



REQUEST FOR COUNCIL ACTION

Originating Department COMMUNITY DEVELOPMENT	By rms	Approved for Agenda by:	Date: Time:	Number:
Agenda Section DEVELOPMENT BUSINESS		Item Variances, conditional use and final site plan and building plans for a restaurant		
Item 2		Case 8946ABC-94		
GENERAL INFORMATION				
Applicant:		FourCrown, Inc.		
Location:		9624 Lyndale Avenue		
Request:		Variances to: A) Reduce landscaped yard from 20 feet to 9 feet (Case 8946A-94); and B) Increase the number of allowable signs from 2 signs to 4 signs (Case 8946B-94) Conditional use permit and final site plan and building plans for a freestanding restaurant		
Existing Land Use and Zoning:		Vacant commercial building; zoned CB		
Surrounding Land Use and Zoning:		North, South and East - Retail Commercial; zoned CB and CB(PD) West - Manufacturing; zoned I-3		
Comprehensive Plan:		The Comprehensive Land Use Plan recommends Retail Commercial land use for the property.		
PROPOSAL				
The applicant is proposing to redevelop a 37,337 square foot lot for a 119 seat freestanding restaurant. The existing structure would be removed and a new one-story 3,793 square foot brick restaurant building would be constructed. Access from Lyndale Avenue would be from a right turn only ingress and right turn only egress; a new two-way access would be provided to Aldrich Avenue. Circulation would be in a counter-clockwise direction around the building with separate drive-up window lane. Angled parking for 42 vehicles would be sited along the perimeter and in front of the building. Two perpendicular handicapped access spaces would be located adjacent to the rear of the building. A landscape plan showing perimeter trees, foundation plantings and streetscape improvements is included in the submission. Water and sanitary sewer utility services would be provided from existing lines located in Aldrich Avenue.				
COUNCIL ACTION				
Motion by _____ Second by _____ to _____				

VARIANCE CONSIDERATION

(Case 8946A-94) According to Section 19.52 of the City Code, a landscaped yard, 20 feet in depth along all streets as measured from the street right-of-way is required. The section of yard area south of the access to Aldrich Avenue tapers to 9 feet at the southwest corner of the site.

(Case 8946B-94) The development is allowed one sign per business frontage or two signs. Maximum sign size would be 80 square feet plus one square foot for each 100 square feet of retail floor area with a maximum sign of 180 square feet. The applicant is proposing three building signs and a monument sign sited parallel to Lyndale Avenue

APPLICABLE REGULATIONS

Section 19.52(e)(1)(A)
Section 19.66(a)(3)
Section 19.37(c)(5)
Section 19.37(g)(1)

Landscape Yard
Signs
Restaurant CUP
Final Site Plan and
Building Plans required

REQUIRED FINDINGS

Section 2.98.01(b)(3)(A),(B),(C) and (D) yard variance
Section 2.98.01(b)(3)(A),(B),(C),(D) and (E)(iii) sign variance
Section 19.22(7)(A),(B),(C),(D),(G) and (H) conditional use
Section 19.40.12(d)(1)-(5) final site plan and building plans

CHRONOLOGY

Planning Commission Agenda: 03/24/94 -- Public hearing scheduled.

(a8946abc.doc)

OGDEN ENGINEERING
Civil Engineers & Land Sur.
115 W. Second St. - Salt Lake,
(716) 425-7633

SITE LOCATION MAP

Date March 1977 Reg. No. 0612
 (REVISED August 17, 1993)
 ADDRESS OF SENDER:
 612 Lyndale Avenue South
 Minneapolis, Minnesota

1. Top north end of east easterly
dune tilted at 10000 ft. on 0611
and Lyndale Elevation = 819.65

2. Top end of fire hydrant on east
side of Lyndale at 0611
Elevation = 820.62

Y.C.	Demotes	top of curb
P.P.	Demotes	power and telephone pole
K.B.	Demotes	hydrogen
M.H.	Demotes	micahs
C.B.	Demotes	catch basin
-H.S.	Demotes	sanitary tower
-H.L.	Demotes	storm tower
-M.	Demotes	water main
C.P.	Demotes	ground and
W.	Demotes	gas meter

EXISTING 7" CPV COVER SURFACE
 EXISTING 1" WATER LATERAL
 (COMBINATION TIE & DOMESTIC)
 EXISTING GROUND OR FINISHED ELEVATION
 PROPOSED FINISHMENT OR SCHEDULE ELEVATION
 EXISTING CONTOUR
 PROPOSED CONTOUR
 DIRECTION OF TRAFFIC
 PROPOSED DOUBLE FUTURE LIGHT
 EXISTING 1" WATER LATERAL
 EXISTING 1 1/2" WATER LATERAL
 EXISTING 8" RAINWATER SEWER LATERAL

125' BUILDING SETBACK LINE

80' PARKING SETBACK LINE

SCALE 1-10

PARKING LOT OF WHITE CASTLE RESTAURANT

--26000 -FAST--

BITUMINOUS SURFACE

WENDY'S

WENDT'S
#27.70 FF.

GENERAL NOTES

87,307 SQUARE FEET LOT AREA
8730 SQUARE FEET BUILDING AREA
100% NET COVERAGE, 0.407 FLOOR AREA RATIO
510 SEATS = 2.0 = 64 PARKING SPACES REQUIRED
64 PARKING SPACES PROVIDED, 2 OF WHICH ARE MANICAPPED
PARKING LOT DIMENSIONS AND CURB RAKE SHOWN ON FACE OF CURB
PARKING STRIPS ARE 6' WIDE LAG 5.5' OTHER RAMP WIDTH

CONSTRUCTION NOTES:

FRAGMENT TO BE PLANT GROWN DIFFERENTIAL SURFACE (2341)
IN THEIR LIVES 6" OF CLASS 1 APPROPRIATE BASE COURSE

SPECIFICATIONS

•
SITE WORK WILL BE IN ACCORDANCE WITH MINNESOTA
DEPARTMENT OF TRANSPORTATION STANDARD
SPECIFICATIONS FOR CONSTRUCTION 1994 EDITION.

