

**APPEARING FOR THE APPLICANT:**

Nat Shea, Tanek Architecture  
 Jim Lindborg, Tanek Architecture  
 Gene Backer, Executive Manager of Feldmann Operations

**DISCUSSION BY THE COMMISSION:**

Farnham summarized the staff report for Case 9282A-09 recommending approval of a Rezoning from Commercial Service (Planned Development), CS-0.5 (PD) to Freeway Office and Service (Planned Development), C-1(PD) for property at 4951 American Boulevard West.

Farnham summarized the staff report for Case 9282B-09 recommending approval of a Preliminary Development Plan for Class I Motor Vehicle Sales facilities and associated parking at 4901 and 4951 American Boulevard West subject to 1 condition listed in the staff report.

Farnham summarized the staff report for Case 9282D-09 recommending approval of a Variance to reduce the minimum Floor Area Ratio (FAR) from 0.37 to 0.22 on property located at 4901 and 4951 American Boulevard West.

Farnham summarized the staff report for Case 9282C-09 recommending approval of a Final Development Plan for a Class I Motor Vehicle Sales facilities and associated parking at 4901 and 4951 American Boulevard West subject to 9 conditions and 20 code requirements listed in the staff report.

Farnham summarized the staff report for Case 9282E-09 recommending approval of a Preliminary Plat (Feldmann Imports Addition) for property at 4901 and 4951 American Boulevard West subject to 4 conditions being completed prior to filing the plat with Hennepin County and 2 code requirements listed in the staff report.

Catania asked staff to comment regarding DRC notes indicating an interest in platting the lots in a north/south fashion. Farnham stated early on in the process there was some discussion regarding platting the lots in a different manner than presented here today but that would have created non-conforming lot widths and it was decided there was no benefit to do so.

## Planning Commission Minutes - July 23, 2009

Lucas asked staff to comment on the new car delivery route on the site before Stanley Road is extended. Farnham stated the land that will become Stanley Road is currently the driveway into the old Bally's site and that is where the new car deliveries will enter the site. Farnham stated the applicant can give a more detailed description of the delivery plans when they make their presentation. Lucas asked for clarification regarding the existing building setbacks after the Stanley Road extension is complete. Farnham stated the existing building is currently 40 feet from the lot line, but when Stanley Road is constructed the existing building will be setback over 22 feet, making it non-conforming. Lucas asked Farnham if there was concern expressed by staff regarding traffic or safety as the level of traffic will most likely will be higher after Stanley Road is constructed. Farnham stated the level of traffic is expected to be higher but the traffic engineers have reviewed it and have not raised any specific concerns. Lucas asked if a traffic study has yet been conducted for the proposed Stanley Road extension and the apartment construction in the future. Farnham stated a traffic study has not yet been conducted. Farnham stated the applicant can address the access and circulation into the Mercedes building when they make their presentation. Sharlin added that the peak traffic times will be different for the neighboring residential and the car dealerships which may diminish the projected overall increased traffic.

Klassen asked staff if there is a tentative date for the Stanley Road Extension project. Farnham stated no firm date has been set as it depends on right-of-way dedication from land owners of the Southgate office site and stated it could be over 5 years out. Klassen asked staff to comment on the interim access to the site until the Stanley Road extension is completed. Farnham stated the site is served by a private drive on land that will become Stanley Road in the future.

Oleson asked staff to comment on neighborhood response to the proposed changes associated with this application. Farnham stated no correspondence has been received as of date. Oleson asked staff to comment on the lighting at the site. Farnham stated lighting on the site will be required to meet current lighting standards. Oleson asked staff to comment on storm water runoff on the site. Farnham stated storm water runoff will be handled by an underground system which captures and distributes the runoff into the pond at the northeast edge of the property.

Klassen asked for clarification of the first paragraph of the staff report under the analysis section where it refers to the location of the property as being the NE quadrant of the intersection of I-494 and Highway 100/Normandale Boulevard. Farnham stated it should read SE not NE.

Lucas noted the application is being considered one site, but two lots. Lucas asked staff to comment on the ability for the two lots to be sold individually in the future. Farnham stated the two lots could be sold separately in the future, but the intent was to develop the site in a coordinated manner with shared parking. Farnham stated it is not decided at this time what brand of dealership will be on the second lot with the Mercedes dealership.

