

CITY OF BLOOMINGTON

PLANNING DEPARTMENT

Confidential Staff Notes*
for Meeting of January 27, 1972

Item #1
Correspondence Items

None

Item #2
R. V. Development
Case 7716A-72

This request for a conditional use permit for a restaurant and motel, in effect an integrated roadside development, is within the planning concepts of the Eastern Area Plan. The Staff would have no objection to approval of the conditional use permit with the following conditions:

- 1) final site plans and building plans be approved by the Planning Commission and City Council,
- 2) site plan and circulation plan be approved by the City Traffic Engineer,
- 3) landscape plan be approved by the Planning Department,
- 4) minimum setback from frontage road be 100 feet with a minimum green strip along the frontage road of 40 feet,
- 5) entire site plan be reconsidered taking into account the following comments.

Comments from the Advance Planning Section to the Planning Director

"The proposed use is consistent with the Eastern Area Plan; however, am uncertain as to whether the structure as shown on the plot plan is actually what is being proposed for the site or if it's a typical Rodeway Inn superimposed on the site. For purposes of this sheet the former is assumed. On this basis there are 3 major problem areas: 1) access and egress, 2) parking, 3) structure layout and orientation.

Access and egress - Too many, with proposed design could adequately be served by 3 drives (one possibly being shared with Eddie Websters). Drives should be arranged to eliminate the "straight shots" through property between 79th and the frontage road. Two access points should be located on the most likely access route (in this case 79th) based on the ring route for the Eastern Area Plan yet this is the "rear" of the development.

Question - Are these people aware of the proposed changes in the circulation system for this area. It could have an important effect on the orientation and functionality of the plan as proposed. (See Traffic Engineer's comments).

*For the use of the Director of Planning and Staff of the Planning Department only and have no legal status.

Item #2 continued
Case 7716A-72

Parking - Code requirements would be in slight excess of 490 spaces and plot plan shows 487. Some work is needed to arrange parking areas and islands to provide maximum service to the development facilities and simultaneously prevent the "straight shot" from the frontage road to 79th Street. Solid screening between the parking area and single family residences on the southwest corner of the site is required by 9.03.B of the City Code. Need to break up the long masses of parking along the east and west perimeters of the site. Parking design should also give consideration to pedestrian traffic flow across the parking areas unless all parking will be done by attendants. No loading and unloading areas other than at the lobby are indicated for customer use - could provide these at entrances to buildings (unless all luggage movement is done by bellhops) - otherwise may result in severe cases of double parking since competition for close in spaces will be keen and no one wants to carry much luggage very far. This points up that over 200 of the parking spaces are over 150 feet from the nearest motel entrance (disregarding restaurant entrance). Furthermore, the restaurant users will be competition with those patronizing the motel itself for the parking spaces in closest proximity to both facilities on the northern portion of the site - both long term (motel) and short term (restaurant) will be in conflict over the choicest places. Maybe this is an indication that a standard plan leaves something to be desired. Has serious consideration, based on some of the above factors, been given to a parking ramp or structure? Also more landscaping for parking areas.

Structure Layout and Orientation - has need for improved internal pedestrian circulation. Although exposure to I-494 is important, should it be such a dominating factor in site design that all other considerations are secondary. Based on the recommended ring route system, 79th Street could easily become more important to this development than the frontage road in terms of customer usage. Gearing the development to that end would not necessarily eliminate or prohibit a certain amount of exposure to I-494 traffic.

Site coverage at present is approximately 38,000 square feet out of 285,711 square feet - parking occupies the remainder of the site except for the pool and where prohibited by code. Possible aesthetic qualities which could add much to the development's impact receive minimal attention.

The loading area (assumed to be for motel supplies and equipment) is prohibited by 7.10.D.2 of the Code.

Item #2 continued
Case 7716A-72

It is my feeling that a simple shifting of the structures in their present form, even to face 79th rather than the frontage road, will do little towards eliminating the difficulties created by imposing a standard design on this particular site. In this case, development should be structured to fit the site and if it means designing from scratch in order to provide those qualities most beneficial for the community, then that's what should be done."

Item #3
Gerald Gardner
Case 7717A-72

Staff would have no objection to approval of the conditional use permit and approval of the site plans and building plans as submitted with the condition that a landscaping plan be approved by the Planning Director.

Item #4
Lyndale Terminal Co.
Case 4213D-69

This item is placed on the Planning Commission Agenda to consider the preliminary plat by the Planning Director in order to keep the case alive and hopefully reach a final resolution of the plat for Holiday South. We are also asking the Planning Commission to consider the request for a garden store as a temporary use. The conditional use permit for the garden store will be considered by the Planning Commission at a properly advertised hearing on February 3rd, but since we have notified adjacent property owners of tonight's meeting concerning the platting, I would ask the Planning Commission to conduct the hearing on the garden store and continue the garden store hearing until February 3rd when action could be taken. There may be some people planning to attend the February 3rd meeting who will not be at tonight's meeting.

A third item of importance, and one which cannot be separated from the issue of the plat, is the location or relocation of the proposed gasoline service station premium store and retail operation conducted along with gasoline sales. The applicant requests approval of the gasoline service station on the southeast quadrant of 84th and Lyndale.

The request for conditional use permit for relocation of the gasoline service station was denied by the Planning Commission August 19, 1971 and tabled by the City Council indefinitely on October 19, 1971. Letters and memoranda concerning this case have been reproduced and distributed to the Planning Commission including a letter from Erickson Petroleum Corporation dated October 9, 1970, a letter from Winzen Research Inc. dated August 17, 1970 and a summary memo from Lyndale Terminal Company signed by Bradley Steinman and undated. The Staff asked the Planning Commission to reconsider its action on the service station for the sole purpose of considering the request simultaneously with the request to plat and the garden store

City Council February 7, 1972

Page 1 OF 2

Request for Waiver
of Subdivision
Requirements
Item 6.3

The Council was requested by A. W. Hubbard, 7303 Auto Club Road, to consider approving a waiver of subdivision regulations under Section 20.24 of the City Code to allow him to subdivide his property into three lots.

The Planning Commission at its meeting of January 20 recommended approval of the three lot subdivision and that the requirements of the subdivision regulations be waived.

A letter from Raymond Haik, attorney for the Lower Minnesota Watershed District, explained that Mr. Hubbard has deeded part of his land to the State of Minnesota for use in their Minnesota River Trail Program and that the remaining land cannot be subdivided according to regulations because there are no public roadways or utilities to serve this area.