-24500'-EAST-

**AUTOMOBILE SALES LOT OF FREEWAY FORD
BITUMINOUS SURFACE**

REVISED 2-18-84

REVISÉ 2-16-94

REVISÉ 1-25-84

I hereby certify that this piece, specifically, as reported
was prepared by me or under my direct supervision
and that I am a duly qualified and experienced
person under the law of the State of
Francis H. Jordan
Date Jan. 20, 1994 Registration No. 14503

94-2063

OGDEN ENGINEERING CO.
Civil Engineers & Land Surveyors
119 W. Walnut St. - Salt Lake, UT 84103
(713) 483-7433

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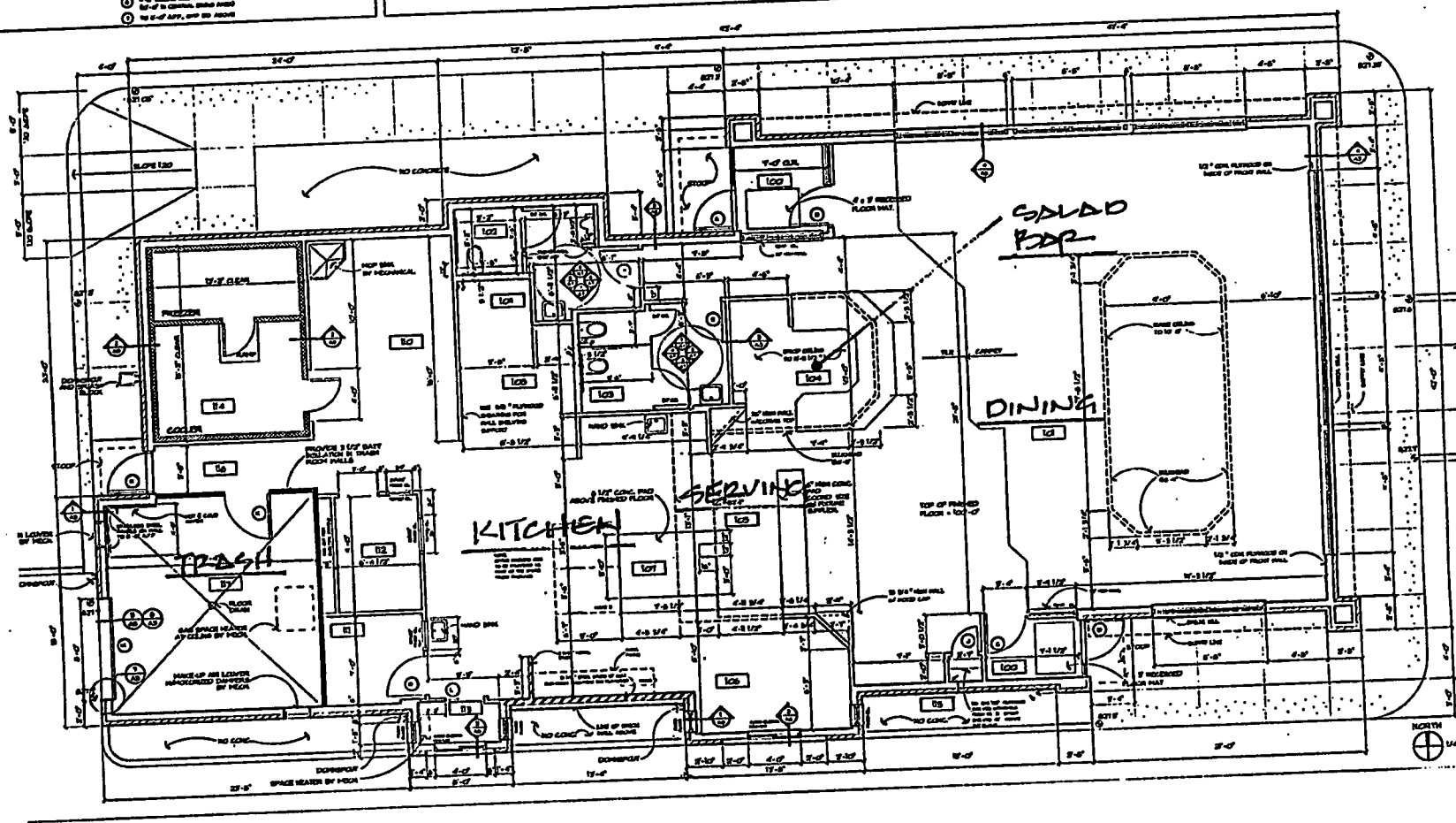
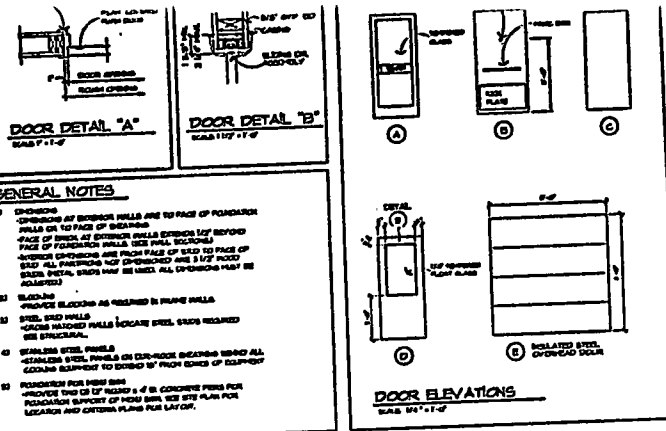
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I hereby certify that the plan, specification or report was prepared by me or under my direct supervision, and that I am a duly registered architect under the laws of the State of New York.

