

REQUEST FOR COUNCIL ACTION

AGENDA SECTION: NO. DEVELOPMENT BUSINESS		ORIGINATING DEPARTMENT: COMMUNITY DEVELOPMENT PLANNING DIVISION By: DJ	DATE
ITEM: Variances to reduce front yard setbacks for gas pump islands and pylon signs NO.			Approved For Agenda By:
Item 2A		Case 3412B/CD-90	
GENERAL INFORMATION			
Applicant:		Total Petroleum	
Location:		9000 Penn Avenue South	
Request:		Variances to: 1) Reduce front yard setback to pump island from 35 feet to 30 feet along W. 90th Street (Case 3412B-90); 2) reduce front yard setback from 35 feet to 27 feet along Penn Ave. So. (Case 3412C-90); 3) Reduce setback from 20 feet to 6 feet for allowed pylon signs along both Penn and W. 90th Street (Case 3412D-90).	
Existing Land Use and Zoning:		Convenience service station; zoned B-2	
Surrounding Land Use and Zoning:		North -- Service station; zoned B-2 South -- Restaurant; zoned B-2 East -- Service station; zoned B-2 West -- Restaurant; zoned B-2	
Comprehensive Plan		The 1980 Comprehensive Land Use Plan designates this area as Retail Commercial.	
Related Application:		Case 3412A-90 revised final site and building plans	
VARIANCE CONSIDERATION		As part of the upgrade to an existing service station facility, the following variances are requested: (Case 3412B-90) Reduce front yard pump island setback from the code requirement of 35 feet to 30 feet for pump island reconstruction along 90th Street. The existing island is 32 feet from the property line.	
COUNCIL ACTION: Motion by _____ Second by _____ to _____ _____ _____			

Variances to reduce front yard setbacks for gas pump islands and pylon signs

(Case 3412C-90)

Reduce front yard pump island setback from the code requirement of 35 feet to 27 feet for pump island reconstruction along Penn Avenue. The existing island is 27 feet from the property line and was granted a variance in 1976.

(Case 3412D-90)

Reduce front yard setback of 20 feet to 6 feet for installation of two new allowable pylon signs. The existing sign is located at the corner and proposed to be removed. The existing sign was granted approval in 1976 with a minimum setback of 10 feet.

The changes to the pump islands are required to complete Underground Storage Tank upgrading and/or removal required by State of Minnesota Pollution Control Agency. The pump locations are proposed to be rebuilt in the same area as the existing islands. Minor modification of the previously approved setbacks is to allow for new gas pump dispensing size and to maintain existing vehicle and pedestrian circulation to the building.

The applicant is proposing to change the current pylon located at the corner which is 75 square feet to one pylon per frontage of 50 square feet.

APPLICABLE REGULATIONS

Section 19.61(a)(2), Section 19.66(a)(3)(d)(2)

REQUIRED FINDINGS

(Case 3412BC-90) Section 2.98.01(b)(3)(A)(B)(C)(D)
(Case 3412D-90) Section 2.98.01(b)(3)(E)(ii)