Shea stated they have worked very closely with staff to minimize the traffic concerns along the proposed Stanley Road extension, the storm water management, and the existing and proposed lighting on the site.

Baloga asked the architects what the grade level change is between the R-1 zoned property to the south and the parking lot on the southern edge of the site. Shea estimated the difference to be about 12-15 feet lower on the residential side.

Catania asked for clarification from the architect on the service entrance/exits on the west side of the Mercedes building as a concern regarding stacking entering the service area. Shea stated the northernmost access is a service entrance and the southernmost access is the service exit. He noted the

## Planning Commission Minutes - July 23, 2009

Mercedes building provides ample room inside for cueing of vehicles when they arrive for service. They do not anticipate any stacking out onto Stanley Road.

Baloga asked Shea if there was consideration given to an east entrance on the Mercedes building. Shea stated consideration was given, but to avoid congestion near the American Boulevard entrance and to separate service customers from retail customers, it was decided to keep the entrances further apart.

Backer stated the business strategy is to keep the business in family hands. He stated Joe Feldmann is still developing the business on a growth pattern and the businesses will remain under one umbrella company. He stated in the foreseeable future if one of dealerships were sold, the property would be sold with the franchise. He stated the final negotiations are ongoing, but they are about 95 percent sure the proposed building will be under the brand name of Nissan.

Lucas asked the applicant if they could display a rendering of the proposed building. Shea displayed a south facing view from American Boulevard including a night-time rendering. Shea stated the proposed building will be two-story, although cars will not be stored on the second floor.

Oleson asked the applicant if the negotiations with Nissan are possibly being delayed because the proposed building is set back farther than the existing building. Backer stated that aspect is a concern that is being negotiated and they hope to have the negotiations finalized by July 24.

Baloga asked why the applicant has chosen this site over others available in Bloomington and surrounding areas. Backer stated Nissan wanted to locate in Bloomington and the American Ford site was not available at the time this deal was put together.

Baloga stated this item will be heard at the August 24, 2009 City Council meeting.

### ACTIONS OF THE COMMISSION:

**M/Klassen, S/Oleson:** To close the Public Hearing. Motion carried 6-0.

**M/Oleson, S/Klassen:** In Case 9282A-09 recommends approval of a Rezoning from Commercial Service (Planned Development), CS-0.5 (PD) to Freeway Office and Service (Planned Development), C-1(PD) for property at 4951 American Boulevard West. Motion carried 6-0.

**M/Lucas, S/Klassen:** Having met the findings in Case 9282B-09 recommend approval of a Preliminary Development Plan for Class I Motor Vehicle Sales facilities and associated parking for property at 4901 and 4951 American Boulevard West subject to 1 condition listed in the staff report. Motion carried 6-0.

**M/Klassen, S/Lucas:** Having met the findings in Case 9282D-09 recommends approval of a Variance to reduce the minimum Floor Area Ratio (FAR) from 0.37 to 0.22 on property located at 4901 and 4951 American Boulevard West. Motion carried 6-0.

**M/Lucas, S/Klassen:** In Case 9282C-09 recommends approval of a Final Development Plan for a Class I Motor Vehicle Sales facilities and associated parking at 4901 and 4951 American Boulevard West subject to 9 conditions and 20 code requirements listed in the staff report. Motion carried 6-0.

**M/Oleson, S/Felkner:** In Case 9282E-09 recommends approval of a Preliminary Plat (Feldmann Imports Addition) for property at 4901 and 4951 American Boulevard West subject to 4 conditions

Planning Commission Minutes - July 23, 2009

being completed prior to filing the plat with Hennepin County and 2 code requirements listed in the staff report. Motion carried 6-0.

**CONDITIONS OF APPROVAL RECOMMENDED BY THE COMMISSION:**

**Case 9282B-09**

- 1) No development shall proceed without final development plan approval.