The City Attorney stated that he had met with officials of the State Department of Natural Resources concerning their acquisition plans for land along the Minnesota River, which will be a part of the Minnesota River Trail Program planned on both sides of the river from Fort Snelling to LeSueur. He said it is conceivable that the same type of problem which arose with Mr. Hubbard's land will be faced by other property owners along the river when their land is to be acquired. Mr. Herbst suggested that the Planning Commission review this matter before further requests are received for land subdivisions along the river.

Following discussion, motion was made by Malone, seconded by Anderson, and all present voting aye (6-0) to adopt a resolution waiving requirements of Chapter 20 "Subdivision Regulations" to allow the division of Mr. Hubbard's land with the additional language included in the alternate prepared by the Attorney. Motion was made by Allen, seconded by Malone, and all present voting aye (6-0) to request the Planning Commission to review subdivisions of land along the Minnesota River at a future study meeting and submit their recommendations to the Council.

Conditional Use
Permit for
Integrated
Roadside Develop-
ment
Case 7716A-72
Item 6.4

The Council was requested by R. V. Development to consider approving a conditional use permit for an integrated roadside development at 1321 East 78th Street in an FD-1 zone.

The Planning Commission at its meeting of January 27 recommended approval of the conditional use permit subject to the following conditions:

1. final site plans and building plans be approved by the Planning Commission and City Council
2. site plan and circulation plan be approved by the City Traffic Engineer
3. landscape plan be approved by the Planning Department
4. the entire site plan be reconsidered taking into account the comments made at the meeting of January 27 making the Staff report available to the petitioner. The petitioner should also conform to necessary parking requirements and consider 79th Street in the site design no matter which way the building is faced.

The Planning Commission also noted that a different plan is to be presented to them at the next Planning Commission meeting which will be more commensurate with the limitations of the site.

Art Williams, appearing for the petitioner, said the facilities at this site will be similar to those at the Marriott and will represent a five million dollar investment. He said the motel will have 280 rooms and will be operated by Rodeway Inns. In response to a query from the Council as to possible expansion which might be hampered by the size of the land involved, Mr. Williams said the project as proposed is the total project and the developers feel this will be adequate.

Following discussion, motion was made by Malone, seconded by King, and all present voting aye (6-0) to uphold the Planning Commission's recommendation, making the necessary findings as required, and

City Council February 7, 1972

Page 2 OF 2

approving a conditional use permit for an integrated roadside development subject to compliance with the conditions specified by the Planning Commission.

Conditional Use
Permit for Two-
Family Dwelling
and Final Site
and Building
Plans
Case 7717A-72
Items 6.5-6.6

The Council was requested by Gerald Gardner to consider approving a conditional use permit for a two-family dwelling in a Residential (R-A) zone at 9900 Blaisdell Avenue. Approval was also requested of the final site and building plans.

The Planning Commission at its meeting of January 27 recommended approval of the conditional use permit based on being able to make the required findings in Section 11.13A.1-4 and 6 with the following conditions:

1. landscape plan be provided for Planning Director's approval
2. appropriate material on the back of the building be framed to grade

The final site and building plans were also approved with the same conditions.

Following discussion, motion was made by Belanger, seconded by Malone, and all present voting aye (6-0) to make the findings as required and approving a conditional use permit for a two-family dwelling at 9900 Blaisdell Avenue and approve the final site and building plans subject to compliance with the conditions specified by the Planning Commission.

Further Considera-
tion of Martin
Homes, Inc.,
Request
Case 7015A-72
Item 6.2

The Council was advised by the City Attorney that he had consulted with the Planning Director concerning the request of Martin Homes, Inc., for an office building and two model homes at 6825-6901 West Old Shakopee Road. It was determined that a temporary conditional use permit could be issued under Section 11.13E1 of the City Code as a transitional use and that the hearing by the Planning Commission on this conditional use permit could be waived.

The Planning Commission had held an advertised hearing on the request by Martin Homes for rezoning of this area for the same use. Councilman Allen inquired if there had been anyone at the Planning Commission meeting to object to the proposed use and was informed there had been no one present to object.

Following discussion, motion was made by King and seconded by Malone to waive the hearing by the Planning Commission required under Section 11.05 and approve a temporary conditional use permit for two years, making the findings required in Section 11.13E.1. All present voted aye except Pleasant, who voted nay, and the motion carried 5-1. The Council instructed that the previous action should stand, that of ordering an ordinance for rezoning of the property from R-1 to IP (I-1) with the hearing to be February 23, which action was taken earlier in the evening in the first discussion of this case.

Adjourn Meeting

Motion was made by Pleasant, seconded by Belanger, and all present voting aye (6-0) to adjourn to the meeting of February 14.

Gilbert T. Bremicker, Jr.
City Clerk

March 23, 1972 REPORT

Page 1

CITY OF BLOOMINGTON

PLANNING DEPARTMENT

Confidential Staff Notes*
for Meeting of March 23, 1972

~~Correspondence Item A
Preliminary Plat of
Ralph Reiter 1st Addition~~

~~On March 2, 1972 the Planning Commission recommended denial of the application for the preliminary plat and the item has been set for a City Council hearing on March 27th. Since that time a revised plat has been submitted to the Administrative Subdivision Review Committee. This revised plat shows 11 lots as opposed to the 12 lots that were on the plat denied by the Planning Commission and it is the plat that will be considered by the City Council at their hearing of May 27th. Previous Planning Commission action still stands and this item is being forwarded to the Planning Commission tonight for discussion and possible comment regarding the revisions.~~

~~The revised plat seems to go a long ways towards meeting many of the objections which the Planning Commission had to the original plat. Copies of the Administrative Subdivision Review Committee notes from March 22, 1972 are attached.~~

STAFF
57

Item #2
R. V. Development
Case 7716A-72

~~The~~ Revised plans have been submitted for final site plan and building plan approval. City Staff has met with the local representative of the developer regarding these plans and there are still many aspects of the plans which are not completely suitable. The relationship of the parking to the entrances of the building, although it has been approved from the plans that were before the Commission when they approved the conditional use permit, are still far from being completely satisfactory. The suggestion has been made to the developer that the private property west of this lot on 13th Avenue, north of 79th Street would help resolve some of the site problems if it could be acquired by the developer. Staff has not been advised of any action regarding this suggestion. The required parking for this project is 516 spaces plus one space for each employee which should be approximately 545 spaces. The number of spaces indicated on the plans are 493 and this shortage has not been resolved at this time.

The main emphasis of the building is still toward 78th Street at this time and it appears that this is a situation that will not be changed. At this point it appears that the approval of the final site plans and

*For the use of the Director of Planning and Staff of the Planning Department only and have no legal status.

March 23, 1972 REPORT

Confidential Staff Notes Continued

- 2 -

Page 2

March 23, 1972

Item #2 continued
Case 7716A-72

building plans needs to be based on the decision by the Planning Commission as to whether or not the revised plans fulfill the condition attached to the conditional use permit approval.