Date _____ Reg. No. 00787

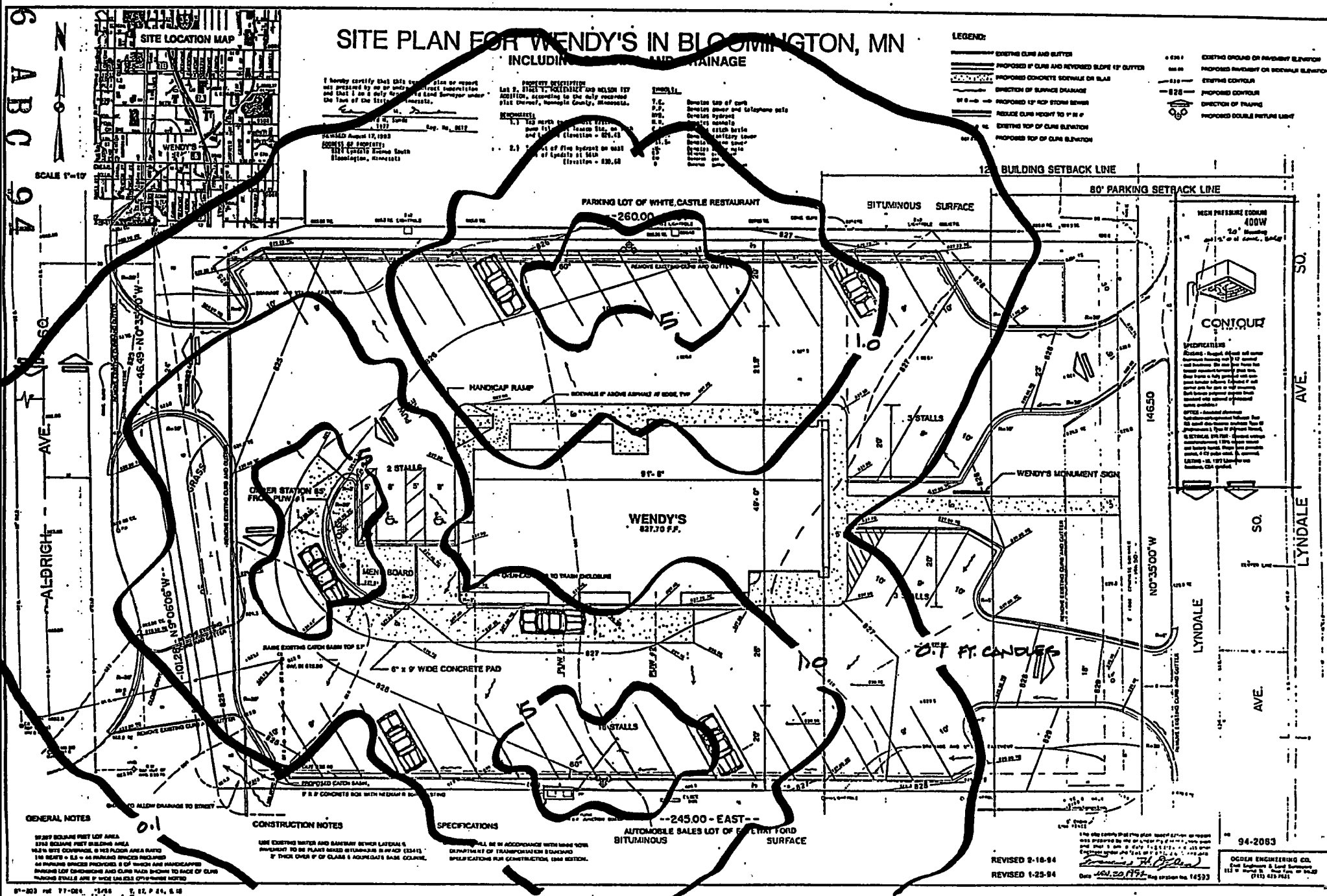
Signed _____

WENDY'S
46TH STREET &
LYNDAL AVE &E SOUTH
BLOOMINGTON, MN

FLOOR PLAN AND SCHEDULES

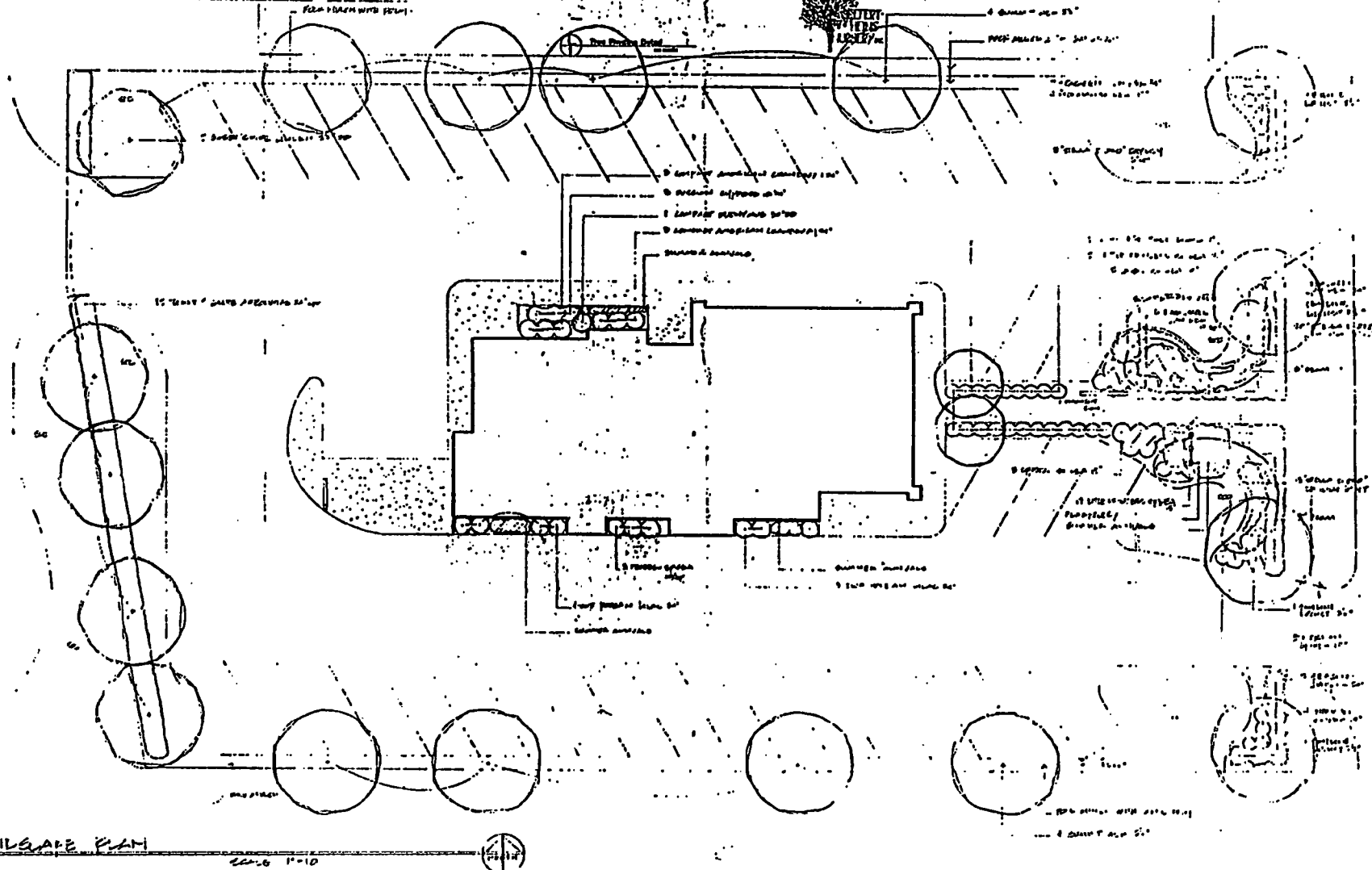
Requested 04-18-2012 Date 3/7/2012
 Date 3/7/2012
 Requested by WJL
 Checked by DRR

8946 ABC 94 *9/2*



2/11

- 1. An actor and model working in the film industry.
- 2. A person who is very old, usually of 80 years or more.
- 3. A person who is very old, usually of 80 years or more.
- 4. A person who is very old, usually of 80 years or more.
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	PROJECT: WEHDY'S RESTAURANT	DATE: DEC 17 80 SCALE: 1"=10' DRAWN BY: J-J CHECKED BY:	REVISIONS: 1
TITLE: LANDSCAPE PLAN	SHEET: L-1		



Wendy's
9624 Lyndale Ave. S.
Bloomington, MN

REASONS FOR VARIANCE REQUESTS

1. Reason for variance to reduce the landscape area from 20 feet to 9 feet at west end of site abutting Aldrich Avenue.

-The proposed landscaping will vary from 9 feet to 20 feet in width. This is necessary because Aldrich Avenue ends with a cul-de-sac that has an irregular right-of-way line.

-Also, it was necessary to set the building back 125 feet from the center line of Lyndale Avenue to meet setback requirements for the Oxboro Redevelopment District. It was necessary to have this building size to make this project economically feasible.

2. Reason for variance to increase number of signs from 2 to 4.

-With the building setback at 125 feet to meet the setback requirements of the Oxboro Redevelopment District our building needs additional signage. In addition, with the use of the shorter monument sign in place of a pylon sign, we feel it is necessary to identify our building with signs on the north and south sides in addition to the front (east) side.

8946 ABC 94

14/2



DESCRIPTION OF PROJECT

Site Location: 9624 Lyndale Ave. S.
Bloomington, MN 55420

