

August 5, 1976

Item #2
Q Petroleum
Case 3412A-76

REQUEST

Q Petroleum, Inc. requests consideration of a conditional use permit, final site plan and building plans for alterations to a service station at 9000 Penn Avenue. The property is located in a B-2 Retail Business zoning district.

PROPOSAL

The applicant proposes major improvements to site access and on-site traffic circulation. All existing pump islands are to be removed and new islands are to be installed. The existing westerly drive on 90th Street and southerly drive on Penn Avenue are proposed to be eliminated. Access from the west would be through a common drive with the new Winchell's doughnut shop to the west, which is presently under construction. A new drive to Penn Avenue is also proposed to be constructed to the south of the existing property line, on land now part of the Sears Surplus Store property. Both of the existing drives closest to the intersection of 90th Street and Penn Avenue are also proposed to be widened. A four-foot landscaped area between 90th Street and Penn Avenue is also proposed.

In addition to these site changes, the applicant intends to convert the existing service station building into a small convenience grocery store. This use is permitted in the B-2 district. To accommodate traffic generated by this use, eight parking spaces, including two handicapped spaces, are proposed for the south and west sides of the building. A six-foot-wide sidewalk, with ramps serving the handicapped spaces, is proposed to be placed adjacent to the new parking area.

COMMENT

The City ordinance, Section 19.61(a)(2) requires that pump islands be set back a minimum of 35 feet from the front property line. The submitted site plan shows these islands 27 feet from the property line.

Section 19.52(e)(1)(A) requires a 20-foot landscaped yard along all streets. This proposal offers only four feet of landscaped area between the sidewalk and service drives.

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According to the Planning Commission's rules of procedure, variances will have to be obtained to both of these requirements prior to Planning Commission action on the use permit applications.

The applicant should also be aware that the signs proposed for the northeast corner of the property must meet the requirements of the sign ordinance and the clearview triangle ordinance. As shown on this plan, the rotating sign may be a maximum size of 75 square feet per face, the lowest point must be at least 12 feet above the ground, and may not overhang into the public right-of-way. The stationary sign may have a maximum area of 15 square feet, and must be attached to the pylon of the rotating sign, or to a light pole.

RECOMMENDATION

The staff recommends that this item be continued to the meeting of August 26, 1976 to allow time for action by the Variance Board.

September 9, 1976

Item #4
Q Petroleum
Case 3412A-76

REQUEST

This evening's hearing on this item was continued from the Commission meeting of August 5, 1976 to allow action by the Variance Board. The hearing concerns a request for approval of a conditional use permit, final site plan and building plans for alterations to the existing Q Petroleum service station at 9000 Penn Avenue. The property is located in a B-2 retail business zoning district.

PROPOSAL

The applicant proposes major improvements to site access and on-site traffic circulation. All existing pump islands are to be removed and new islands are to be installed. The existing westerly drive on 90th Street and southerly drive on Penn Avenue are proposed to be eliminated. Access from the west would be through a common drive with the new Winchell's doughnut shop, which is presently under construction. A new drive to Penn Avenue is also proposed to be constructed to the south of the existing property line, on land now part of the Sears Surplus Store property. Both of the existing drives closest to the intersection of 90th Street and Penn Avenue are proposed to be widened. A four-foot landscaped area between 90th Street and Penn Avenue is also proposed.

In addition to these site changes, the applicant intends to convert the existing service station building into a small convenience grocery store. This use is permitted in the B-2 district. To accommodate traffic generated by this use, eight parking spaces, including two handicapped spaces, are proposed for the south and west sides of the building. A six-foot-wide sidewalk, with ramps serving the handicapped spaces, is proposed to be placed adjacent to the new parking area.

COMMENT

The Central Area Plan recommends an "attempt at elimination or integration of the nonresidential uses on the southeast, southwest, and northwest quadrants of the intersection to form a more functionally oriented center, with retail uses concentrated on the northeast corner, office uses on the northwest and southeast corners and nonretail uses on the southwest corner." The subject site is on the southwest corner of the intersection.

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It is the staff's opinion that a major objective of planning for this area should be an improvement of the visually chaotic appearance of development at this intersection. The visual aspect, combined with the insufficient traffic handling capacity, make this intersection one of the most confusing and, consequently, dangerous in the City. The staff believes that all improvements to properties in this area should have an objective of simplifying driver decisions and traffic movement.