"the entire site plan be reconsidered taking into account the comments made at the meeting of January 27 making the Staff Report available to the petitioner. The petitioner should also conform to necessary parking requirements and consider 79th Street in the site design no matter which way the building is faced."

Item #3
Inland Construction Company
Case 6663A-72

The Administrative Subdivision Review Committee reviewed the original plat which the Planning Commission acted on in March of 1969 and made suggestions for some relatively major changes in terms of road alignments. The revised plat was then submitted to the Administrative Subdivision Review Committee March 22 which shows a street alignment allowing for better future development of the land between this plat and 98th Street. Also, Dakota Road would no longer run directly north through this project intending to intersect with West 98th Street, but instead the main roadway through the project is essentially a loop street comprised of Dakota Road and 99th Street, both intersecting Nesbitt. The present intention is that the property north of this plat will develop with extensions of Edgewood Road, Dakota Road and Colorado Road with no access to 98th Street or Nesbitt Avenue.

There apparently is still a question regarding park dedication for this plat. A memo from Art Rodekuhr of the Assessing Department will be available at the Planning Commission meeting, hopefully resolving that matter.

A further question that needs to be resolved regarding this plat is that of where sidewalks will be required. Since Dakota Road was originally intended to run continuously north to 96th Street near Ridgeview School, sidewalks have been required on Dakota Road. With the new alignment of streets there is not proposed to be a direct connection that far north, but it is my opinion that sidewalks should be provided in this plat along Dakota Road and that the sidewalks can be continued through the land north of this property and an adequate crossing can be provided at 98th Street.

The Administrative Subdivision Review Committee minutes of March 22, 1972 are attached.

City Council April 3, 1972

Page 1 of 1

Bloomington Teen
Theatre
Item 7.2

The Council was requested by the Bloomington Teen Theatre to give them an opportunity to discuss a problem they are having with use of the Bloomington schools as a meeting place and asking that the City consider sponsoring the group.

Curtis Carr, president of the Teen Theatre, said that group in past years has used the Bloomington schools as a rehearsal place and for staging of their theatrical productions. The School District has now indicated to them that they will be unable to use the schools unless they have an adult sponsor who will guarantee financial responsibility for liability during the period they would be using the school facilities. He said the Theatre was not asking for financial support as the group is self-supporting but only for an adult sponsor.

Question was raised whether it would be possible that the Teen Theatre use the same schools that the City uses for its Teen Centers and have the adult supervisors of the Centers also be responsible for supervising the Teen Theatre. Insurance coverage for the Teen Centers could also then be applied to the theater group. The Manager indicated he felt this could be worked out satisfactorily. Motion was made by Allen, seconded by Malone, and all voting aye (7-0) to approve sponsorship of the Teen Theatre and return to the staff for working out of the details.

MASAC Resolution
Employment of
Noise Specialist
Item 7.3

The Council was requested to consider a resolution presented at the March 21 meeting of the Metropolitan Aircraft Sound Abatement Council by Raymond S. Glumack, the Metropolitan Airport Commissions representative to MASAC. The City representatives on MASAC had asked for direction from the Council on how to vote on this resolution.

Mr. Glumack said that MAC has authorized the employment of a staff member to the position of Aircraft Noise and Environmental Specialist who will work with MASAC. He asked that the Council approve the resolution which states that "The MAC plan as amended and ratified be given concept approval by MASAC with the continuation of MASAC as the prime goal."

Following discussion, motion was made by King, seconded by Malone, and all voting aye (7-0) to support adoption of the resolution by MASAC.

Final Site Plans
and Building Plans
R. V. Development
Case 7716A-72
Item 6.2

The Council was requested by R. V. Development to consider approving the final site plans and building plans for an integrated roadside development at 1321 East 78th Street in the FD-1 zone.

The Planning Commission at its meeting of March 23 recommended approval of the final site plans and building plans with the following conditions:

1. final site plans, building plans and circulation plan be approved by the City Traffic Engineer,
2. landscape plan be approved by the Planning Director,
3. parking conform to the ordinance requirements,
4. compliance with minimum/maximum requirements of the sign ordinance.

Following discussion, motion was made by King, seconded by Malone, and all voting aye (7-0) to approve the final site plans and building plans for R. V. Development subject to compliance with the conditions specified by the Planning Commission.

Preliminary Plat
of Hyland Hills 2nd
Addition
Case 6663A-72
Item 6.3

The Council was requested by Inland Construction Corporation to consider approving the preliminary plat of Hyland Hills 2nd Addition at about 98th Street and Nesbitt Avenue.

The Planning Commission at its meeting of March 23 recommended approval of the preliminary plat of Hyland Hills 2nd Addition with the following conditions:

City Council July 10, 1972

Page 1 of 2

~~Public facilities are needed because of the demand for such areas~~

John Maxson, 9924 Xerxes Avenue, asked what decision had been made regarding the location of the entrance road to Brookside Park. He said the present road is very close to his home and he had previously requested that it be moved. The Deputy City Manager said the Public Works Department has been asked to move the road from 30 to 40 feet south so it would be a greater distance from Mr. Maxson's home.

Following discussion of the other portions of the Capital Improvements Program, motion was made by Malone, seconded by O'Neil, and all present voting aye (6-0) to approve the proposed Capital Improvements Program with the deletions and additions as recommended by the Park and Recreation Advisory Commission.

Motion was made by Malone, seconded by Pleasant, and all present voting aye (6-0) to offset the road at Brookside Park and to direct the staff that it should be a minimum of 30 feet from Mr. Maxson's property.

Discussion was held on the Park and Recreation Advisory Commission's suggestion that the Valley View Shelter Building be named the Arnie Johnson Fieldhouse in honor of Mr. Johnson's long and dedicated service to the community by virtue of his service on the Park and Recreation Commission and in the BAA Program. Following discussion, motion was made by Malone, seconded by King, and all present voting aye (6-0) to approve renaming of the Valley View Shelter Building the Arnie Johnson Fieldhouse.

Motion was made by Malone, seconded by King, and all present voting aye (6-0) to refer to the Park and Recreation Advisory Commission the matter of securing a plaque in honor of Mr. Johnson and making the necessary preparations for appropriate ceremonies for its presentation, funds for which will come from the Park Bond Fund.

Motion was made by Pleasant, seconded by Malone, and all present voting aye (5-0) to table to the August 14 study meeting consideration of the Barr Report, "Expansion of Swimming Beach Facilities at Bush Lake." O'Neil was out of the room when the vote was taken.