Remove existing building. Relocate existing driveway to Aldrich Avenue. Install exit driveway to Lyndale Ave. South. Construct a new Wendy's Old Fashioned Hamburgers restaurant with 110 seats and 44 parking stalls.

SITE AND BUILDING STATISTICS

37,337 sq. ft. lot area

3,793 sq. ft. building area

10.2% site coverage, 0.102 floor area ratio

119 seats $\div$ 2.5 = 44 parking spaces required

44 parking spaces provided, 2 of which are handicapped.

Parking lot dimensions and curb radii shown to face of curb.

Parking stalls are 9' wide unless otherwise noted.

8946 ABC 94

Item 2

GENERAL INFORMATION

Applicant: FourCrown, Inc.

Location: 9624 Lyndale Avenue

Request: Variances to:

A) Reduce landscaped yard from 20 feet to 9 feet
(Case 8946A-94)

B) Increase the number of allowable signs from 2 signs to 4 signs
(Case 8946B-94)

Conditional use permit and final site plan and building plans for a freestanding restaurant (Case 8946C-94)

PROPOSAL

The applicant is proposing to redevelop a 37,337 square foot lot for a 110 seat freestanding restaurant. The existing structure would be removed and a new one-story 3,793 square foot brick restaurant building would be constructed. The primary exterior building material would be a 4" brick veneer with a split-faced concrete block accent stripes.

The proposed site plan shows two access points to southbound Lyndale Avenue: a right turn only ingress at the northeast corner of the property and a right turn out only egress to the south. A new two-way access driveway would be provided to Aldrich Avenue at the west end of the property. Circulation would be in a counter-clockwise direction around the building with a separate drive up window lane. Angled parking would be sited along the perimeter of the site and in a central island in the front of the building. Two handicapped accessible places are placed directly behind the building.