**Case 9282C-09**

- 1) A development agreement, including all conditions of approval, shall be executed by the applicant and the City and shall be properly recorded by the applicant with proof of recording provided to the Director of Community Development;
- 2) A public improvements agreement for area infrastructure improvements be executed between the City and the applicant prior to the issuance of any grading or building permits. The agreement shall, at a minimum, include the following:
  - a. a list of individual improvement projects (including roadway, sanitary sewer, and other public infrastructure projects) recommended by the *Normandale Lake District Plan*;
  - b. estimated public infrastructure start and completion dates;
  - c. estimated improvement project cost in current and inflated (year of construction) dollars;
  - d. the developer's pro rata cost share for the improvements based on the development or building size; and
  - e. methods and terms of payment to satisfy financing project design and construction;
- 3) The Grading, Drainage, Utility, Erosion Control and Traffic Control plans shall be revised for approval by the City Engineer;
- 4) A Stormwater Management Plan shall be provided which includes:
  - a. Stormwater Rate Control;
  - b. Stormwater Volume Control;
  - c. Water Quality Treatment; and
  - d. Maintenance Plan to be signed by the property owner and filed of record with Hennepin County;
- 5) An agreement for private utilities and parking within public right-of-way shall be filed with Hennepin County;
- 6) A petition and waiver for sidewalk reconstruction along American Boulevard shall be signed;

and subject to the following additional conditions:

- 7) Bicycle parking spaces shall be provided as approved by the City Engineer;
- 8) All construction stockpiling, staging, and parking take place on-site and off of adjacent public streets; and

All loading and unloading occur on site and off of public streets.

and subject to the following code requirements:

- 1) Vehicle loading and unloading within 300 feet of residentially zoned and used property must not take place between the hours of 8:00 PM and 7:00 AM (Sec. 21.302.01(g));
- 2) Operations on the site must comply with the noise standards in Sec. 10.29.02;
- 3) Exterior building materials shall be approved by the Planning Manager (Sec. 19.63.08);

## Planning Commission Minutes - July 23, 2009

- 4) Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec 19.52);
- 5) All rooftop equipment be fully screened (Sec. 19.52.01);
- 6) Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
- 7) All trash and recyclable materials be screened and stored inside the principal building (Sec. 19.51);
- 8) Recyclable materials shall be separated and collected (Sec. 10.45);
- 9) Building shall be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903);
- 10) Fire lanes be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3);
- 11) Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, MN State Fire Code Sec. 508);
- 12) Unused water services shall be properly abandoned (11.15); and
- 13) Electronic utility as-builts, per City of Bloomington requirements, shall be submitted to the Public Works Department prior to the issuance of the Certificate of Occupancy.
- 14) Connection charges shall be satisfied;
- 15) A Nine Mile Creek Watershed District Permit shall be provided;
- 16) A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) shall be provided;
- 17) An Erosion Control Bond shall be provided;
- 18) Sewer Availability Charges (SAC) shall be satisfied;
- 19) Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code; and
- 20) A Uniform Sign Design in conformance with the requirements of Chapter 19, Article X of the City Code shall be approval by the Planning Manager.

### Case 9282E-09

- 1) A 10-foot sidewalk/bikeway easement shall be provided along Stanley Road;
- 2) Private driveway, parking, access and utility easements shall be filed on all properties and a copy of the filed document provided;
- 3) A title opinion or title commitment dated within the past 6 months shall be provided; and
- 4) Park Dedication of \$11,938 is due in cash.

and subject to the following code requirements:

- 1) The Property must be platted and the plat filed with Hennepin County (16.03, 16.05.01);
- 2) The approved Final Plat shall be filed with Hennepin County (Section 16.05.01) and a certified copy shall be provided to the Engineering Division prior to the issuance of building permits (Section 16.10).

\*\*\*\*

**ITEMS 5.4A1,2,3,4,5  
(continued)**

already before the City Council with the understanding that an approval would be limited to a time period sufficient to allow the preparation, submittal and Planning Commission review of separate interim use permit applications for each site by the property owner.

Mike Salmen, representing ownership of the buildings, explained they have entered into a two-year lease based on the interim use and the second interim use. The lease period is for two years with an extension for another year based on renewal.