HISTORY

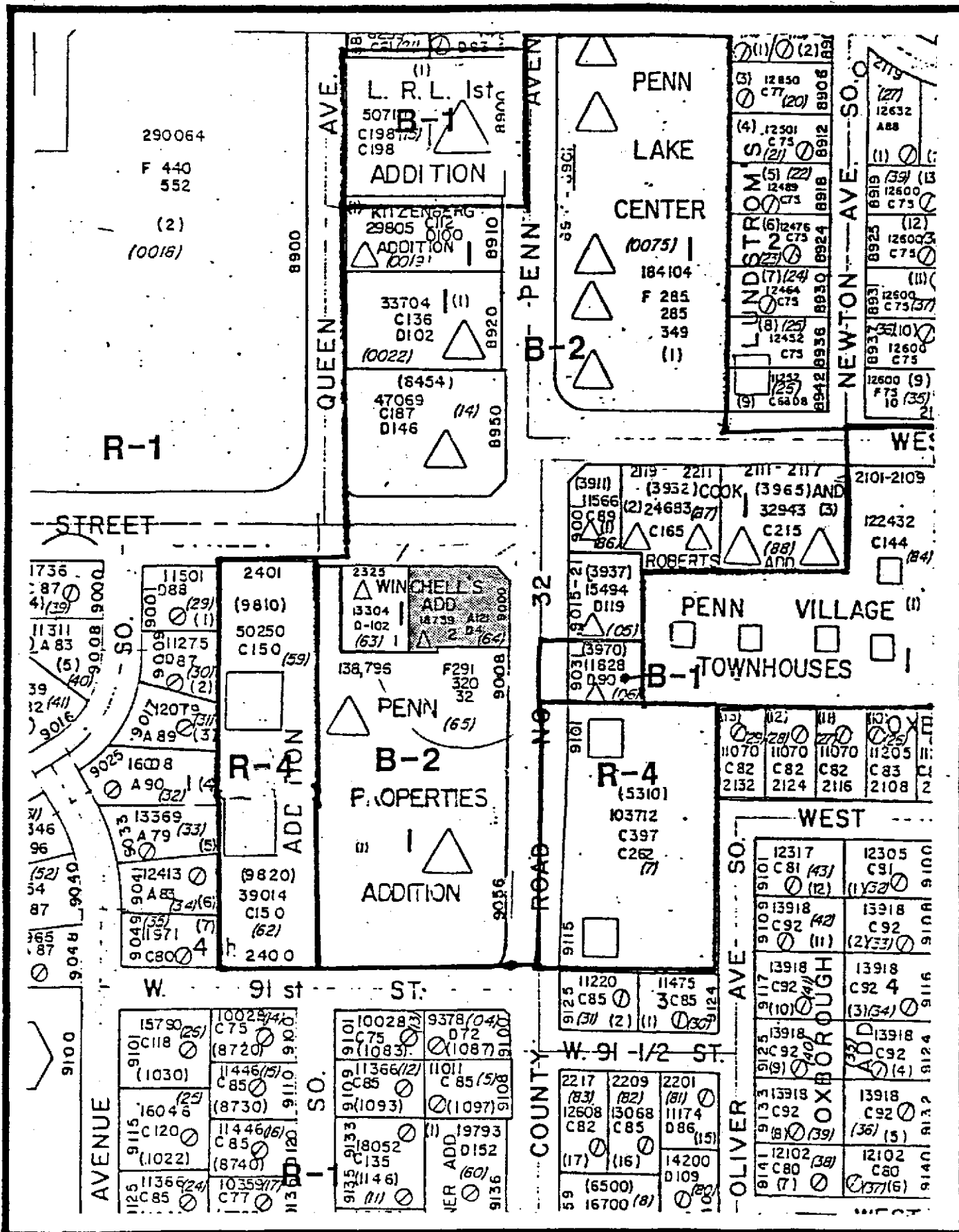
September 20, 1976--City Council approval of conditional use permit, variances to landscape area and pump island setback, final site and building plans. Case 3412ACD-76

CHRONOLOGY

Planning Commission Agenda:

September 20, 1990 -- Public hearing scheduled

a3412BCD.dj:25



3412A-90

SCALE: One inch equals 200 feet

0 200 400



3/2A

REQUEST FOR COUNCIL ACTION

AGENDA SECTION: NO. DEVELOPMENT BUSINESS	ORIGINATING DEPARTMENT: COMMUNITY DEVELOPMENT PLANNING DIVISION By: DJ	DATE Approved For Agenda By:
ITEM: Revised Site and Building Plans NO. for service station		

Item 2B

Case 3412A-90

GENERAL INFORMATION

Applicant:	Total Petroleum
Location:	9000 Penn Avenue South
Request:	Revised Final Site Plan and Building Plans for the renovation of a service station.
Existing Land Use and Zoning:	Convenience Service station; zoned B-2
Surrounding Land Use and Zoning:	North -- Service Station; zoned B-2; South -- Restaurant; zoned B-2; West -- Restaurant; zoned B-2; East -- Service Station; zoned B-2;
Comprehensive Plan	The 1980 Comprehensive Land Use Plan designates this area as Retail Commercial
Related Application:	Case 3412BCD-90 Variance to front yard setbacks for gas pump islands and pylon signs

PROPOSAL

The applicant is proposing to upgrade an existing service station facility. As part of the improvements, the following is proposed:

- 1- remove 3 existing Underground Storage Tanks (UST) and replace with 4 new STiP3 Tanks.
- 2- remove old product piping and replace with new fiberglass piping and leak detection systems.
- 3- partial removal and modification of pump islands to accommodate new dispensers, piping and canopy footings.
- 4- install 2 new canopies over pump islands with sign bands and internal illumination.
- 5- install 2 new 50 square foot, 20.5 foot tall pylon signs on each frontage, replacing one existing pylon sign at the corner.