ANALYSIS**Conditional Use Permit**

The proposed redevelopment of the property for restaurant use would be compatible with the Comprehensive Land Use Plan designation for the property as retail commercial and the purpose of the CB Central Business District to encourage redevelopment in an older business area. The site is located within the Oxboro Redevelopment Area and the proposed project would be complementary to the redevelopment activities that have occurred in the surrounding area. Private reinvestment in the form of a new development on an vacant, under-utilized site is a positive action supportive of the redevelopment process. Staff supports the issuance of a conditional use permit for a 110 seat restaurant at the subject location.

Site Configuration and Setbacks

The subject property is a 37,337 square foot (.85 acre) platted parcel located between Lyndale Avenue on the east and Aldrich Avenue on the west. The property is irregularly shaped as there is a break in the rear property line abutting the right-of-way of Aldrich Avenue that angles off to the east. The property exhibits a minor slope from the 828 foot elevation westerly to the 824 foot elevation.

Roadway and streetscape improvements consistent with new development in the Oxboro Redevelopment Area require that setbacks be set from the projected right-of-way of Lyndale Avenue. A front parking setback of 80 feet from the centerline of Lyndale Avenue and a building setback of 125 feet from the centerline of Lyndale Avenue need to be established. The 80 foot from centerline parking setback increases the landscaped yard or streetscape area along Lyndale Avenue from 20 feet to approximately 40 feet. The proposed building will be set back 125 feet from the centerline of Lyndale Avenue or 83 feet from the front property line. The rear yard setback is approximately 73 feet which is in excess of the district requirement of 65 feet. The building is centrally placed between north and south lot lines and would maintain setbacks of 50 feet from both the north and the south side property lines.

Increased setbacks and lot shape are factors that effect the proposed layout of the development. The increased setbacks are beneficial in providing for important roadway and streetscape improvements to the benefit of the applicant and the surrounding Oxboro area properties. Conversely, the increased yard area and building setback along Lyndale Avenue does result in the reduction of space that concentrates operations, parking and circulation towards the rear of the property. The proposed layout, excluding circulation, may not be optimum but should function effectively.

Water, Sanitary Sewer and Stormwater Drainage Utilities

Removal of the existing building, grading of the site, and construction of a new parking lot with curb and gutter will provide an opportunity for the effective on-site stormwater management. There is no curb along the south side of the property and the drainage often flows to the adjoining property. Some additional modifications will have to be made to the grading and drainage plan to provide for an additional catch basin at the northwest corner of the site to collect drainage from the northern portion of the property. The last storm sewer structure prior to the connection to the City system must be a trap manhole to manage stormwater quality as mandated by State law.

Water and sanitary sewer utility service is available from existing lines in Aldrich Avenue. According to Public Works Department review comments, an inspection manhole on the sanitary sewer line will have to be provided at the property line. A condition needs to be included requiring the applicant to complete and submit a SAC questionnaire to the Department of Public Works. All modifications to utilities should be at the developer's expense.

Building Architecture, Landscaping and Site Lighting

In general, the one-story all brick veneer building is in scale with surrounding development. The building incorporates a variety of materials in an array of colors that adds detail to the design. A two-window drive-through is incorporated on the south side of the building that will facilitate operations and efficient circulation. The trash and recyclable storage area is contained within the building and accessed from a separate concrete pad at the rear of the structure.

It is noted that the building area as proposed is 3,793 square feet or 207 square feet less than the minimum building area requirement contained in the CB Central Business District. The applicant will have to provide a minor expansion building area in order to conform to the building area requirement. This minor modification should be included as a condition of approval.

A conceptual landscape plan has been submitted noting perimeter shade tree plantings along the north, south and west property lines. Foundation plantings of low growing shrubs is proposed along the north and south sides of the building. Planting beds extend along a front sidewalk area to Lyndale Avenue. Streetscape plantings along the yard area adjacent to Lyndale Avenue is composed of deciduous shade or boulevard trees and shrubs. A finalized landscape plan, modified to incorporate elements of the Oxboro Redevelopment streetscape program, should be included as a condition of approval.

New site lighting would be provided from 20 foot high light poles along the north and south property lines and at the rear of the building with high pressure sodium double box fixtures. The lighting is generally concentrated in the north and south parking areas and at the rear of the building. A condition requiring exterior lighting and building security plans to be approved by the Bloomington Police Department is included in the Staff recommendation.

Variance Requests: Signage and Landscape Yard

The applicant has submitted a signage package consisting of three wall signs and a freestanding monument sign. The total signage area contained in the package is 197 square feet. According to the City Code, the applicant would be permitted two signs based on two street frontages with a total signage area of 188 square feet. A variance request to increase the total number of signs from two to four is included in the applicant's request.

The increase in the number of signs would be appropriate in order to allow for reasonable signage for site identification and business advertisement purposes. Site conditions and characteristics are factors that effect the applicant's ability to provide for reasonable signage. The building is setback a considerable distance from the front property line and the landscape yard-streetscape area is of substantial depth. Location of the monument sign would be setback 40 feet from the property line instead of 20 feet because of the setback being measured from the proposed Lyndale Avenue right-of-way.

Approval of a variance to increase the number of signs should be conditional on a limit of total signage not to exceed the maximum allowed in the zoning district (188 square feet).

The variance request to reduce the width of the landscaped yard from 20 feet to 9 feet is related to the entry-exit modification along Aldrich Avenue. As noted, the applicant is proposing to close the southern-most entry on the cul-de-sac portion of Aldrich Avenue and construct a new entry-exit point at the northwest corner of the property. The irregular rear lot contains a break point that follows the angled right-of-way line of Aldrich Avenue. The irregular shape of the rear portion of the lot is a factor in establishing a full 20 foot wide landscaped yard area. The reduced yard area should provide adequate separation from the adjacent circulation drive.