Most of the features of the final site plan submitted by the applicant do accomplish this. The relocation of pump islands makes better use of on-site stacking space, reducing the probability that vehicles will block traffic while entering the station. The use of common driveway facilities with the doughnut shop to the west and the Sears store on the south is a desirable feature. The proposal to place the parking stalls for the convenience food store at the rear, rather than front, of the building will assist in removing some of the "visual clutter" from the vicinity of the intersection.

The applicant's proposal for a 40-foot-wide driveway on Penn Avenue will require the approval of Hennepin County. It is advisable to locate access driveways as far away as possible from street intersections. If the County does not approve the drive as proposed, the maximum width allowed would be 32 feet and that drive should be as far to the south as possible.

CONCERNS

The staff's reaction to this proposal is favorable, as we believe that any changes to this intersection will be an improvement. We are, however, concerned about the treatment of the landscaped sidewalk area immediately adjacent to the intersection. A note on the submitted plan states, "construction of . . . boulevard and sidewalk to be done by others." The staff thinks those improvements should be made concurrent with changes to the service station, and they should be made consistent with the objectives of minimizing visual confusion at the corner and should be made by the developer. The six-foot sidewalk should be built adjacent to the property lines and the sign pylon should be placed ten feet from the property lines, outside an area indicated as a "possible 10 by 10 foot sided triangle" in a note on the plan.

September 9, 1976

Item #4 continued
Case 3412A-76

The plan notes that a rotating sign is proposed--these are not permitted by the ordinance. The plan also indicates a stationary sign in the corner landscaped area and, while permitted by ordinance, this is not consistent with the planning objectives stated and should be removed.

RECOMMENDATION

The staff recommends approval of the conditional use permit, final site plan and building plans for the service station alterations with the following conditions:

- 1) concrete sidewalks be built at the developer's expense in the sidewalk easement in accordance with specifications set forth by the City Engineer;
- 2) one nonrotating, nonflashing single pylon illuminated sign, not exceeding 150 square feet on all faces, be permitted and located not less than ten feet from any property line;
- 3) two other freestanding signs, not exceeding 15 square feet each, be permitted in the setback areas, but not in the landscaped area adjacent to the intersection of 90th Street and Penn Avenue;
- 4) landscaping plan, including sign locations and design, be approved by the Director of Planning;
- 5) copies of common access agreements with adjacent property owners be provided to the City.

Item #1 continued
Case 6688C-76

M/Fillbrandt, S/Andruss, in Case 6688C-76, to recommend approval of a temporary conditional use permit, to expire on September 1, 1978, based on the fact that findings in Section 19.22(5)(A)(i) through (iv) were made in the affirmative. Motion carried 6-0.

Item #2
Q Petroleum
Case 3412A-76
9000 Penn Avenue
Conditional use permit,
final site plan and
building plans for
service station altera-
tions

7:50 p.m.

Mr. Walton said the applicant proposes major improvements to site access and on-site traffic circulation. For example, he said that all existing pump islands are to be removed and new self-service islands installed, the existing westerly drive on 90th Street and southerly drive on Penn Avenue are proposed to be eliminated and access from the west would be through a common drive with the new doughnut shop. He said the applicant also intends to convert the existing service station building into a small convenience grocery store. He added that this use is permitted in the B-2 district. Eight additional parking spaces are proposed to serve the retail use.

Mr. Walton pointed out that Section 19.61(a)(2) of the City Code requires that pump islands be set back a minimum of 35 feet from the front property line and the submitted site plan shows these islands 27 feet from the property line. Section 19.52(e)(1)(A) requires a 20-foot landscaped yard along all streets and this proposal offers only four feet of landscaped area between the sidewalk and service drives. He noted that the Planning Commission's rules of procedure require that variances must be obtained to these requirements prior to Planning Commission action on the use permit application. He informed the applicant that the signs proposed for the northeast corner of the property must meet the requirements of the sign ordinance and the Clear View Triangle Ordinance. He said the staff recommends that this item be continued to September 9, 1976 to allow time for action by the Variance Board.

Mr. Marlin Besler, general manager of Q Petroleum, stated that they were not aware of the two variance problems in time to make application for consideration by the Variance Board in July. He asked if the Planning Commission can take action on the conditional use permit which would be subject to the Variance Board's action. Chairman Hancer explained that the Planning Commission's rules of procedure have been written so that such action is not allowed.