No changes to site circulation are proposed, with four existing curb cuts all proposed to remain.

COUNCIL ACTION: Motion by _____ Second by _____ to _____

Revised Site & Building Plans for a service station

APPLICABLE REGULATIONS

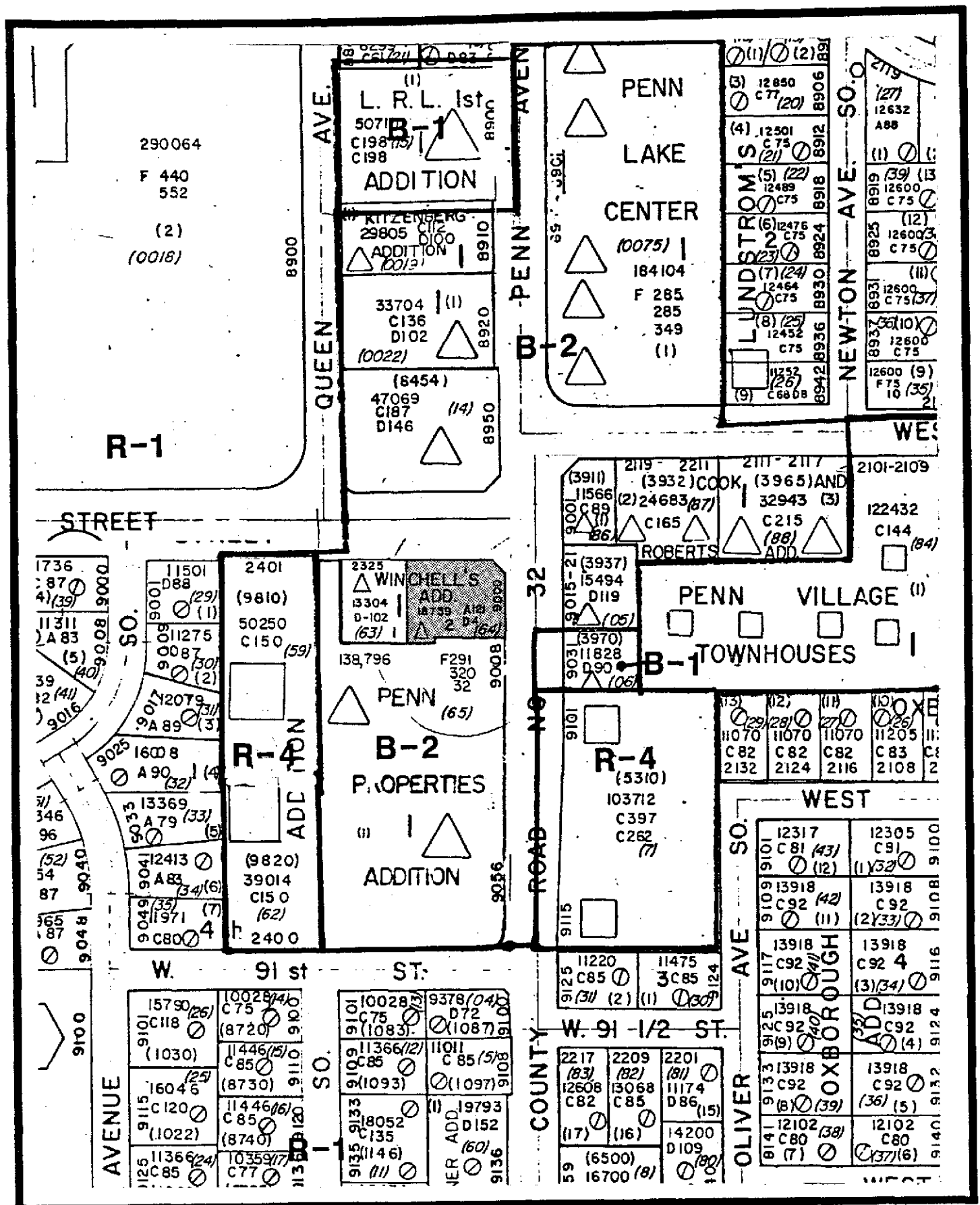
Section 19.61, Section 19.66

REQUIRED FINDINGS

Section 19.40.12(d)

