

June 15, 1978

Item #4

GENERAL INFORMATION

Applicant: Q Petroleum (Case 3412A-78)
Location: 9000 Penn Avenue
Request: Conditional use permit, final site plan and building plans for a self-service station and convenience food

HISTORY

On September 20, 1976 the City Council approved a conditional use permit, final site plan and building plans for alterations to this service station and convenience food retail store. On September 7, 1976 a variance was approved for a 10-foot landscaped area instead of the required 20 feet along all streets. A variance was also approved for pump islands to be set back 27.5 feet from Penn Avenue and 32.9 feet from 90th Street instead of the required 35-foot setback required from all property lines.

The plans submitted for the present proposal are the same as were approved in 1976. Because of circumstances which seem to be beyond the applicant's control, construction has been delayed. A condition on the plan approved in 1976 required copies of common driveway agreements with adjacent property owners to be provided to the City. Q Petroleum has been in the process of acquiring an easement from the property owners to the south for parking and access purposes since September of 1976, and now feel they are close to an agreement.

The applicant is required to obtain another variance for the greenstrip requirement and for pump island setbacks, since a previous variance was granted over a year ago. In this situation staff feels that it would be appropriate for the Planning Commission to take action before the variance is considered.

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 will be through a common drive with Winchell's Donut Shop. 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

June 15, 1978

Item #4 continued
Case 3412A-78

the existing drives closest to the intersection of 90th Street and Penn Avenue are also proposed to be widened.

The submitted site plan indicates that the curb which is now 25 feet from the centerline of Penn Avenue and 90th Street will be moved to 33 feet from the centerlines of these streets. The right-of-way as proposed does allow for future street widening.

Improvements for the intersection of 90th Street and Penn Avenue are scheduled for 1979 construction. This will include a raised channel that will prohibit left turn and cross-over movement. Hence, right turn only ingress and egress will be permitted from 90th Street and Penn Avenue.

In addition to these 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, 8 parking spaces, including 2 handicapped spaces, are proposed for the south and west sides of the structure. A 6-foot wide sidewalk with ramps serving the handicapped spaces is proposed to be placed adjacent to the new parking area.

The exterior of the structure will remain to be block; however, the bays will be closed and the block will be painted off-white with rough-sawn cedar trim added.

COMMENT

It is the staff's opinion that this proposal will be a major improvement over the otherwise chaotic appearance of development at this intersection. It will also simplify driver decisions and traffic movement throughout the area.

RECOMMENDATION

Staff recommends approval with the following conditions:

- 1) sidewalks be built at the developer's expense 39 feet to 45 feet from the centerline of 90th Street and Penn Avenue in accordance with specifications set forth by the City Engineer;
- 2) landscape plan, including sign locations and design, be approved by the Director of Planning;
- 3) copies of common easement agreements with adjacent property owners be provided to the City;

June 15, 1978

Item #4 continued
Case 3412A-78

- 4) street right-of-way be dedicated at the intersection of 90th Street and Penn Avenue for turning movement as required by the Traffic Engineer;
- 5) driveway access to be constructed per approved plan with appropriate permits;
- 6) only one reserved handicapped parking space be provided with location of the space, access ramp and reserved parking sign to be approved by the Director of Planning.

~~Item #3~~

~~Mrs. Liiste
Case 4034A-78
8036 Lyndale Avenue
Temporary conditional use
permit for Montessori
school~~

~~8:15 p.m.~~

~~Mr. Bartels stated the applicant is requesting renewal of a conditional use permit to operate a Montessori school at this location. He said the school has been in operation since 1962 and that all requirements have been complied with during this time. He said the Fire and Life Safety Committee has recommended approval, and staff recommends approval with one condition.~~

~~Mr. Fillbrandt stated he has seen an excess of cars parked in the applicant's parking lot. Mr. Bartels recalled the sketch of the site which showed parking spaces for 12 cars.~~

~~Mr. Matt Liiste, the applicant, said there has been no problem with parking.~~

~~The Planning Commission reviewed the findings in Section 19.22(5)(A)(i) through (iv), as required for a temporary conditional use permit.~~

~~M/Wofford, S/Fillbrandt, to close the hearing. Motion carried 5-0.~~

~~M/Wofford, S/Fillbrandt, in Case 4034A-78, to recommend approval of a two-year temporary conditional use permit for a Montessori school based on the ability to make the required findings in Section 19.22(5)(A)(i) through (iv), with the following condition:~~

~~all pick-up and drop-off activities shall occur in the off-street parking area.~~

~~Motion carried 5-0.~~

Item #4

Q Petroleum Corporation
Case 3412A-78
9000 Penn Avenue
Conditional use permit,
final site plan and
building plans for self-
serve gas station and
convenience food

8:25 p.m.