Ordinance re Stop
Intersections
Item 5.1

The Council was requested to consider adopting an ordinance amending Section 101.04 of the City Code, specifically Paragraph A thereof relating to the designation of stop intersections, by adding new paragraphs 68, 69, 70, 71 and 72. Following discussion, motion was made by Belanger, seconded by Pleasant, and all present voting aye (6-0) to close the hearing and adopt the ordinance.

Ordinance re No
Parking Zones
Item 5.2

The Council was requested to consider adopting an ordinance amending Section 102.01 of the City Code relating to no parking zones to provide parking restrictions on the street sections as listed. Following discussion, motion was made by Belanger, seconded by Malone, and all present voting aye (6-0) to close the hearing and adopt the ordinance.

Preliminary and
Final Plat -
Rodeway Inn 1st
Addition
Case 7716B-72
Item 5.3

A public hearing was scheduled at 9:15 p.m. for consideration of the preliminary and final plat of Rodeway Inn 1st Addition located at 1321 East 78th Street.

The Administrative Subdivision Review Committee considered the plat on June 28 and recommended approval with the following conditions:

1. additional land be provided to allow 30 foot half width right-of-way for 13th Avenue,
2. 10 foot utility easement along 79th Street be provided,
3. deed be provided for 10 foot easement for sidewalk purposes along 78th and 79th Streets,
4. 20 foot easement for water services be provided along the east property line.

City Council July 10, 1972

Page 1 of 2

The Public Works Department indicated that items 1, 2 and 4 are shown on the final plat and a deed has been submitted to accomplish item 3. Final approval was recommended subject to a favorable title opinion by the City Attorney.

Robert Sullivan, 1301 East 78th Street, asked if the developer was requesting any variances from City ordinances and was told that they have not made any such requests.

Following discussion, motion was made by Belanger, seconded by Pleasant, and all present voting aye (6-0) to close the hearing, approve the preliminary and final plat of Rodeway Inn 1st Addition with the four conditions specified, and to adopt a resolution granting final approval subject to a favorable title opinion by the City Attorney.

CATV Progress
Report
Study Item 4

~~The Council had requested a joint discussion with representatives of Community Tele-Communications with regard to the progress to date on the installation of a CATV system in the City of Bloomington.~~

~~Phil Walter, engineer with the cable TV company, said he was making the progress report for Mr. Ammons, who was out of town. He said negotiations are being completed for the final construction contract with the Jerrold Corporation, who will be the prime contractor. He indicated applications have been completed for all pole locations and that of these, 50% have been processed by the telephone company and are ready to be returned. Construction drawings are being prepared from this information.~~

~~Mr. Walter said they are still waiting to receive their certificate of compliance from the FCC but that it was expected at any time. He said until this "go ahead" is received they can't start the actual construction which will go out to the first 1,000 homes ringing their office located at 90th and Lyndale. Mr. Walter indicated that the tower is not up but has been constructed. When it arrives, it will take about three hours to have it installed. He said to serve the first 1,000 customers would require 10 miles of "plant" and a two man crew can complete one mile of "plant" in one week.~~

~~In response to a question by Allen, Mr. Walter said this phase of construction hasn't started pending signing of the contract with the Jerrold Corporation. Pleasant asked when the first customer was now expected to be served and Mr. Walter said it would be the latter part of August. He also indicated that the construction schedule he and Mr. Ammons had set out four months ago was right on schedule. Pleasant asked if Mr. Walter was aware that the Council had been told previously that the first customers would be on the system by the end of June and if he still thought that the completion would be by December 23. O'Neil reminded Mr. Walter of the penalty clauses in the franchise agreement and that the penalty would be \$100 per day for each day that the system is not completed.~~

~~Mr. Walter said he was aware of the completion date and the penalty clauses and felt there was no problem. In reviewing the procedure being followed by the cable TV company in dividing the city into segments or areas of work, it was questioned whether the completion date of December 23 would be the same for all or whether there would be a different date applied to each segment as work begins. Mr. Heacock, Assistant City Attorney, said the December 23 completion date would apply to all segments if all permits have been obtained.~~

~~Pleasant asked when it was anticipated that the City's consultant could check out the system and Mr. Walter indicated this could be after the completion of each segment or could be after all are completed. Allen suggested that the City should start monitoring the progress of construction because of his feeling that things are slipping. The City Manager indicated that numerous conferences have been held with the representatives of the cable TV company and that at the present time the Engineering Department is working on a day to day basis or weekly basis with the various matters of concern.~~

REQUEST FOR COUNCIL ACTION

AGENDA SECTION: NO. CONSENT BUSINESS	ORIGINATING DEPARTMENT: COMMUNITY DEVELOPMENT Division of City Planning	Approved For Agenda By:
ITEM: Variance to: A) an accessory NO. business wall sign; and B) total accessory business signage	By: GD	

Item 4
Case 7716AB-90

GENERAL INFORMATION

Applicant:	Scully's Bar and Grill
Location:	1321 East 78th Street
Request:	Variances to allow: A) an accessory business wall sign over 8 square feet in area; and B) total accessory business signage over 72 square feet in area
Existing Land Use and Zoning:	Restaurant and hotel; zoned FD-1 and FD-2
Surrounding Land Use and Zoning:	East--Restaurant and office; zoned FD-1 South--Office, office/warehouse and multiple-family residential; zoned FD-1, FD-2 and R-4 West--Office, industrial, single-family residential and motel; zoned FD-2 North-- Interstate Highway 35W and Richfield; zoned FD-1
Comprehensive Plan	The 1980 Comprehensive Land Use Plan recommends Other Commercial land use for this property.

PROPOSAL

The previous Rodehouse Restaurant, which was part of the Rodeway Inn development, is now being operated as Scully's which is a separate business from Comfort Inn. As part of that operation, the applicant proposes to use a three-element wall sign with an area of 243.75 square feet (12.5'x19.5') that would be located on the north elevation of the building. The sign would consist of both internally illuminated and non-illuminated individual letters and an internally illuminated logo. The restaurant is now using and plans to continue using an existing freestanding 6'x17' double-faced pylon sign with an area of 102 square feet per face.

COUNCIL ACTION:	Motion by _____	Second by _____	to _____
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1/4

Variances for oversize sign and greater sign area than allowed

Total signage would consist of one existing ground sign of 102 square feet per face and one proposed wall sign with an area of 243.75 square feet per face for a total sign area of 345.75 square feet.

VARIANCE CONSIDERATION

Section 19.66(d)(18) of the City Code restricts hotel accessory business signage to one double-faced vertical monument sign with 64 square feet of sign area per face and one 8 square-foot wall sign if there is separate entry to the business. the allowed total accessory business sign area is 72 square feet.