CHRONOLOGY

Planning Commission Agenda: September 20, 1990 -- Public hearing scheduled



3412A-90

SCALE: One inch equals 200 feet

0 200 400



3/28

Section 19.40.12 FINAL SITE AND BUILDING PLANS

- (a) Applicability The following provisions apply to the approval of final site and building plans for zoning districts established in this Article.
- (b) Approval Final site and building plans shall be approved by the City Council prior to the issuance of any permits for development. Prior to consideration for approval, the City Council shall receive a report from the Planning Commission and the Issuing Authority, specifying any recommended modifications to the final site and building plans. At the time of approval of final site and building plans, the City Council may, by motion and majority vote, modify final site and building plans and specify any additional development standards necessary to assure that the proposed development meets the intent of the zoning district and to assure that the proposed development is appropriately related to adjoining public streets and adjacent land uses.
- (c) Content The developer shall submit final site and building plans which include the following information:
 - (1) A location map which indicates property ownership surrounding the proposed development and existing and future land uses.
 - (2) Maps of existing and proposed site features at a scale of one-to-fifty or larger, which indicate topography in two-foot contours; building outlines; location of significant vegetation; location of streets, drives and parking areas; and other significant features.
 - (3) Detailed drawings of all proposed structure elevations, including signs. Samples of all proposed materials which will be used on the exterior of structures shall be submitted with the elevation drawings.
 - (4) Proposed floor plans for all floor levels.
 - (5) A landscaped plan indicating tree and shrub species, luminaire location, type and height, and provisions for plant material watering.
 - (6) A circulation plan indicating pedestrian and vehicular movement systems. This plan shall also include service access for receiving and trash removal.
 - (7) A drainage, utilities, and erosion control plan.
 - (8) A written report indicating covenants or agreements which will influence the use and maintenance of the proposed development.
 - (9) Any other information deemed necessary by the City Council in order to evaluate plans.
- (d) Findings The City Council shall find the following prior to the approval of final site and building plans.
 - (1) The proposed development is not in conflict with the Comprehensive Plan.
 - (2) The proposed development is not in conflict with any adopted district plan.
 - (3) The proposed development is not in conflict with the zoning district provisions.
 - (4) The proposed development is not in conflict with other applicable provisions of the City Code subject to the provisions of Section 19.40.03.
 - (5) The proposed development is not incompatible with existing and anticipated future development.
- (e) Revisions Minor changes to final site and building plans approved by the City Council may be made by the Issuing Authority provided that the changes do not involve the following:
 - (1) Increase in floor area of structures.
 - (2) Variance from any zoning ordinance requirement.
 - (3) Change in exterior building material.
 - (4) Alteration of any condition attached or modification to the final site and building plans made by the City Council.



HALE fluid systems
sales • engineering • service

August 20, 1990

City of Bloomington
Community Development Department
Planning Division

To Whom It May Concern:

Total Petroleum is proposing to upgrade their facility at 9000 Penn Avenue which includes removing old tanks and piping, replacing the tanks and piping with state and federal approved equipment, which included and not limited to, fiberglass piping, STI-P3 cathodic protected tanks, leak detection, tank monitors, overspill manholes, and spill protection.

During this process, Total Petroleum would like your approval to do something for the public, and install canopy's above the existing gas islands. Also during discussions with Mr. Hawbaker, he had noted his concerns with Total Petroleum's existing pylon sign. Total Petroleum will agree to remove the existing sign with approval for new monument signs located on 90th and Penn Avenue and canopy's as proposed.

Thank you for your time and support. It's greatly appreciated.