Mr. Anderson asked how much time will be required to make the proposed changes. Mr. Besler said the actual construction will take approximately two weeks. He noted problems of scheduling equipment for the project and said there is an eight to ten week wait for the equipment.

Item #2 continued
Case 3412A-76

Mr. Besler described the site plan and stated their intention of trying to control the traffic flow. He said the interior of the station will be remodeled.

Chairman Hancer asked about the disposition of the underground gasoline tanks. Mr. Besler replied that they have no present plans to replace the existing gas tanks.

Mrs. Houle said she feels that the proposal is a needed improvement for this location.

Mr. Besler asked if a special meeting of the Commission could be called to resolve the matter. Mr. Hancer stated that there would be difficulty obtaining a quorum for such a meeting.

A gentleman representing the PDQ store at 8920 Penn Avenue said he has no objection to the proposed use. He said he was informed by a staff person of the City that installation of gasoline in the PDQ store would be denied. Chairman Hancer said he can see no reason for such information.

M/Houle, S/Reiter, in Case 3412A-76, to continue the item to the meeting of September 9, 1976 to allow time for the Variance Board to act on the matter.
Motion carried 6-0.

~~Item #3~~
~~Garin Thompson Construction~~
~~Company~~
~~Case 8100B-76~~
~~8000,8400, 8500 West 102nd~~
~~Street, 8100 West 104th~~
~~Street, 10410 Xylon Avenue~~
~~Preliminary plat of~~
~~Countryside West 1st~~
~~Addition~~

8:23 p.m.

~~Mr. Walton noted that the proposal is the first addition of Countryside West, a multiphase development covering 340 acres. He said the hearing was continued from July 8, 1976 to allow the Commission time to consider the testimony presented, primarily concerning the wildlife corridor which was recommended as a possible option in the reviewed Western Area Plan and eliminated by the City Council during discussions of the concept plan for the proposed development. Mr. Walton stated that a public hearing on the plat has been set for the City Council meeting of August 9, 1976 and urged that the Commission make a recommendation this evening for the Council meeting. He listed several conditions which are suggested by the staff should the Commission recommend approval of the plat.~~

~~Mr. Walton read a letter received from Mr. Hartley F. Bruder, president of Domestic Heating and Cooling, stating that he is in favor of the proposed development as one of the ways to bring medium-priced housing to Bloomington. Mr. Bruder urged the City's immediate approval of the proposal.~~

~~Mr. Robert J. Webster, Director of Community Development, noted that the City Council hearing on August 9, 1976 will be held on the site of the proposed development. He pointed out the proposed street locations and~~

~~Items #1 and 2 continued~~

Case 8161A-76

Case 8160A-76

from that grading, drainage and utility plans be approved by the City Engineer. Motion carried 3-2, with Houle and Kohlstedt opposed.

M/Fillbrandt, S/Bartels, in Case 8160A-76, to recommend approval of the conditional use permit, final site plan and building plans, based on the fact that findings in Section 19.22(1)(A), (B), (C), (F), (G) and (H) were made in the affirmative as required, and with the condition that grading, drainage and utility plans be approved by the City Engineer. Motion carried 3-2, with Houle and Kohlstedt opposed.

Mr. Bartels added that he has difficulty with the finding in Section 19.22(1)(B).

Item #3

Marv Anderson

Case 8162A-76

9610 Normandale Boulevard

Preliminary plat

Mr. Walton said the applicant has requested that consideration of the proposal be continued indefinitely.

M/Houle, S/Fillbrandt, in Case 8162A-76, to continue the item indefinitely. Motion carried 5-0.

8:43 p.m.

Item #4

Q Petroleum

Case 3412A-76

9000 Penn Avenue

Conditional use permit
for service station
modifications

Mr. Walton noted that this item was continued from the meeting of August 5, 1976 to allow action by the Variance Board which approved pump island setback and greenstrip variances. He described the improvements to site access and on-site traffic circulation proposed by the applicant. He noted that the applicant intends to convert the existing service station building into a small convenience grocery store which is permitted in the B-2 district. He said it is the staff's opinion that planning for this area should concentrate on improving the chaotic appearance of development at this intersection and most of the features of the final site plan submitted by the applicant accomplish this. Mr. Walton pointed out that the applicant's proposal for a 40-foot-wide driveway on Penn Avenue will require the approval of Hennepin County. If the County does not approve the drive as proposed, the maximum width allowed would be 32 feet and the drive should be located as far to the south as possible. He noted that a rotating sign is proposed which is not permitted by ordinance. He also recommended removal of the stationary sign proposed in the corner. He said the staff believes that any change to this intersection will be an improvement, but expressed concern about the treatment of the landscaped sidewalk area immediately adjacent to the intersection. He said the staff recommends approval of the conditional use permit, final site plan and building plans with conditions.