APPLICABLE REGULATIONS

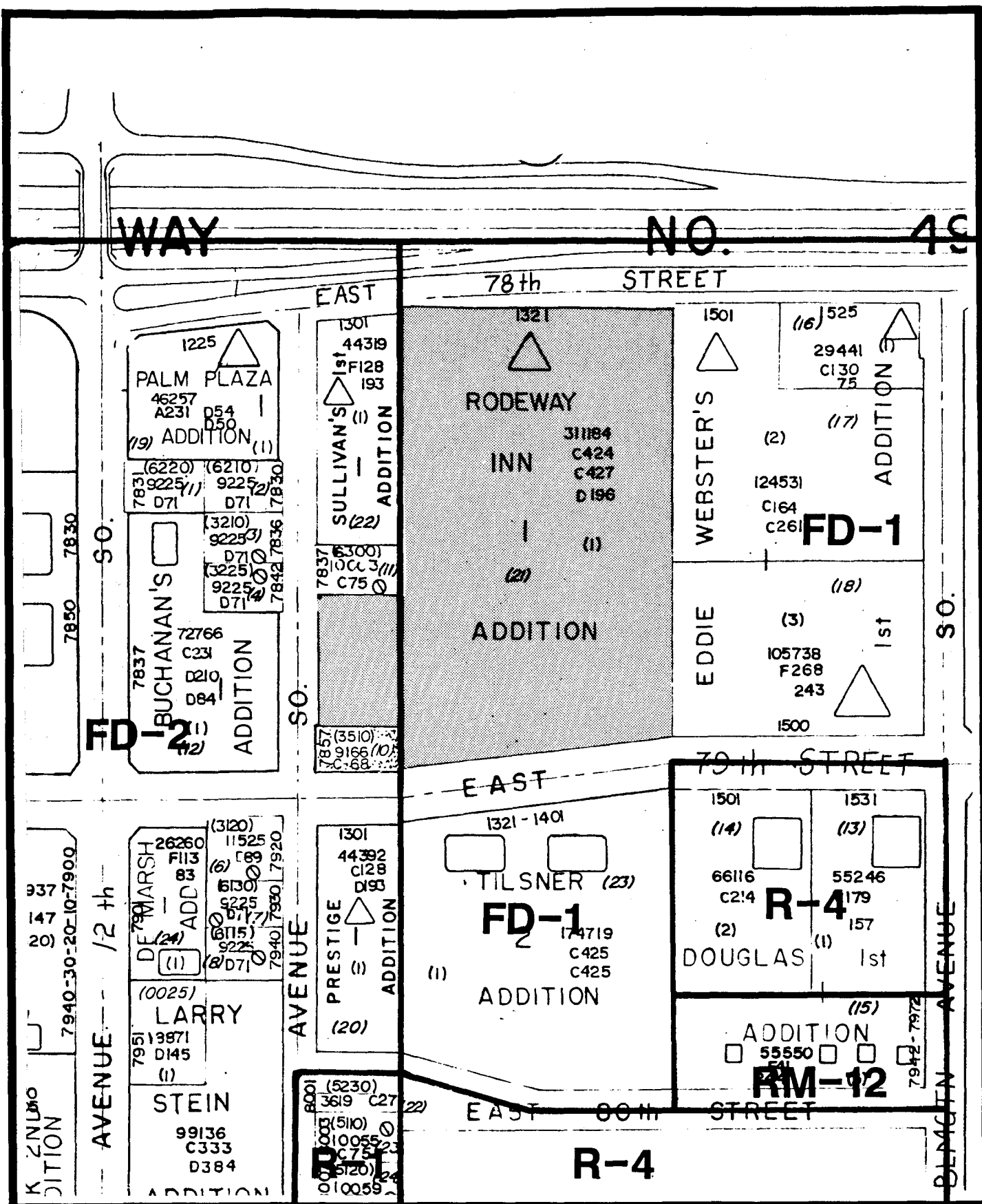
Section 19.66(d)(18)(C)(ii) and (iv)

REQUIRED FINDINGS

Section 2.98.01(b)(3)(A), (B), (C), (D) and (E)(i)(I), (II) and (III)

CHRONOLOGY

Planning Commission Agenda: June 7, 1990--Public hearing scheduled.



7716AB-90

SCALE: One inch equals 200 feet



SECTION 2.98.01 VARIANCES

- (a) The Planning Commission is hereby empowered to act as a board of appeals and adjustments pursuant to the provisions of M.S.A. 462.354, subd. 2; 462.357, subd. 6; and 462.359, subd. 4.
- (b) Powers and Duties: The Planning Commission shall have all the powers and duties prescribed by law and by this Division including the following:
- (1) Upon appeal from a decision of the Issuing Authority, to decide any questions involving the interpretation of the Zoning Code including the determination of the location of district boundaries.
 - (2) To vary or adapt the strict application of any of the requirements of the Zoning Code in the case of exceptional, irregular, narrow, shallow or steep lots or other exceptional physical conditions whereby strict application would result in practical difficulty or unnecessary hardship which would deprive the owner of the reasonable use of the land or of the building involved.
 - (3) To prescribe any conditions for granting any variance which it deems to be necessary or desirable. No variance from the strict application of any of the provisions of this Code shall be granted by the Commission unless it finds as follows:
 - (A) That, for reasons which are to be set forth in the findings, the variance is necessary for reasonable use of the land or building and that the variance as approved by the Commission is a minimum variance which will accomplish this purpose.
 - (B) That granting the variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - (C) That the special condition or circumstance is not the result of actions of the applicant.
 - (D) That nonconforming use of neighboring lands, structures, or buildings in the same district is not the sole grounds for issuance of the variance.
 - (E) Variances in Size, Placement, and Number of Signs--No variance may be granted in the size, placement or number of signs, as described in Chapter 19 of this Code, unless the following is found:
 - (i) Size--
 - (I) That sign will have an appearance which will not adversely affect or detract from neighboring property.
 - (II) That the sign will be of such size that it will not deter or affect the motoring public on roads or highways adjacent to the placement of the sign.
 - (III) That, because of the topographic and physical conditions of the land, structures, or surrounding built-up area, strict enforcement of Chapter 19 of this Code would deprive the applicant of the reasonable use of a sign for the purpose of advertising his business to the public.
 - (ii) Placement--
 - (I) That the placement of the sign will not be at a location which will have an adverse affect in appearance, height, or location on neighboring properties.
 - (II) That the placement of the sign will not be at a location which will adversely affect, deter, or detract the motoring public on adjacent streets or highways.
 - (III) That strict compliance with the provisions of Chapter 19 of this Code relating to the placement of signs would deprive the applicant of the reasonable use of the sign for such land or building.
 - (IV) That, because of the topographic or physical conditions relating to the land, structure or surrounding built-up areas, strict enforcement of the placement of a sign under Chapter 19 of this Code would result in depriving the applicant of a reasonable placement of the sign on the land or building consistent with the purpose of the sign.
 - (iii) Number--No variance may be granted in the number of signs as set forth in Chapter 19 of this Code except that additional signs may be used as long as the surface area of the multiple signs does not exceed the surface area for the permitted signs as set forth in Chapter 19 and those findings as set forth in paragraphs (A) and (B) above where applicable.