Best Regards,

Kevin McCormick

3412 A 90

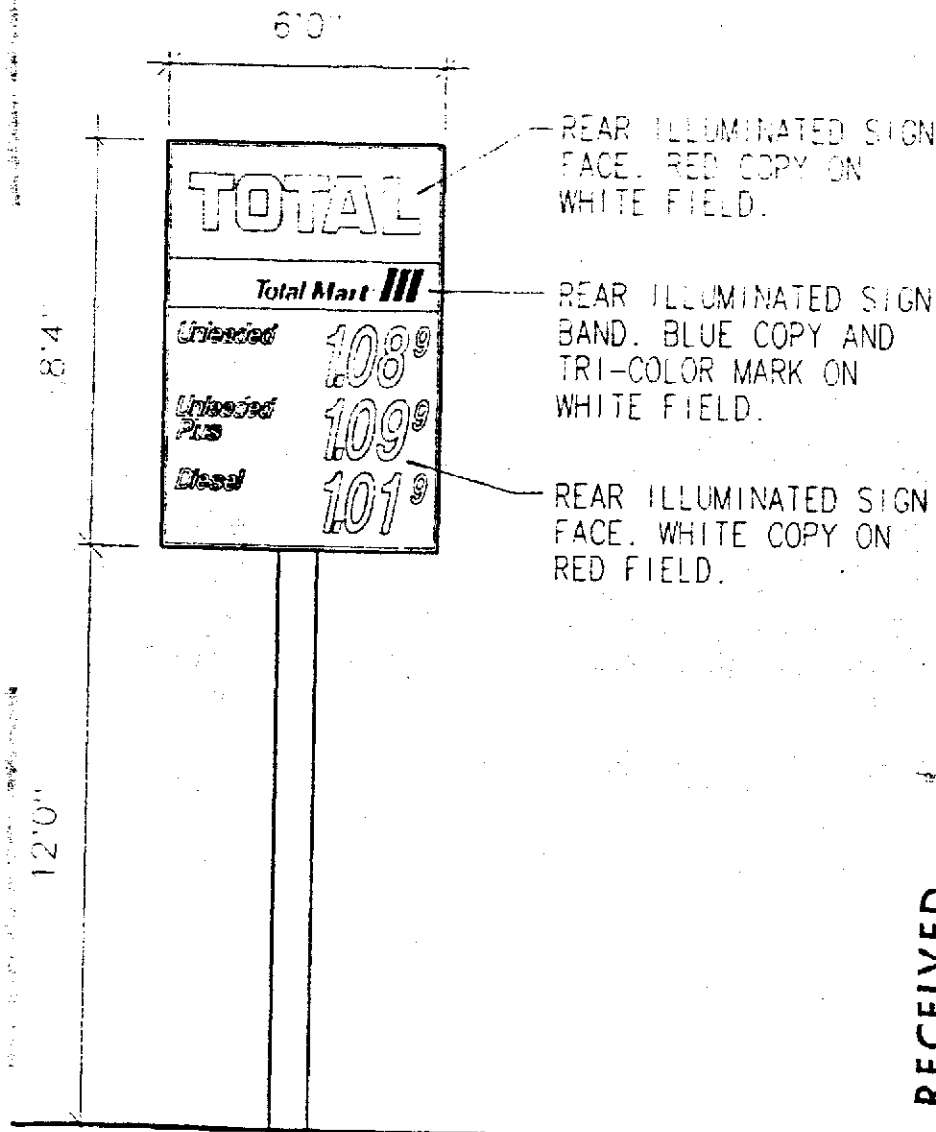
8/2A

Contaminated Soil

Contractor shall assume that all material excavated from within the areas designated by the following legend will be considered to be "nonhazardous special waste" and shall be transported to Clean Soils, Inc., St. Paul, MN.

Designation	Description	Estimated Quantity
-----	Excavate to 13' below finished grade	944 CY
.....	Excavate to 3' below finished grade	42 CY

Estimated quantities are based on "in place" volume. Contractor's bid shall include the cost of excavation and transportation of nonhazardous special waste and furnishing and installation of structural fill compacted to 95% of standard Proctor density or bedding material as specified for backfill of tanks and piping. Waste characterization fees and disposal fees will be paid directly by Total Petroleum, Inc. Any additional excavation shall be approved by Total Petroleum, Inc.'s representative.



RECEIVED
DIVISION OF CITY PLANNING

AUG 20 1990

CITY OF BLOOMINGTON
MINNESOTA

3412 A 90

BY	REVISION	DATE	NO.	MODEL:	STATION	ADDRESS:	TITLE: INS	DATE	DWG. NO.	SHEET NO
BY	ADD ENVR. NOTES	6/25/90	1			9000 PE	TANKS, IS	6		7/2A
BY	COPY # SIGN ADJUSTMENTS	8.16.90	2			BLOOMIN	PIPING &			

TOTAL

1 POLE SIGN 50 S.F.
1/4 = 1' - 0



HALE fluid systems
sales • engineering • service

August 20, 1990

City of Bloomington
Community Development Department
Planning Division

To Whom It May Concern:

Total Petroleum is proposing to upgrade their facility at 9000 Penn Avenue which includes removing old tanks and piping, replacing the tanks and piping with state and federal approved equipment, which included and not limited to, fiberglass piping, STI-P3 cathodic protected tanks, leak detection, tank monitors, overspill manholes, and spill protection.