Mr. Hawbaker stated the City Council approved a conditional use permit, final site plan and building plans for alterations to this service station and convenience food store on September 20, 1976. Because of delays in the applicant's obtaining driveway easement agreements from the adjacent property owner, he said the construction has not begun; it is now felt an agreement is near. He said plans submitted for the present proposal are the same as were approved in 1976. Mr. Hawbaker said staff feels this proposal will be a major improvement at this intersection and recommends approval with conditions.

Mr. Hawbaker said the applicant may be required to obtain a variance to the greenstrip requirement and to pump island setbacks, but it would be appropriate for the Planning Commission to take action before the variances are considered.

In referring to Condition 4, Mr. Hawbaker said the amount of right-of-way required by the Traffic Engineer at 90th Street and Penn Avenue is minimal and will not affect the development.

Mr. Andruss asked if there is still an easement at this location from the Sears Surplus Store parking lot. Mr. Hawbaker said when Sears put their landscaping in, they did allow for the common driveway to be built for the two properties.

Mr. Marlin Besler, representing the applicant, said there had been difficulty in reaching an agreement with Sears, but agreement is expected to be reached soon.

Mr. Bartels asked if the easement agreement will be available before going to the City Council. Mr. Hawbaker answered if it is not, a condition of approval would cover the requirement.

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

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

M/Bartels, S/Fillbrandt, in Case 3412A-78, to recommend approval of the conditional use permit, final site plan and building plans for a self-serve gas station and convenience food store, based on the ability to make the findings in Section 19.22(2)(A),(C),(H) and (I), as required, with the following conditions:

- 1) sidewalks be built at the developer's expense 39 feet to 45 feet from the centerline of 90th Street and Penn Avenue in accordance with specifications set forth by the City Engineer;
- 2) landscape plan, including sign locations and design, be approved by the Director of Planning;
- 3) copies of common easement agreements with adjacent property owners be provided to the City;
- 4) street right-of-way be dedicated at the intersection of 90th Street and Penn Avenue for turning movement as required by the Traffic Engineer;
- 5) driveway access to be constructed per approved plan with appropriate permits;
- 6) only one reserved handicapped parking space be provided with location of the space, access ramp and reserved parking sign to be approved by the Director of Planning.

Motion carried 5-0.

Mr. Fillbrandt reiterated that this project will be an improvement to this intersection.

Amsden Ridge Drive and
Decatur Avenue
Item 4.7

Amsden Ridge Drive (formerly West 91st Street) and Decatur Avenue in the plats of Bayridge 2nd Addition and Amsden Ridge. The hearing had been scheduled at the request of homeowners in this subdivision who were protesting the ordering of the sidewalk which they said was done without their knowledge.

The Public Works Director and Planning Director reviewed the proposed sidewalk construction, saying it would be placed on a five-foot easement outside of the street right-of-way. Mr. Grussing said there is 50 feet of right-of-way with a 30-foot roadbed and a restriction of no-parking on either side of the road.

Speaking in opposition to the sidewalk construction were the following:

Bill Lombardo, 8408 Amsden Ridge Drive
Mrs. Don Winter, 8350 Amsden Ridge Drive
Don Jensen, 8416 Amsden Ridge Drive
Tom Denny, 9024 Cavell Circle

These residents said they would be inconvenienced by having sidewalk constructed because of the placement of their homes and driveways which did not reflect the sidewalk construction. In addition, the thought was expressed that having sidewalk and a walkway easement to Anderson Lake would bring more traffic into their area which could be a nuisance because of the restrictions about parking on the street.

Following discussion, motion was made by Peterson, seconded by Herbst, and all voting aye to close the hearing and delete construction of the sidewalk on Amsden Ridge Drive and Decatur Avenue and the walkway from Decatur to Amsden Road.