Resolution was made by Grady, seconded by Nordstrom, and all members voting aye in Case 2643A-09, to approve an interim use permit to be valid through December 1, 2009 for retail furniture sales at 4900 West 78<sup>th</sup> Street subject to the following conditions:

1. The interim use permit applies only to the 20,176 square feet of floor area as identified in the plans submitted in Case 2643A-09;
2. All sales, storage and related business activity shall take place inside the building;
3. No special sales events shall be held during the period of this interim use permit without the prior approval of the Planning Manager; and
4. All permanent and temporary business and promotional signage shall be in conformance with the requirements of Chapter 19, Article X of the City Code;

and in Case 2643B-09, to approve an interim use permit to be valid through December 1, 2009 for retail furniture sales at 4950 and 4960 West 78<sup>th</sup> Street subject to the following conditions:

1. Use of the building shall be consistent with the divisions of the interior space as previously required and approved by the Manager of Building and Inspection Division;
2. All sales, storage and related business activity shall take place inside the building;
3. No special sales events shall be held during the period of this interim use permit without the prior approval of the Planning Manager; and
4. All permanent and temporary business and promotional signage shall be in conformance with the requirements of Chapter 19, Article X of the City Code.

**Approved Rezoning, Preliminary Development Plan, Variance, Final Development Plan and Preliminary Plat – Feldmann Imports Case 9282ABCDE-09 ITEMS 5.4A1,2,3,4,5 O-2009-24 R-2009-86**

Bob Sharlin, Senior Planner, explained Feldmann Imports is proposing to redevelop the former Bally's health club site with a new Class I motor vehicle sales facility. The site plan is designed to coordinate with the adjacent Mercedes/Nissan site, which will be remodeled to house only the Mercedes dealership. Sharlin reviewed the proposal with the Council and distributed a revised ordinance regarding rezoning of 4951 American Boulevard West from CS-0.5 to C-1. The south 100 feet of this parcel was zoned R-1 several years ago to establish a buffer to the residential property to the south. The initial ordinance prepared for this item did not exclude the south 100 feet from the rezoning. The revised version includes the exclusion.

Grady said the Council spent a lot of time with the Walser Dealership project east of this site and asked if the conditions for this project match those established for the Walser project. Grady also said she thought there was some restriction about test driving not being allowed in the neighborhoods and asked if this was a condition or directive given to the Walser development. Sharlin said he did not recall the condition with the Walser project. He does know it was a point of discussion but was unable to tell the Council if it was a condition. Grady said it would be good if these conditions matched the conditions placed on the Walser project. If there are missing components the neighbors to the south had asked for on the Walser project she asked if they should be on this project. Sharlin said they sent out two sets of notices for the Feldmann project and no one appeared at the Planning Commission and they did not receive any input from adjacent neighbors except for one resident who talked to the City Planner that was involved with this project. He indicated that resident did not have a problem with the proposal. It appeared that this type of

**ITEMS 5.4A1,2,3,4,5  
(continued)**

condition would not be necessary. Winstead said Grady brings up a good point. The Walser project started out with multi-stories and towering buildings over looking homes and a whole set of circumstances that don't apply to the Feldmann proposal. However, some of what the neighbors came forth with living in proximity to auto dealerships was some of the things addressed in the Walser conditions. Sharlin pointed out in the Feldmann situation there is a heavily forested area providing separation and screening from the neighborhood. Winstead pointed out in the Walser case neighbors did complain about drivers test driving a vehicle in their neighborhood and mechanics setting off the panic alarms to identify cars. Sharlin said there are standards about screening of repairs and the property owner needs to comply with noise standards regarding car horns, panic alarms, etc. The applicant has stated their test drive route will remain on commercial arterials and collector streets in the area and they will not use local residential streets.

Peterson said he was in the back yard of a home close to the Feldmann facility and he did hear car horns. He said this is something the owner has to decide is an important matter to follow and he encouraged them to make sure this is clear.

Gene Backer, Manager of Feldmann Operations, explained in ten years they have had one complaint about mechanics driving through the neighborhood. Feldmann has instituted a process where they do not test drive cars through neighborhoods but use Bridge Road and the freeway and Feldmann believes in being good neighbors. Axtell thanked the applicant for investing in the City with this project.