During this process, Total Petroleum would like your approval to do something for the public, and install canopy's above the existing gas islands. Also during discussions with Mr. Hawbaker, he had noted his concerns with Total Petroleum's existing pylon sign. Total Petroleum will agree to remove the existing sign with approval for new monument signs located on 90th and Penn Avenue and canopy's as proposed.

Thank you for your time and support. It's greatly appreciated.

Best Regards,

Kevin McCormick

3412 A 90

6/20

Items 2A and 2B

GENERAL INFORMATION

Applicant: Total Petroleum

Location: 9000 Penn Avenue South

Requests: A) Revised Final Site Plan And Building Plans for a service station canopy and pump island relocation, and pylon sign relocation
B) Variance to reduce pump island setback from 35 feet to 30 feet along W. 90th Street (Case 3412B-90)
C) Variance to reduce pump island setback from 35 feet to 27 feet along Penn Ave. South (Case 3412C-90)
D) Variance to reduce setback from 20 feet to 6 feet for allowed pylon signs along both Penn and West 90th Street (Case 3412D-90).

PROPOSAL

The applicant has proposed several improvements and additions to this existing service station, located on an 18,739 square foot parcel at the southwest corner of the intersection of Penn Avenue and West 90th Street. The changes to the service station include:

- 1) replacing the underground storage tanks in order to comply with the new requirements of the State of Minnesota Pollution Control Agency;
- 2) upgrading the pumps;
- 3) replacing the existing concrete pump islands, resulting in a slight reduction to the existing setbacks from the adjacent streets;
- 4) installation of a 20-foot-wide by 37-foot-long canopy over the pump island along Penn Avenue;
- 5) installation of a 24-foot-wide by 44-foot-long canopy over the pump island along 90th Street;
- 6) removal of the corner pylon sign (at staff's suggestion), replacing it with two (permitted) pylon signs, one along Penn Avenue, the other along 90th Street. These signs are shown as being set back about 3.5 feet from the respective street right-of-way lines.

ANALYSIS

Canopy

The proposed canopies are each shown to be set back 20 feet from the adjacent streets. The bottom edges of these canopies are 14.5 feet above grade, which means they should not cause any reduction of visibility at this intersection. It will be possible to view the intersecting street under the canopy, particularly when approaching Penn Avenue eastbound on 90th Street. Lighting fixtures under this canopy should be completely recessed into the canopy box, or equipped with side shades, to avoid any horizontal glare.

Pump Islands

The pump locations are proposed to be rebuilt in roughly the same area as the existing islands. The new pump islands are slightly wider than the existing concrete islands -- three feet wide instead of two feet. The island along Penn Avenue is centered on the same line as the existing island, resulting in a net encroachment of about six inches closer to the street, a resulting setback of about 27 feet. The island along 90th street is shown as being relocated slightly closer to the street, reducing the current setback of 32 feet to 30 feet. Variances were approved by the Council in 1976 for the existing island setbacks. The variances granted in 1976 were due to conversion to a convenience store/service station.

Staff considers these modifications to be minor, and necessary to allow for new gas pump dispensing size and to slightly improve the existing vehicle and pedestrian circulation to the existing building. Since the present pumps were installed 14 years ago, industry standards and safety regulations have changed, resulting in the need for wider islands.

The island along 90th Street is proposed to be moved three feet closer to the street. With the wider islands, an additional two feet of driveway space would be provided between the island and the building, resulting in a driveway width of 24 feet. This allows for a vehicle to pass another parked for fueling, or for short-term parking without blocking the fueling lane.

The approval of revisions in 1976 required right-of-way dedication along both streets which reduced the size of the parcel. Circulation around the pump islands is tight as long as the existing building is not moved or reduced in size. This site has minimal flexibility to conform to current ordinance performance standards for a service station.

Signage

During initial discussions regarding the addition of the canopies and rebuilding of the pump islands, the staff requested the applicant to consider moving the existing pylon sign. The existing sign is located near the intersection, with about 50 square feet of area set back seven feet from the street right-of-way line at the intersection.