8:44 p.m.

Item #4 continued
Case 3412A-76

Mr. Marlin Besler, representing the applicant, said it was never the intent of the applicant to propose a rotating sign and the plan must be in error. He indicated that moving of the sign would not allow it to be seen clearly from southbound traffic on Penn Avenue due to the large service station sign across the street and to the north.

There was some discussion concerning the proposed location of the sign and the point recommended by the staff that the sign be moved to be in conformance with planning objectives. Mr. Besler pointed out that, if the sign must be moved to a location where it cannot readily be seen, the store will be at a disadvantage in its competitive business. Mr. Hawbaker noted that, if the sign is not moved, it will be in the middle of the proposed sidewalk.

After more closely viewing the staff's proposed sign location, Mr. Besler stated that he has no objection to the relocation.

In answer to a question from Mr. Fillbrandt, Mr. Besler replied that the convenience store to be located in the service station building will be a reduced version of a typical neighborhood store and will carry approximately the same type of products.

Mr. Fillbrandt asked the proposed hours of operation. Mr. Besler said the store will be open from 6:00 a.m. to midnight.

The Planning Commission reviewed the findings in Section 19.22(2)(A), (B), (C), (D), (H) and (I) as required.

M/Bartels, S/Houle, to close the hearing. Motion carried 5-0.

M/Bartels, S/Fillbrandt, in Case 3412A-76, to recommend approval of the conditional use permit, final site plan and building plans, based on the fact that findings in Section 19.22(2)(A), (B), (C), (D), (H) and (I) were made in the affirmative as required, and with the following conditions:

- 1) concrete sidewalks be built at the developer's expense in the sidewalk easement and in accordance with specifications set forth by the City Engineer;
- 2) one nonrotating, nonflashing single pylon illuminated sign, not exceeding 150 square feet on all faces, be permitted and located not less than 10 feet from any property line;
- 3) two other freestanding signs, not exceeding 15 square feet each, be permitted in the setback areas, but not in the landscaped area adjacent to the intersection of 90th Street and Penn Avenue;

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Case 3412A-76

- 4) landscaping plan, including sign locations and design, be approved by the Director of Planning;
 - 5) copies of common access agreements with adjacent property owners be provided to the City.
- Motion carried 5-0.

~~Item #5~~
George C. Mauer
Construction Company
Case 8163A-76
8735 Lakeview Road
7101-7115 West 86th Street
Preliminary plat

9:22 p.m.

~~Mr. Mauer stated that he has not been officially sworn in as a member and he has been informed that she should not vote with the Planning Commission. He noted that that situation leaves only four members of the Commission to take action.~~

Mr. Terrence Mauer, representing the applicant, said the applicant would prefer to proceed with testimony and discussion of the item.

Mr. Walton stated that this site is characterized by marked variations in elevation and some of the slopes on the parcel approach a 40 percent grade. He said the site contains a high, heavily timbered ridge which is one of the major physical features in this area. He noted that the applicant proposes to subdivide this property into 69 single-family lots. Access is to be provided to the development by Wood Cliff Road, a new street which intersects with West 86th Street and continues on a general north/south alignment through the property. He said a second access will be West 88th Street, which was recommended by the staff since intersections on West 86th Street are limited to one and a second access is mandatory. He noted that about one-half of the lots are served by four cul-de-sac streets and construction of the cul-de-sacs would require more extensive cuts and fills than required in other areas. He added that the cul-de-sac in the northeastern corner will require up to 28 feet of fill as presently designed.

Mr. Walton stated that the most destructive feature of the proposal is the intent to build a cul-de-sac street from Wood Cliff Drive up the northern slope of the ridge where it terminates at what is presently the highest point on the property. To build this street, he said, up to 18 feet of cutting is proposed. He said this earth would be graded onto the adjacent slopes in depths of from two to 14 feet to form building pads.