Motion was made by Peterson, seconded by Wilcox, and all members voting aye in Case 9282A-09 and 9282B-09 to adopt an ordinance amending the zoning map by rezoning a portion of land located at 4951 American Boulevard West from Commercial Service (Planned Development), CS-0.5 (PD) to Freeway Office and Service (Planned Development) C-1(PD) and to approve a Preliminary Development Plan for Class I motor vehicle sales facilities and associated parking for property at 4901 and 4951 American Boulevard West subject to the following condition:

1. No development shall proceed without final development plan approval.

Motion carried 7-0.

Motion was made by Peterson, seconded by Wilcox, and all members voting aye in Case 9282D-09 to adopt a resolution approving a variance to reduce the minimum Floor Area Ratio (FAR) from 0.37 to 0.22 on property located at 4901 and 4951 American Boulevard West. Motion carried 7-0.

Motion was made by Peterson, seconded by Wilcox, and all members voting aye in Case 9282C-09 to approve a Final Development Plan for a Class I motor vehicle sales facilities and associated parking at 4901 and 4951 American Boulevard West subject to the following conditions and Code requirements:

1. A development agreement, including all conditions of approval, shall be executed by the applicant and the City and shall be properly recorded by the applicant with proof of recording provided to the Director of Community Development.
2. A public improvements agreement for area infrastructure improvements be executed between the City and the applicant prior to the issuance of any grading or building permits. The agreement shall, at a minimum, include the following:
  - a. a list of individual improvement projects (including roadway, sanitary sewer, and other public infrastructure projects) recommended by the *Normandale Lake District Plan*;
  - b. estimated public infrastructure start and completion dates;
  - c. estimated improvement project cost in current and inflated (year of construction) dollars;
  - d. the developer's pro rata cost share for the improvements based on the development or building size; and
  - e. methods and terms of payment to satisfy financing project design and construction;

**ITEMS 5.4A1,2,3,4,5  
(continued)**

3. The Grading, Drainage, Utility, Erosion Control and Traffic Control plans shall be revised for approval by the City Engineer;
4. A Stormwater Management Plan shall be provided which includes:
  - a. Stormwater Rate Control;
  - b. Stormwater Volume Control;
  - c. Water quality Treatment; and
  - d. Maintenance Plan to be signed by the property owner and filed of record with Hennepin County;
5. An agreement for private utilities and parking within public right-of-way shall be filed with Hennepin County;
6. A petition and waiver for sidewalk reconstruction along American Boulevard shall be signed;

and subject to the following additional conditions:

7. Bicycle parking spaces shall be provided as approved by the City Engineer;
8. All construction stockpiling, staging, and parking take place on-site and off of adjacent public streets; and
9. All loading and unloading occur on site and off of public streets.

and subject to the following Code requirements:

1. Vehicle loading and unloading within 300 feet of residentially zoned and used property must not take place between the hours of 8:00 p.m. and 7:00 a.m. (Sec. 21.302.01(g));
2. Operations on the site must comply with the noise standards in Sec. 10.29.02;
3. Exterior building materials shall be approved by the Planning Manager (Sec. 19.63.08);
4. Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec. 19.52);
5. All rooftop equipment be fully screened (Sec. 19.52.01);
6. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec. 19.64);
7. All trash and recyclable materials be screened and stored inside the principal building (Sec. 19.51);
8. Recyclable materials shall be separated and collected (Sec. 10.45);
9. Building shall be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903);
10. Fire lanes be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3);
11. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the fire Marshal and Utilities Engineer (City Code Sec. 6.20, MN State Fire Code Sec. 508);
12. Unused water services shall be properly abandoned (11.15); and
13. Electronic utility as-builts, per City of Bloomington requirements, shall be submitted to the Public Works Department prior to the issuance of the Certificate of Occupancy;
14. Connection charges shall be satisfied;
15. A Nine Mile Creek Watershed District Permit shall be provided;

**ITEMS 5.4A1,2,3,4,5  
(continued)**

16. A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPP) shall be provided;
17. An Erosion Control Bond shall be provided;
18. Sewer Availability Charges (SAC) shall be satisfied;
19. Parking lot and site security lighting shall satisfy the requirements of Section 19.54 of the City Code; and
20. A Uniform Sign Design in conformance with the requirements of Chapter 19, Article X of the City Code shall be approved by the Planning Manager.