Documents submitted with the application show the new signs to be placed in the small landscaped planter areas along each street. The six foot wide by 8'4" high signs would be mounted on a single support post, located on the centerline of the sign. The bottom of the sign face would be 14'6" above grade, allowing good visibility under the sign. Each sign would contain business identification and product pricing information.

As originally shown, the sign along Penn Avenue would have the post mounted in about the center of the five-foot wide planter box, about six feet from the right-of-way line. The sign face would be located only about three feet from the property line, overhanging the sidewalk and the sidewalk, drainage and utility easement. The sign on the 90th Street frontage is shown with similar setbacks. The Planning Staff and the Traffic Engineer agree that this is not a suitable solution. There are two possible alternatives:

- 1) If two pylon signs are to be used, the sign supports must be moved as far away from the street as possible, and the sign faces "flagged" away from the streets. This will result in setbacks of about eight to nine feet, and eliminate encroachment on the easements.
- 2) Perhaps a better alternative would be to relocate the existing corner pylon sign further away from the street. The sign is located within a small but well-defined island at the corner, and could be moved at least seven feet further away from the intersection within the island. There would still be visibility of the sign from both streets around the new canopies, and the visual clutter at the intersection would be reduced by moving the sign away from traffic signals. Some alteration to site lighting poles in the area may be necessary, but should not be difficult.

Staff has not received a graphic package for the canopy but is informed that only color banding and logo is included. A uniform sign design package will need to be submitted for staff to be better able to total the square footage allowed per code. Staff does not believe that the applicant will have any problems meeting the code regarding signage allowed.

Other Issues

Another major issue that should be addressed is the need for improved site landscaping. Although there is no possibility of generating the typical 20-foot deep yard along the streets, and the existing five-foot-wide planter islands provide only minimal opportunity, there is some existing planting in these areas. Primarily, better care and maintenance of this area is necessary. Several plants have died over the years and have not been replaced.

In addition, the island area adjacent to the intersection -- where the pylon sign is located -- is presently completely paved. At a minimum, this paving should be removed, and, at a minimum, sodded. Low evergreen planting, not more than two or three feet tall to avoid sight difficulties at the corner, should be added to provide some screening.

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.

* Pump Island Variances. In Case 3412B-90 and Case 3412C-90 staff finds that to maintain adequate and reasonable circulation the variances requested for pump island setbacks are the minimum amount necessary. Strict compliance with the code would remove one island from use, which staff considers unreasonable.

- * Sign Variances. In Case 3412D-90 staff finds that the use of the pylon design with a pole in the middle could be modified to reflect an offset sign face in relation to the pole. The request to shift the sign as currently designed is not the minimum amount necessary and visually encroaches into the public view corridor more than the present sign location.

(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.

- * Pump Island Variances. In Case 3412B-90 and Case 3412C-90 staff finds that moving the pump islands to accommodate an upgrade to improve on-site circulation is in the public interest and that changes to setbacks by 1 to 3 feet will not be injurious to the neighborhood.
- * Sign Variances. In Case 3412D-90 staff finds that additional visual encroachment into the utility and sidewalk easement area is not in the public interest. An offset sign design or reader boards with pricing on the overhead canopies would remove visual clutter from this corner site and improve long term traffic safety. The design as submitted does not go far enough to improve the visual character of this corner site.

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

- * Pump Island Variances. In Cases 3412B-90 and 3412C-90 the special circumstances are not the result of the applicant due to right of way dedication after the original structure was installed.
- * Sign Variances. In Case 3412D-90 the location to further encroach into the setback area is the result 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.

* Not applicable

(E) Sign Variances. 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:

(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.

- * The proposed signs would be so close to the street as to have an adverse impact on the visibility of nearby business 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.

- * Further encroachment into public easement areas could negatively affect the motoring public by contributing to the visual clutter at this congested intersection.

(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.

- * the applicant is not deprived of locations to provide pricing or identification information.

(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.

- * Due to the previous reduction in parcel size due to street widening, opportunities for two pylon signs, as allowed by ordinance, are limited. However, the corner location can be improved to decrease encroachment and visual interference with traffic signals.