April 25, 1990

Planning Department
c/o Galen Dole
City of Bloomington
2215 West Old Shakopee Road
Bloomington, MN. 55431

Regarding: Scully's Broiler and Bar Signage

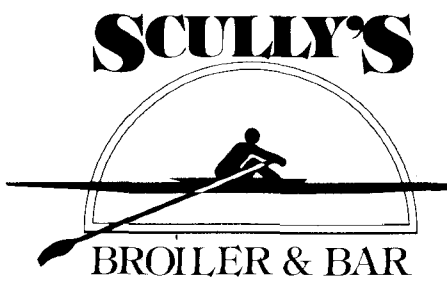
Dear Galen,

In response to Bloomington City Code Section 19.66 (d)(18) we request your consideration of a variance to the sign ordinance to allow Scully's, as an independent restaurant to compete on an equal basis with other restaurants in the area.

Scully's is a separate business from the Comfort Inn. From its inception, it was designed as an independent establishment serving the local dining public. The fact that it shares a site with a hotel has no bearing on its functioning as a separate business. Its competition is the freestanding restaurants in the area, in addition to hotel restaurants.

The former Rodehouse Restaurant served mainly hotel guests and was marketed with the hotel. Over the past years, the Rodehouse had negative balances which were supported by the hotel. If this restaurant fails financially, it will not be supported by the Comfort Inn. Scully's will be marketed solely on its own and its continued existence will depend on attracting people from the local area. Being a separate business, this restaurant's existence will depend on its ability to market itself as a separate and unique entity. Exposure is necessary to build recognition and accomplish this marketing.

Hotel restaurants traditionally have not been the restaurant of choice for local residents or businesses. Signage is necessary to show that there is something new and different happening here. The proposed signage has been designed to give Scully's a new image, to identify it as a new business separate from the Comfort Inn and to conform to the signage of its competitors. As it sits now, Scully's Restaurant is viewed by the public as having no change whatsoever.



7716 A R 90

1321 E. 78th Street, Bloomington, MN 55425 • 854-0107

5/4

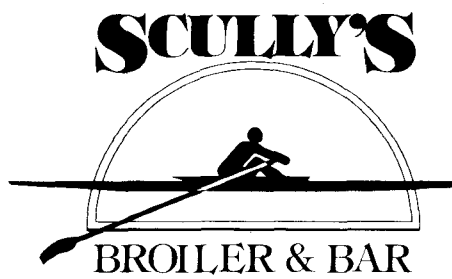
The word Scully's will be internally illuminated while the rower silhouette will be back-lit giving only a soft glow to the brick and the words "Broiler and Bar" will not be lit at all.

For the success of this restaurant, it is necessary to have signage and recognition similar to other businesses along the 494 strip, i.e. The Ground Round, Eddie Webster's, Paesano's, etc.

Sincerely,
SCULLY'S GRILL AND BAR

Robert Engel

Robert Engel
RE/bm



7716 A B 90

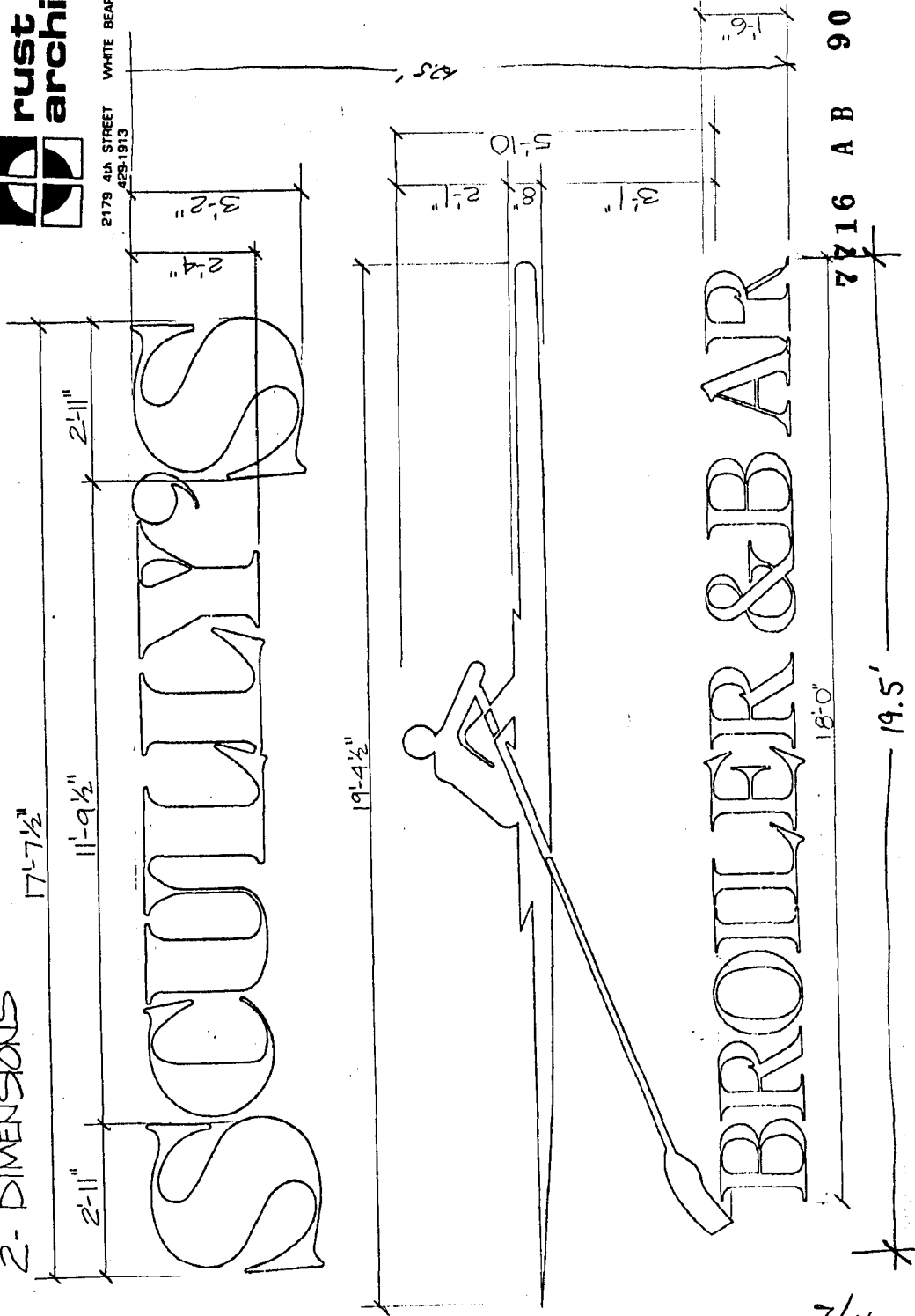
1321 E. 78th Street, Bloomington, MN 55425 • 854-0107