Circulation and Parking

The applicant has proposed a circulation and parking plan that would provide for the following: a right-turn-in only entry from Lyndale Avenue; a circulation drive around the building in a counter-clockwise direction; angled parking along the perimeter and in front of the building; a new entrance-exit from Aldrich Avenue at the northwest corner of the site that is aligned with the main circulation drive from the entrance from Lyndale Avenue; and, a right-turn-out only exit to Lyndale Avenue. It is noted that (1) the current vacant building, when occupied, had closed off the right-turn-out only exit and (2) there is a median along Lyndale Avenue separating south-bound and north-bound Lyndale Avenue.

The City Traffic Engineer has recommend that the right-turn-out only exit to Lyndale Avenue be eliminated and a recirculation drive be placed that would channel exiting vehicles to leave the site via Aldrich Avenue to West 96th Street for both northbound and southbound Lyndale Avenue. The recirculation drive would be approximately 12 feet in width and the remaining area would provide a location for two handicapped accessible parking spaces. Exiting traffic for a right turn on southbound Lyndale would be from West 96th Street. This intersection will eventually be signalized.

A summary of the City Traffic Engineer recommendation is contained in the March 10, 1994 Traffic and Transportation Advisory Commission (TTAC) minutes. The TTAC recommendation is included in the attached minutes. The recommendation will probably result in the net loss of at least 4 parking spaces which would reduce on-site parking from 44 spaces (as required by City Code) to 40 spaces.

This item was reviewed by the City's Fire and Life Safety Committee (FLSC) at their meeting of Tuesday, March 15, 1994. At the meeting the City Fire Marshal spoke against the recommendation for a recirculation drive and eliminating the right-turn only exit to Lyndale Avenue. It was the Fire Marshal's concern that sufficient circulation for emergency vehicles would not be provided. Committee members noted a concern with pedestrians crossing the drive aisle with entering and recirculating exiting traffic.

The Planning Staff recommends the applicant's proposed circulation system with the right-turn out only exit to Lyndale Avenue. This use is of a higher intensity of use than the previous use. The applicant's proposed plan provides for efficient on-site circulation for patrons and will facilitate the circulation of emergency and service vehicles. A reduction of parking spaces might result in pressure for off-street parking along the cul-de-sac of Aldrich Avenue. Parking in accordance with City Code requirements should be maintained.

FINDINGS

Reduction of Landscape Yard Variance

Section 2.98.01(b)(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.

- * A reduction of the landscaped yard area along Aldrich Avenue is necessary to allow for the reasonable development of the property consistent with the Comprehensive Plan and CB Central Business District zoning classification. The variance is a minimum variance in that the reduction would not totally eliminate the yard area and separation from the street would be maintained.**

(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.

- * The variance to reduce the landscaped yard is consistent with the general purpose of the Code in that a reasonable landscaped yard standard would be maintained for the development to conform. The variance, if approved, would not be injurious to the area and would not result in development that would alter the character of the surrounding commercial neighborhood.
- (C) That the special condition or circumstance is not the result of actions of the applicant.
- * The irregular shape of the lot caused by the angled right-of-way of Aldrich Avenue is a condition or circumstance that effects the development of the required yard area. This condition or circumstance is not the result of a direct action 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.

Increase in the Number of Signs Variance

Section 2.98.01(b)(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.
- * The variance is necessary to allow the applicant reasonable signage for business advertisement and identification. The variance is a minimum variance as the increased number of signs is the least number of signs to permit for reasonable site identification.
- (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.
- * The variance, if approved, would be consistent with the intent of the City Code in that a reasonable signage standard would be maintained. The additional signage would not effect the essential character of the surrounding neighborhood.
- (C) That the special condition or circumstance is not the result of actions of the applicant.
- * Proposed building and sign placement in relation to future right-of-way adjustment is a factor effecting the provision of reasonable signage. This circumstance of the property is not the result of a direct action 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) ... no variance may be granted in the ... number of signs, as described in Chapter 19 of this Code, unless the following is found:

...

(ii) 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, are found by the Commission.

* The variance, subject to condition, will not exceed the total aggregated signage area for permitted signs as contained in Section 19.66(a)(3).

RECOMMENDATION

In Case 8946A-94, Staff recommends approval of a variance to reduce the landscape yard from 20 feet to 9 feet along Aldrich Avenue as shown in plans contained in Case 8946A-94.

In Case 8946B-94, Staff recommends approval of a variance to increase the number of signs from two to four subject to the following conditions:

- 1) Total aggregate signage area not exceed the maximum allowed by Code (188 square feet); and,
- 2) Signage package consist of three wall signs and one monument sign.

In Case 8946C-94, Staff recommends approval of a conditional use permit and final site plan and building plans subject to the following conditions being satisfied prior to the issuance of any grading or building permits:

- 1) Exterior building materials be approved by the Planning Manager;
- 2) An interior trash storage room be provided as approved by the Manager of Environmental Services;
- 3) Grading, drainage, utility and erosion control plans be approved by the City Engineer;
- 4) A SAC questionnaire be completed and submitted to the Department of Public Works;
- 5) Access, circulation and parking plans be approved by the City Traffic Engineer;
- 6) Exterior lighting plan and building security plans be approved by the Chief of Police;
- 7) Erosion control measures be in place prior to issuance of grading permits;

and subject to the following additional conditions of approval:

- 8) Alterations to utilities be at the developer's expense;
- 9) Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal;
- 10) Building area not be less than 4,000 square feet with final coverage layout to be approved by the Planning Manager;

and subject to the following Code requirements:

- 1) Landscape plan including Oxboro Redevelopment Area streetscape improvements be approved by the Planning Manager (Sec 19.52);
- 2) All rooftop equipment be fully screened (Sec. 19.52.01);
- 3) Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
- 4) Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn Bldg Code 3802; Uniform Fire Code Ch 10.306);
- 5) Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (Sec. 6.20, Uniform Fire Code Ch. 10.301-C);
- 6) Food service plans be approved by the Environmental Services Division (Sec. 14.360); and,
- 7) Fire lanes be posted as approved by the Fire Marshal (Sec. 8.73).