RECOMMENDATION

In Cases 3412B-90 and 3412C-90, Staff recommends approval of variances to reduce the pump island setbacks from 35 feet to 30 feet along West. 90th Street and from 35 feet to 27 feet along Penn Avenue South subject to the following conditions being satisfied prior to the issuance of any grading or building permits:

- 1) grading, drainage, utility and erosion control plans be approved by the City Engineer;
- 2) erosion control measures be in place prior to issuance of grading permits;

and subject to the following additional conditions of approval:

- 3) alterations to utilities be at the developer's expense;

In Case 3412D-90 staff requests that the variance to reduce the setback of two pylon signs be denied, based on (1) that the findings cannot be made in the affirmative to approve this variance, and (2) that a better solution would be to relocate the existing pylon sign. Should the applicant wish to withdraw this application, the relocation of the sign at the corner location can be processed administratively.

In Case 3412A-90, Staff recommends approval of Final Site and Building Plans subject to the following conditions being satisfied prior to the issuance of any grading or building permits:

- 1) a uniform sign design be submitted for approval by the Director of Planning, including relocation of the existing pylon sign to a point near the interior curb of the drive area;
- 2) grading, drainage, utility and erosion control plans be approved by the City Engineer;
- 3) erosion control measures be in place prior to issuance of grading permits;
- 4) a landscape plan be submitted for approval by the Director of Planning and a bond or letter of credit be posted for maintenance of landscaping in existing planter areas and landscaping of the area near the intersection.

and subject to the following additional conditions of approval:

- 5) alterations to utilities be at the developer's expense;

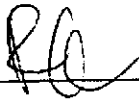
and subject to the following City Code requirements:

- 1) installation of tanks, pumps and islands be in accordance with the requirements of the the Fire Marshal.

Prepared by:

BH

Reviewed by:



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FIRE AND LIFE SAFETY COMMITTEE

September 11, 1990

Present: Dick Braun, Chairman
Fred Fuecker
Wayne Enney
Bob Sharlin
Ken Norquist
Don Jensen

Item 1 Total Petroleum
9000 Penn Avenue South

Randy Kinney of Total Petroleum presented plans for alterations to the TotalMart gas station.

Three existing underground fuel tanks will be removed and replaced. Two canopies will be installed over the existing gas islands.

There was discussion regarding changes in signage, and the committee recommended meeting with Planning Staff regarding this.

The committee had the following recommendations:

- 1) utility plan with existing and proposed water mains and fire hydrants be at locations as approved by the Fire Marshal and Utilities Engineer.

Item 2 Hotel Sofitel
5601 W. 78th Street

Eugene Branstrom and George Meyer presented plans for enclosing a portion of the loading dock at Hotel Sofitel. The area to be enclosed will be used as a recycling and dumpster area.

Mr. Norquist stated the roof design criteria will be required at the time of permit application.

The committee recommended the following:

- 1) building be totally sprinklered as approved by the Fire Marshal.

October 3, 1990

Randy Kinney
Total Petroleum
8148 Pillsbury Avenue
Minneapolis, MN 55420

Case 3412A-90 - Revised Final Site and Building Plan
Case 3412BC-90 - Variances

Dear Mr. Kinney:

At its regular meeting of October 1, 1990 the City Council adopted a resolution granting variances to reduce pump island setbacks from 35 to 30 feet along West 90th Street and from 35 to 27 feet along Penn Avenue at 9000 Penn Avenue subject to satisfaction of the following conditions prior to the issuance of any grading or building permits:

- 1) grading, drainage, utility and erosion control plans be approved by the City Engineer;
- 2) erosion control measures be in place prior to issuance of grading permits;

and subject to the following additional condition of approval:

- 3) alterations to utilities be at the developer's expense.

At the same meeting the Council also approved the revised final site and building plans for renovation of a service station at the above address, subject to satisfaction of the following conditions prior to the issuance of any grading of building permits:

- 1) a uniform sign design be submitted for approval by the Director of Planning, including relocation of the existing pylon sign to a point near the interior curb of the drive area;
- 2) grading, drainage, utility and erosion control plans be approved by the City Engineer;
- 3) erosion control measures be in place prior to issuance of grading permits;
- 4) a landscape plan be submitted for approval by the Director of Planning and a bond or letter of credit be posted for maintenance of landscaping in existing planter areas and landscaping of the area near the intersection.

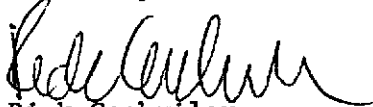
and subject to the following additional condition of approval:

- 5) alterations to utilities be at the developer's expense;

and subject to the following City Code requirement:

- 1) installation of tanks, pumps and islands be in accordance with the requirements of the the Fire Marshal.

Sincerely,



Rick Geshwiler
Director of Planning

jb