6/4

2- DIMENSIONS

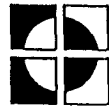


2179 4th STREET WHITE BEAR LAKE, MN 55111
429-1913 FAX: (612) 429-756



7716 A B 90

7/4



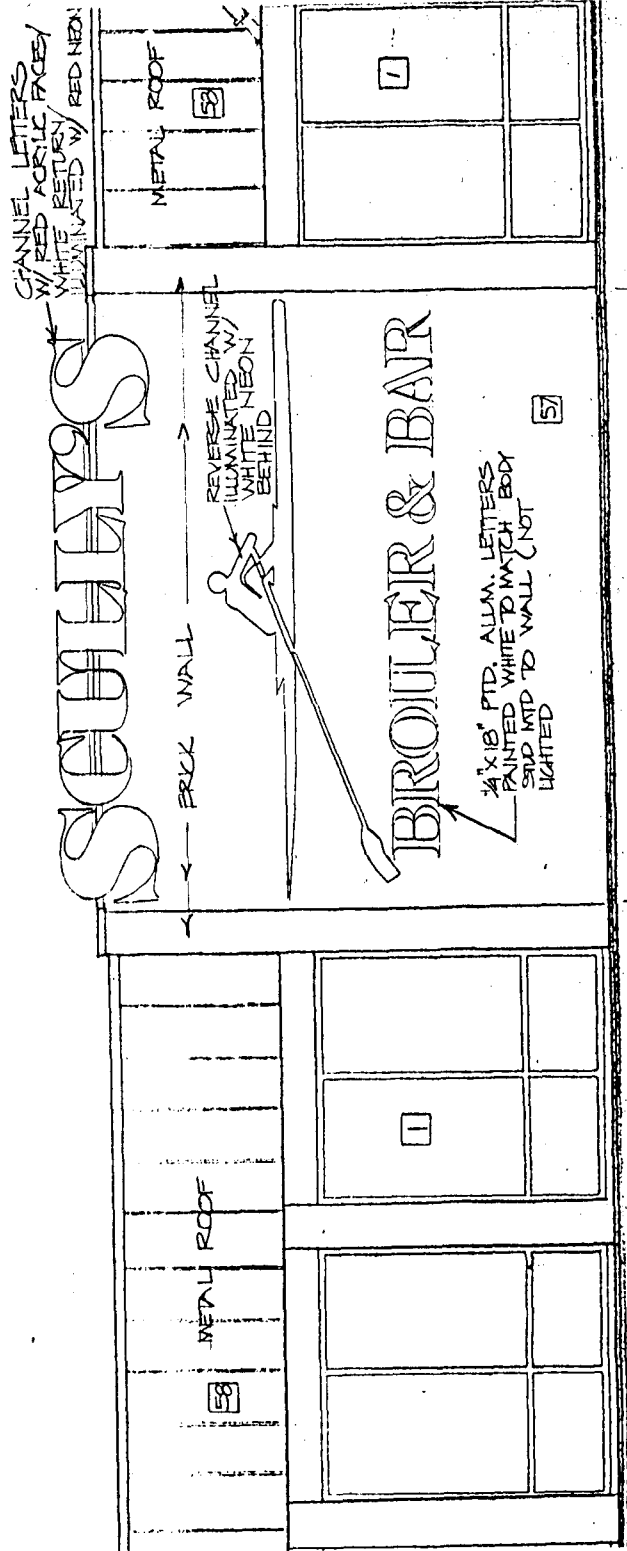
**rust
architects**

2179 4th STREET WHITE BEAR LAKE, MN 55110
(612) 429-1913 FAX: (612) 429-7561

1- PARTIAL BLDG ELEV. 1/4"=1'-0"
PARTIAL North Elevation

SEE PAGE 2 FOR SIGN DIMENSIONS
SIGNED AREA 12.5' X 19.5' = 243.75 SF

7716 AB 90



7716 AB 90

Item 4

GENERAL INFORMATION

Applicant: Scully's Bar and Grill

Location: 1321 East 78th Street

Request: Variances to allow: A) an accessory business wall sign over eight (8) square feet in area; and B) total accessory business signage over 72 square feet in area.

PROPOSAL

The previous Rodehouse Restaurant, which was operated as part of the Rodeway Inn development, is now being operated as Scully's bar and Grill which is totally independent of the Comfort Inn. As part of that independent operation, the applicant proposes to use a three-element wall sign with an area of 243.75 square feet (12.5'x19.5') that would be located on the north elevation of the building next to the separate entry. The sign would be composed of both internally illuminated and non-illuminated individual letters and an internally illuminated logo. The restaurant is now using and plans to continue using an existing 102 square-foot per face (6'x17') double-faced pylon sign located adjacent to East 78th Street. Signage will consist of the two signs with a total sign area of 345.75 square feet.

ANALYSIS

Section 19.66(d)(18) of the City Code does not make any distinction between restaurants or other accessory businesses that either are or are not operated as part of the hotel business with regard to signage, only that they are "accessory" and not the primary use of the property or development. Although the applicant may be a separate business from the Comfort Inn, the development was originally approved as a package hotel/restaurant development sharing parking, circulation and access on a single parcel of land as a single development. In this instance, the hotel is clearly the primary use of the site and the restaurant is the secondary or accessory use although both are linked together via the design.

The signage requirements for hotels had been adopted into Code, prior to the change in hotel ownership and the decisions regarding the restaurant operation, after lengthy discussion with and review by the hospitality industry. Such limitations as might affect the business should have been examined prior to commencing operation of what is compared to a freestanding restaurant from a built-in support and shelter standpoint.

Section 19.66(d)(18) emphasized that, in situations where other significant businesses such as restaurants would be present on or share the premises, the hotel was going to be considered the primary focus for signage even when the accessory restaurants would essentially be in competition with other freestanding restaurants for a "share of the market" and not be subsidized by the primary business nor have a supporting captive market. In essence, the only change that has occurred with regard to the applicant has been a business or corporate decision on operational character and policy. There has not been any change of physical conditions either on the site or affecting the site that are uniquely attributable to or have an affect only on the applicant.