Prepared by: PMS.

Reviewed by: RD CA

(planning\pc\reports\s8946.doc)

RECIRCULATION DRIVE – CONCEPT PLAN

SITE PLAN FOR WENDY'S IN BLOOMINGTON, MN

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly registered land surveyor under the laws of the State of Minnesota.

David H. Linds
Date March 1917 Reg. No. 8117

RECEIVED August 17, 1933
OFFICE OF PROPERTY
 1115 Lyndale Avenue South
 Minneapolis, Minnesota

1. PROPERTY DESCRIPTION
 1st 1/2, Block "T", Rock Hill and Wilson St.
 Addition, extending to the e-ly recorded
 plat thereof, Orange County, Missouri.

1.) Top north end of west railway
penn. tilted at 1000 ft. on 04°
and igneous elevation = 825.65

2.) Top end of flow system on 0221
side of igneous at 818
elevation = 820.15

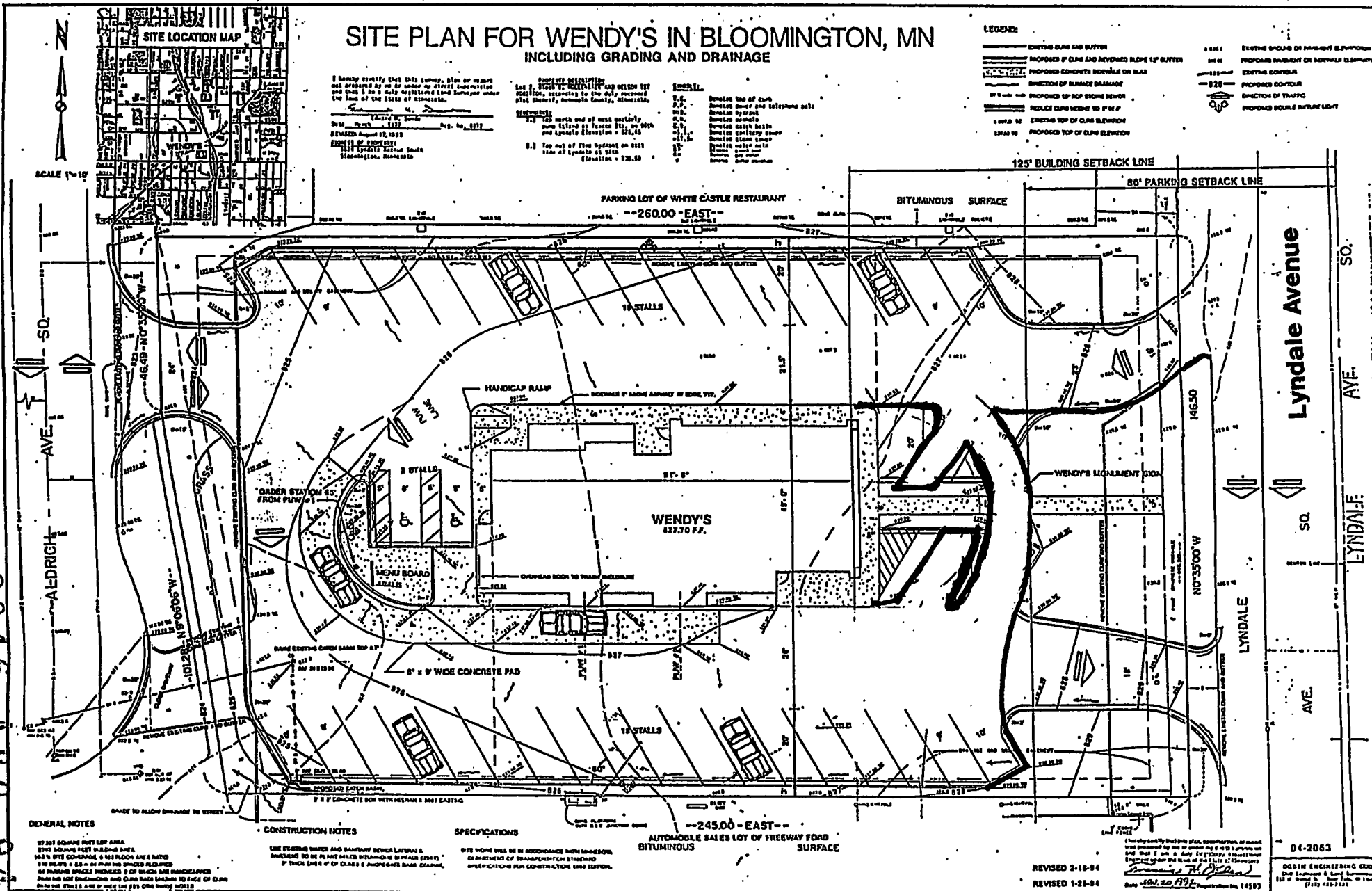
1997

U.S.	Deviation time of clock
P.P.	Deviation power and telephone pole
W.S.	Deviation by design
U.S.	Deviation according to
U.S.	Deviation with basin
U.S.	Deviation with primary pump
U.S.	Deviation with time
U.S.	Deviation with and
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U.S.	Deviation with and

LEGEND:

EXISTING CURB AND GUTTER
 PROPOSED 4' CURB AND REVERSED SLOPE 1/2" GUTTER
 PROPOSED CONCRETE SIDEWALK ON BLAS
 SECTION OF SURFACE DAMAGE
 PROPOSED 1/2" ROP STONE BEDDED
 REDUCE CURB HEIGHT TO 4" IN 4'
 EXISTING TOP OF CURB ELEVATION
 PROPOSED TOP OF CURB ELEVATION