Motion carried, 7-0.

Motion was made by Peterson, seconded by Wilcox, and all members voting aye in Case 9282E-09 to approve a Preliminary Plat (Feldmann Imports Addition) for property at 4901 and 4951 American Boulevard West subject to the following conditions being completed prior to filing the plat with Hennepin County and two Code requirements:

1. A 10-foot sidewalk/bikeway easement shall be provided along Stanley Road;
2. Private driveway, parking, access and utility easements shall be filed on all properties and a copy of the filed document provided;
3. A title opinion or title commitment dated within the past six months shall be provided; and
4. Park Dedication of \$11,938 is due in cash.

and subject to the following Code requirements:

1. The Property must be platted and the plat filed with Hennepin County (16.03, 16.06.01); and
2. The approved Final Plat shall be filed with Hennepin County (Section 16.05.01) and a certified copy shall be provided to the Engineering Division prior to the issuance of building permits (Section 16.10).

Motion carried 7-0.

**Approved Final Plat of  
Feldmann Imports  
Addition  
Case No. 9282E-09  
ITEM 5.4A6  
R-2009-87**

Motion was made by Peterson, seconded by Wilcox, and all members voting aye in Case 9282E-09 to approve the Final Plat of Feldmann Imports Addition at 4901 & 4951 American Blvd. W. with the following conditions and Code requirement:

1. A title opinion or title commitment dated within the past six months shall be provided.
2. A signed copy of a private common driveway/parking/access easement agreement shall be provided.
3. A signed copy of a private common utility easement agreement shall be provided.
4. A 10-foot sidewalk/bikeway easement shall be provided along the Stanley Road right-of-way.
5. Park dedication of \$11,938 shall be paid.

and subject to the following Code Requirement:

1. The approved Final Plat shall be filed with Hennepin County (Section 16.05.01) and a certified copy shall be provided to the Engineering Division prior to the issuance of building permits (Section 16.10).

Motion carried 7-0.

~~Continued to Dec. 7  
Application by Fowler  
Electric Company Inc.  
9054, 9060 & 9100  
Grand Avenue  
Case 8055A-09  
ITEM 5.2A~~

~~Community Development Director Larry Lee presented the staff report on an application by Eric Hillger, dba Fowler Electric Company Inc. at 9054, 9060 and 9100 Grand Avenue stating staff requests a continuation. He stated there are currently violations on this property and that as of today, the items remain outstanding. He stated staff would like to continue this item to the December 7, 2009, Regular Council meeting to allow the applicant additional time to comply.~~

~~Speaker #1: Eric Hillger, Applicant  
He indicated his support for the continuance.~~

~~Motion was made by Grady, seconded by Nordstrom, and all voting aye, to continue to the December 7, 2009, Regular Council meeting, an application by Eric Hillger dba Fowler Electric Company Inc. for an Interim Use Permit for open outdoor storage at 9054, 9060 and 9100 Grand Avenue, Case 8055A-09.~~

**Approved Revised  
Final Development  
Plan for Feldmann  
Imports at 4901 & 4951  
American Boulevard W  
Case 9282F-09  
ITEM 5.2B**

Julie Farnham, Planner presented the staff report on the application by Feldmann Imports for a Revised Final Development Plan for a Class I motor vehicle sales facility and associated parking at 4901 & 4951 American Boulevard West. She explained since the applicant was before the Council in August, at which time a Final Development Plan was approved, the tenant has requested some additions to their building; a car wash, detailing bay, and an additional service bay.

Grady inquired about the additional noise that could be generated by the service bay.

Farnham replied the main source of noise would be from the car wash blowers. She stated the applicant submitted an acoustical noise study, which indicates the applicant should easily meet the noise standards. However, City staff has suggested they do some noise testing once the car wash is up and operating. She added it won't be a 24-hour car wash.

Speaker #1: Gene Backer, Applicant

He stated the car wash will operate during regular business hours. The service bays will shut down at 7 pm. He stated the car wash would be shut down at that time also and wouldn't reopen until 8 am. He stated they only wash the cars they service.