Conditional Use Permit
for Two-Family Dwelling
Case 8460A-78
Item 5.1

The Council was requested to consider approving a conditional use permit, final site plan and building plans for a two-family dwelling at 8622-24 Aldrich Avenue. The Council was advised that the applicant, Garden City Construction, had requested that this case be continued to the July 10 meeting. Following discussion, motion was made by Herbst, seconded by Lindau, and all voting aye to continue this case to the July 10 Council meeting.

Final Site Plan and
Building Plans for
Two-Family Dwelling
Case 8461A-78
Item 5.2

The Council was requested by William Kormanik to consider approving the final site plan and building plans for a two-family dwelling at 10401-03 Quebec Avenue.

The Planning Commission at its meeting of June 15 recommended approval of the final site plan and building plans for a two-family dwelling with the following conditions:

1. landscape plans be approved by the Director of Planning to include a minimum of four overstory, two and one-half-inch caliper trees and an undulating four to five-foot high berm along East Bush Lake Road, measured from the established final grade of the road,
2. grading, drainage and utility plans be approved by the City Engineer,
3. revisions to utilities be at the developer's expense,
4. one curb cut be allowed and create a horseshoe type driveway into each of the garages, to be approved by the Traffic Engineer.

Following discussion, motion was made by Darr, seconded by Mahon, and all voting aye to approve the final site plan and building plans based on compliance with the conditions set forth by the Planning Commission.

Temporary Conditional
Use Permit for
Montessori School
Case 4034A-78
Item 5.3

The Council was requested by Mrs. Liiste to consider approving a temporary conditional use permit for a Montessori School at 8036 Lyndale Avenue.

The Planning Commission at its meeting of June 15 recommended approval of a two-year temporary conditional use permit based on the ability to make the required findings in Section 19.22(5)(A)(i) through (iv) with the following condition:

Following discussion, motion was made by Mahon, seconded by Herbst, and all voting aye to approve a temporary conditional use permit for two years based on making the required City Code findings and on compliance with the conditions set forth by the Planning Commission.

Conditional Use Permit,
Final Site Plan and
Building Plans for
Gas Station and
Convenience Food
Case 3412A-78
Item 5.4

The Council was requested by Q Petroleum Corporation to consider approving a conditional use permit, final site plan and building plans for a self-serve gas station and convenience food at 9000 Penn Avenue South.

The Planning Commission at its meeting of June 15 recommended approval of the conditional use permit, final site plan and building plans for a self-serve gas station and convenience food store, based on the ability to make the findings in Section 19.22(2)(A),(C),(H) and (I) of the City Code as required, and with the following conditions:

1. sidewalks be built at the developer's expense 39 feet to 45 feet from the centerline of 90th Street and Penn Avenue in accordance with specifications set forth by the City Engineer,
2. landscape plan, including sign locations and design be approved by the Director of Planning,
3. copies of common driveway easement agreements with adjacent property owners be provided to the City,
4. street right-of-way be dedicated at the intersection of 90th Street and Penn Avenue for turning movement as required by the Traffic Engineer,
5. driveway access to be constructed per approved plan with appropriate permits,
6. only one reserved handicapped parking space be provided with location of the space, access ramp and reserved parking sign to be approved by the Director of Planning.

Following discussion, motion was made by Darr, seconded by Blessum, and all voting aye to approve the conditional use permit, final site plan and building plans based on making the required City Code findings and on compliance with the conditions set forth by the Planning Commission.

~~Revised Preliminary Development Plan~~
~~Case 765C-78~~
~~Item 5.~~ the revised preliminary development plan for Hyland Hills 7th Addition at 9801, 9821 and 9921 Nesbitt Road. The applicant is proposing to review the recently approved development plan for 18 acres to accommodate 15 single-family lots and two condominium structures with 66 units per structure for a density of about eight units per acre.

The Planning Commission at its meeting of June 15 recommended approval of the revised preliminary development plan for Hyland Hills 7th Addition based on the ability to make the findings in City Code Section 19.38(g)(1) through (7) as required and with the following conditions:

1. condominium structures be limited to three stories and not more than 150 living units be included in those structures,
2. Briar Road be completed with the first phase of construction,
3. final site plans and building plans for the condominium structures and two-family dwellings be reviewed by the Planning Commission and approved by the City Council,
4. landscape plan be approved by the Director of Planning.