While from a business policy and operational standpoint, additional or larger signage is no doubt desirable, no hardship can be found to exist nor any support to contend that this restaurant should physically be treated differently than any other restaurant attached to or incorporated into a hotel development. Management decisions and policies do not constitute hardships.

FINDINGS

Section 2.98.01. Variances

(3) ... No variance from the strict application of any of the provisions of this Code shall be granted by the Commission unless it finds as follows:

(A) That, for reasons which are to be set forth in the findings, the variance is necessary for reasonable use of the land or building and that the variance as approved by the Commission is a minimum variance which will accomplish this purpose.

- * Staff cannot find justification that variances to the allowed accessory business wall sign area and the total accessory business sign area are necessary for reasonable use of the land or building. The only change that has occurred is an internal one by the property owner regarding the nature of the relationship of the hotel and restaurant as no on-site or off-site factors have changed.

(B) That granting the variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- * While not, perhaps, being detrimental to the public welfare or injurious to the neighborhood, the request is not in harmony with the purpose and intent of the Code which was established after considerable discussion and review to provide equity of signage by use type regardless of primary zoning district. The request is not supported by documentation that the application of the Code would prevent reasonable use of the property.

(C) That the special condition or circumstance is not the result of actions of the applicant.

- * The need for the requested variances is based on a corporate/business operational decision or policy by the owner of the property, albeit not the applicant, and not by an outside force.

(D) That nonconforming use of neighboring lands, structures, or buildings in the same district is not the sole grounds for issuance of the variance.

- * Not at issue.

(E) Variances in Size, Placement, and Number of Signs--No variance may be granted in size, placement or number of signs, as described in Chapter 19 of the Code, unless the following is found:

(i) Size--

(I) That sign will have an appearance which will not adversely affect or detract from neighboring property.

- * It is not expected that either the size of the proposed wall

sign or the total accessory business sign area would have such direct effect on neighboring properties, but that the granting of variances of this scale based on business relationships can have a detrimental effect on the "neighboring" accessory businesses that are currently subject to the same performance standards that are being appealed.

(II) That the sign will be of such size that it will not deter or affect the motoring public on roads of highways adjacent to the placement of the sign.

- * Given the sightlines from the adjacent roadways of I-494 and East 78th Street, it is doubtful that traffic on them will be deterred or affected as the sign may have very limited visibility due to restricted sightlines. The freestanding sign will probably be the most visible and that is a legal sign.

(III) That, because of the topographic and physical conditions of the land, structures, or surrounding built-up area, strict enforcement of Chapter 10 of this Code would deprive the applicant of the reasonable use of a sign for the purpose of advertising his business to the public.

- * None of those factors have changed in any manner calculated to affect the reasonable use of the property, although current construction on I-494 and general traffic volumes leave little time for even the west bound driver to divert their attention from the roadway. The only change has been in operational policy, which is not a constant and can be subject to change at any time.

(iii) Number--No variance may be granted to the number of signs as set forth in Chapter 19 of this Code, except that additional signs may be used as long as the surface area of the multiple signs does not exceed the surface area for the permitted signs as set forth in Chapter 19 and those findings as set forth in paragraphs (A) and (B) above, where applicable, are found by the Commission.

- * Although the total number of signs is not subject to a variance request, The total sign area is subject to a variance request as the Code allows a total sign area of 72 square feet and the proposed total sign area is 345.75 square feet. At the present, the existing legal pylon sign has an area of 102 square feet per face which is greater than the allowed 64 square feet per face as it was not considered a new sign since it replaced an existing restaurant sign. With a conforming wall sign, the legal sign area for the applicant would be 110 square feet

RECOMMENDATION

In Case 7716AB-90, staff recommends denial of the variances to allow A) an accessory business wall sign over eight (8) square feet in area; and B) total accessory business signage over 72 square feet in area based on an inability to make the findings regarding the existence of a hardship other than the direct action of the property owner.

City Council June 25, 1990

Page 1 of 1

Dillon Wood Products

2,600.00

Bid tabulations and information regarding the computer network system and the fire equipment were submitted to the Council with the agenda material, and are on file with the official records. The Director of Administrative Services said the computer equipment is for a number of different areas including Police, Planning and HRA. He said equipment presently used by the Manager's office, Personnel and Legal is being replaced and improvements are being made to the equipment used by Assessing and Motor Vehicle. He said it was determined that rather than going out for bids three or four times, bids would be sought under one proposal. He said the prices ranged from the \$132,000 figure to \$142,000. He said some of the equipment is being replaced because there have been high maintenance problems. In response to a question by Johnson as to the anticipated life of computer equipment, Mr. Olson said that is difficult to say but it would be in the range of six to eight years.

Mahon said he understood that before any additional computer equipment was to be purchased there would be a review of the entire system. Mr. Olson said a report was submitted to the Council at the end of last year concerning the equipment that was needed, and that to be replaced, and that report was accepted by the Council. Don Erickson, Data Processing Manager, said the purchase of new equipment will eliminate the problem of noncompatible equipment. He said there will be the capability of tying all of the equipment to the City's main frame computer.

Following discussion, motion was made by Spies, seconded by Houle, and all voting aye, to approve the purchase of the above equipment from Capital Note Funds.

Variances to Allow
Accessory Wall Sign and
Total Accessory Building
Signage -
1321 East 78th Street
Case 7716AB-90
Item 6.10

The Council was requested by Scully's Bar and Grill, 1321 East 78th Street, to consider approving variances to allow an accessory business wall sign over eight square feet in area and to allow total accessory business signage over 72 square feet in area.

The Planning Commission, at its meeting of June 14, recommended denial of the variances based on the inability to make the required City Code findings in Section 2.98.01(b)(3) (A)(C)(D). The Director of Planning indicated that the Planning Division staff also recommended denial of the variances because a wall sign would be out of keeping with the City's sign ordinance. He said the business does have an existing freestanding 6-foot by 17-foot double-faced pylon sign with an area of 102 square feet per face.

Following discussion, motion was made by Mahon, seconded by Peterson, and all voting aye, to deny the variances, and to request the City Attorney to prepare a resolution of denial to be considered at the next meeting.

Appeal of Denial by Hearing
Examiner for Variance to
Reduce Side Yard Setback -
4924 Nine Mile Creek
Parkway
Case 9772A-90
Item 6.11
R-90-72

The Council was requested by Don Potter, 4924 Nine Mile Creek Parkway, to consider his appeal of the recommendation for denial by the City Hearing Examiner of his application for a variance to allow construction of a three-season porch addition with an eight-foot side yard setback.

The City Hearing Examiner, after a hearing on May 1, recommended denial of the variance. The applicant appealed that denial to the Planning Commission, which held a hearing on the variance on June 14 and recommended approval of the variance with a condition that there be no increase in impervious coverage.

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