Motion was made by Axtell, seconded by Grady, and all voting aye, to approve a Revised Final Development Plan for a Class I motor vehicle sales facilities and associated parking for Feldmann Imports for property at 4901 & 4951 American Boulevard West, Case 9282F-09, subject to the following 7 conditions of approval and 18 Code requirements as set forth by the Planning Division Staff :

1. A development agreement, including all conditions of approval, shall be executed by the applicant and the City and shall be properly recorded by the applicant with proof of recording provided to the Director of Community Development;
2. The Grading, Drainage, Utility, Erosion Control and Traffic Control plans shall be revised for approval by the City Engineer;
3. An agreement for private utilities and parking within public right-of-way shall be filed with Hennepin County;
4. A petition and waiver for sidewalk reconstruction along American Boulevard shall be signed; and subject to the following additional conditions:
5. Bicycle parking spaces shall be provided as approved by the City Engineer;
6. All construction stockpiling, staging, and parking take place on-site and off of adjacent public streets; and
7. All loading and unloading occur on site and off of public streets.

**ITEM 5.2B continued** And subject to the following Code requirements:

1. Vehicle loading and unloading within 300 feet of residentially zoned and used property must not take place between the hours of 8:00 PM and 7:00 AM (Sec. 21.302.01(g);
2. Operations on the site must comply with the noise standards in Sec. 10.29.02(b);
3. Exterior building materials shall be approved by the Planning Manager (Sec. 19.63.08);
4. Landscape plan be approved by the Planning Manager and landscape bond be filed (Sec 19.52);
5. All rooftop equipment be fully screened (Sec. 19.52.01);
6. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
7. All trash and recyclable materials be screened and stored inside the principal building (Sec. 19.51);
8. Recyclable materials shall be separated and collected (Sec. 10.45);
9. Building shall be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903);
10. Fire lanes be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3);
11. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (City Code Sec. 6.20, MN State Fire Code Sec. 508);
12. Unused water services shall be properly abandoned (11.15); and
13. Electronic utility as-builts, per City of Bloomington requirements, shall be submitted to the Public Works Department prior to the issuance of the Certificate of Occupancy.
14. A National Pollutant Discharge Elimination System (NPDES) construction site permit and a Storm Water Pollution Prevention Plan (SWPPP) shall be provided;
15. An Erosion Control Bond shall be provided;
16. Sewer Availability Charges (SAC) shall be satisfied;
17. Parking lot and site security lighting shall satisfy the requirements of Section 21.301.07 of the City Code; and
18. A Uniform Sign Design in conformance with the requirements of Chapter 19, Article X of the City Code shall be approval by the Planning Manager.

No public testimony was received.

~~Accepted Feasibility Study & Adopted Resolution Ordering Project 2008-303 on Russell Avenue ITEM 5.3A R-2009-128~~

~~Motion was made by Grady, seconded by Nordstrom, and all voting aye, to accept the Feasibility Study and adopt a resolution ordering improvements (2008-303 Project) on Russell Avenue between West 81<sup>st</sup> & West 82<sup>nd</sup> Streets. The project consists of fine grading, base construction, storm sewer, sanitary sewer, watermain, concrete curb and gutter, bituminous surfacing, concrete sidewalk, retaining wall construction and turf establishment.~~

~~No staff report was provided and no public testimony was received.~~

~~Closed Public Hearing & Cont. to Nov. 16 an Ordinance Amending the Code Regarding Traffic Demand Management Case 10000K-09 ITEM 5.4A1~~

~~Julie Farnham, Planner made a presentation on the proposed Transportation Demand Management (TDM) Program stating the Council directed staff in 2006 to establish clear standards for TDM requirements and a process to apply the standards citywide. She stated over the past two years, staff from Community Development, Public Works, and the Legal departments have collaborated on an approach to make the City's TDM requirements more formal and clearly defined. Her presentation highlighted the following slides:~~

- ~~➤ TDM Program: Purpose & Objectives~~
- ~~➤ TDM Program Overview: Tier 1 & Tier 2~~
- ~~➤ Where does it apply? Tier 1 & Tier 2  
(Policy manual should specify that there must be 23 employees in order to be considered an institution.)~~
- ~~➤ What's required? Tier 1 & Tier 2~~