Following discussion, motion was made by Mahon, seconded by Peterson, and all voting aye to approve the revised preliminary development plan based on making the required City Code findings and on compliance with the conditions set forth by the Planning Commission.

~~Consider Project Budget for 1978 Park Improvements~~
~~Item 6.6~~ The Council was requested to consider approving an appropriation of \$92,000 undesignated Park Development Fund monies and \$4,600 from Tennis Court Repair and Boards for a total of \$96,600 for the implementation of the 1978 Park Improvement Program. Background information concerning the request was submitted to the Council with the agenda material. Following discussion, motion was made by Mahon, seconded by Lindau, and all voting aye to approve the appropriation of the funds as proposed.

~~Consider Amendment to Architect's Contract, Park Improvement Program~~
~~Item 6.10~~ The Council was requested to approve an amendment to the contract for architectural services for the construction of two tennis courts at Wright's Lake Park for \$1,500 and design drawings and construction documents for parking, ball field backstops and benches, playlot and two tennis courts at Reynold's Playground for \$5,600. Following discussion, motion was made by Mahon, seconded by Lindau, and all voting aye to approve the appropriation of \$7,100 to the architectural contract as proposed.

~~Final Plat Approval of Forest Haven 2nd Addition~~
~~Case 8393A-77~~
~~Item 6.11~~
~~R-78-76~~ The Council was requested by Joseph Hutton, Jr., to consider approving the final plat of Forest Haven 2nd Addition located at 8910 and 8920 Southwood Drive. The preliminary plat was approved by the Council on September 19, 1977, with a number of conditions which have been or are being met.

Following discussion, motion was made by Mahon, seconded by Blessum, and all voting aye to approve the final plat of Forest Haven 2nd Addition, approve the subdivision agreement, and adopt a resolution granting final approval.

~~Set Hearing for Ordinance re Stop and Yield Intersections~~
~~Item 6.13~~ The Council was requested to consider ordering an ordinance and set a hearing date to amend Section 8.24 of the City Code by adding items designated 8.24 a-99 through 101 relating to stop and yield intersections in the City. Following discussion, motion was made by Darr, seconded by Blessum, and all voting aye to set a public hearing for 7:30 p.m. July 31 on this proposed ordinance.

~~Boards and Commissions' Communications~~
~~Item 7.1~~ The Council was requested to consider a communication from the Park and Recreation Advisory Commission regarding the proposed plans for tennis court improvements at Valley View Playfield, the tennis court project at Wright's Lake Park, and the development plans for the Reynold's Playground as presented by the architect. At its meeting of June 14 the Park and Recreation Advisory Commission made the following motion:

INTER-OFFICE CORRESPONDENCE

DATE: July 25, 1978

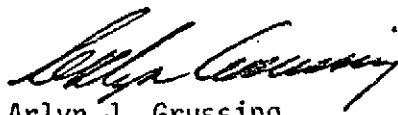
TO: Robert A. Mood, Manager of Building and Inspection

FROM: Arlyn J. Grussing, Director of Planning

SUBJECT: LETTER OF TRANSMITTAL
Case 3412A-78
Q Petroleum Corporation
Conditional Use Permit, Final Site Plan and
Building Plans

At its regular meeting of June 26, 1978 the City Council approved the conditional use permit, final site plan and building plans for a self-serve gas station and convenience food store at 9000 Penn Avenue for Q Petroleum Corporation with the following conditions:

- 1) sidewalks be built at the developer's expense 39 feet to 45 feet from the centerline of 90th Street and Penn Avenue in accordance with specifications set forth by the City Engineer;
- 2) landscape plan, including sign locations and design, be approved by the Director of Planning;
- 3) copies of common easement agreements with adjacent property owners be provided to the City;
- 4) street right-of-way be dedicated at the intersection of 90th Street and Penn Avenue for turning movement as required by the Traffic Engineer;
- 5) driveway access to be constructed per approved plan with appropriate permits;
- 6) only one reserved handicapped parking space be provided with location of the space, access ramp and reserved parking sign to be approved by the Director of Planning.


Arlyn J. Grussing
Director of Planning

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