Mr. Walton said the need for the substantial cuts and fill proposed on this plat is generated by the small size of the proposed lots which, although they meet the minimum ordinance requirements, need tailor-made building pads. He said the grading necessary to achieve this will force the removal of a significant portion of the existing tree cover. Also, the homes built on the

Speaking in opposition to the two-family dwellings were Harold Blais, 10218 Wentworth Avenue; Clarence Bunkholt, 10228 Wentworth Circle, and Mrs. Lorraine Manson, 10206 Wentworth Avenue. They indicated they felt the lots were too small for two-family dwellings, and in addition, they objected to having anything built other than single-family homes.

Following discussion, motion was made by Malone, seconded by Spies, and all voting aye to request the City Attorney to draft a resolution of denial of the conditional use permits based on the inability to make the required City Code findings in Section 19.22(1) (C).

1976 Assessment
Rolls 1 and 2
Item 4.4

A public hearing had been scheduled for consideration of the 1976 Assessment Rolls 1 and 2. An informational meeting was held September 8 and a report of that meeting was submitted to the Council with the agenda material. The Public Works Director requested that this hearing be continued to September 27 at 7:30 p.m. to allow the time for legal advertisement to be fulfilled. Motion was made by Malone, seconded by Belanger, and all voting aye to table this hearing September 27 at 7:30 p.m.

Conditional Use Permit,
Final Site Plan and
Building Plans for
Alterations to
Service Station
Case 3412A-76
Item 5.3

The Council was requested by Q-Petroleum, Inc., to consider approving a conditional use permit, final site plan and building plans for alterations to a service station at 9000 Penn Avenue in a B-2 Retail Business zoning district.

The applicant proposes several changes to the existing facilities, including removing the existing pump islands, adding new pump islands and enlarging and improving the entrance drives. The applicant also proposes to convert the existing structure for convenience foods sales, a permitted use in this zone.

The Planning Commission at its meeting of September 9 recommended approval of the conditional use permit, final site plan and building plans based on making the required City Code findings in Section 19.22(2) (A), (B), (C), (D), (H) and (I) and with the following conditions:

1. concrete sidewalks be built at the developers' expense in the sidewalk easement and in accordance with specifications set forth by the City Engineer,
2. one nonrotating, nonflashing single pylon illuminated sign, not exceeding 150 square feet on all faces, be permitted and located not less than 10 feet from any property line,
3. two other freestanding signs, not exceeding 15 square feet each, be permitted in the setback areas, but not in the landscaped area adjacent to the intersection of 90th Street and Penn Avenue,
4. landscaping plan, including sign locations and design, be approved by the Director of Planning,
5. copies of common access agreements with adjacent property owners be provided to the City.

Darr asked if the Traffic Engineer had approved of the accesses and the Planning Director said the proposed site plan was approved.

Following discussion, motion was made by Darr, seconded by Malone, and all present voting aye to approve the conditional use permit based on making the required City Code findings, and the final site plan and building plans subject to compliance with the conditions set forth by the Planning Commission. The motion carried 7-0 with Benedict temporarily out of the room.

Conditional Use Permit,
Final Site Plan and
Building Plans
Case 2642D-76
Item 5.4

The Council was requested by the applicant to consider approving a conditional use permit, final site plan and building plans for expansion of an existing church facility at 6820 Auto Club Road in an R-1 single-family Residential zoning district. The applicant proposes two 16-unit staff residence structures located just to the east of the existing staff residence building.

The Planning Commission at its meeting of September 9 recommended approval of the conditional use permit, final site plan and building plans, based on making the required City Code findings in Section 19.22(1)(A) through (C) and (F) through (H) were made in the affirmative and with the following conditions:

1. smoke detectors be provided for all sleeping areas and a central fire alarm system be provided,
2. all publicly used below-grade areas be sprinklered,
3. the first floor and day care area be provided with handicapped facilities and ramps,
4. utility plan, fire hydrant locations and grading plan be approved by the City Engineer.

Following discussion, motion was made by Malone and seconded by Mahon to approve the conditional use permit based on making the required City Code findings, the final site plan and building plans subject to compliance with the conditions set forth by the Planning Commission. The motion carried 7-0 with Benedict temporarily out of the room.