EXISTING SIGNAL OR PAYMENT SURFACING	EXISTING SIGNAL OR PAYMENT SURFACING
PROPOSED PAYMENT OR SIGNALS ELEMENT	PROPOSED PAYMENT OR SIGNALS ELEMENT
EXISTING CONTROL	EXISTING CONTROL
PROPOSED CONTROL	PROPOSED CONTROL
DIRECTION OF TRAFFIC	DIRECTION OF TRAFFIC
PROPOSED SIGNALS REFLECT LIGHT	PROPOSED SIGNALS REFLECT LIGHT



04-2063

ODDIN ENGINEERING CO.
One E. Grand & First Avenue
115 W. Grand St. New York, N.Y. 10014
(718) 425-7431

UNAPPROVED MINUTES

CITY OF BLOOMINGTON

TRAFFIC & TRANSPORTATION ADVISORY COMMISSION

March 10, 1994

.....

Item #4.C
FourCrown, Inc.
(Wendy's) Site
Plan Review
9624 Lyndale Av.

Commercial development is proposed at 9624 Lyndale Avenue for a Wendy's Restaurant (FourCrown, Inc.). This parcel was formerly Beanie's Arcade and prior to that was a real estate office and liquor store.

The major (all-way) access to this parcel is via Aldrich Avenue. The developer is proposing to relocate that driveway to Aldrich a short distance northerly of the existing access which is recommended for approval. Presently there is a right turn only ingress driveway from southbound Lyndale to the parcel which is proposed to remain.

The developers plan proposes an additional right turn egress to southbound Lyndale Avenue. The driveway doesn't exist and should not be permitted. Center channelization exists on Lyndale Avenue. The subject site is only a 146 foot wide parcel. To maintain the "downtown Bloomington" image and to continue proper design in safety and operations, it has been the City's plan to minimize the number of driveway openings onto Lyndale Avenue; to serve multiple developments via common access such as the shopping center concept. Allowing another driveway to Lyndale would have a "firing range" effect for motorists traveling that roadway. Hazards increase with driveway frequency. The roadway operational integrity diminishes the street quality and pedestrian systems are unnecessarily downgraded.

It was noted that the McDonald's at France/Old Shakopee Road has no access to Old Shakopee Road; all of its access is provided via the driveway and circulation system to the Valley West Shopping Center, and it works very well. Also noted was the AmeriBank at Lyndale/Old Shakopee which has access only via the Clover Center driveways. That development dedicated the rights-of-way and followed the conceptual plan for downtown Bloomington of which it is a part.

Signalized intersections exist at 94th/Lyndale and 98th/Lyndale. Mr. Berg explained that conduit and pedestal bases have been in place since 1975 at the intersection of 96th/Lyndale in anticipation of future signalization. With all turn movements permitted at that intersection, access to and from the Wendy's site via 96th and Aldrich Avenue would create a smoother traffic flow; would accommodate on-site parking for seating in the restaurant and fit the recirculation system for customers to utilize the drive-up window.

Staff suggests that rights-of-way to 60 feet from center line of Lyndale Avenue, the standard for downtown Bloomington, be dedicated at this time. Also the landscape should be coordinated with the existing downtown Bloomington concept.

The Commission discussed merits for the recirculation principle being incorporated into the design and limiting the access to Lyndale Avenue to the one driveway which exists presently (southbound to westbound turn ingress) and utilizing 96th and Aldrich to serve Wendy's customers from northbound Bloomington and to conveniently accommodate all exiting destinations via 96th and Lyndale.

It was Comm. Meyer's opinion that this parcel of land is very small to accommodate this development. There was discussion regarding circulation and the need for delivery type trucks to maneuver within the parcel. Staff indicated the design will work. Modification of the site plan is critically important.

Chrm. Ruch recently visited the site and concurred that the recirculation principle is necessary and would recommend not adding an additional driveway from Lyndale Avenue; Comm. Adlin concurred that the recirculation is necessary to the development of this site.

A motion was made by Comm. Gibbs, seconded by Comm. Adlin, to recommend approval of the development plan with the following conditions:

- 1) incorporation of the recirculation driveway principle at the easterly edge of site;
- 2) elimination of the proposed second driveway to Lyndale Avenue;
- 3) dedication of rights-of-way to 60 feet from center line on Lyndale to fit the downtown Bloomington plan;
- 4) no on-street parking; and
- 5) provision of sidewalk and screening design on the Lyndale frontage of a design compatible with downtown Bloomington.

Motion passed with a vote of 4-1-0.

CONDITIONS OF THE FIRE AND LIFE SAFETY COMMITTEE

- ☒ 1) building(s) be totally sprinklered as approved by the Fire Marshal;
- ☒ 2) exterior lighting and building security plans be approved by the Police Chief;
- ☒ 3) fire lanes be posted as approved by the Fire Marshal;
- ☒ 4) disabled parking be provided with standard disabled signs; *with one req'd for a van.*
- ☒ 5) handicapped access be provided to the building;
- ☒ 6) utility plan with existing and proposed water mains and fire hydrants be at locations as approved by the Fire Marshal and Utilities Engineer;
- ☒ 7) traffic, circulation and parking plans be approved by the Traffic Engineer; *see note below*
- ☒ 8) enclosed trash facility(s) be provided in a designated area as approved by the Fire Marshal;
- ☒ 9) space must be provided for the collection, separation and temporary storage of recyclable materials within or adjacent to the building;
- _____ 10) any standby fuel provisions be as approved by the Fire Marshal;
- _____ 11) street names be in conformance with the standard street naming policy;
- _____ 12) temporary street signs and home addresses be provided during construction;
- ☒ 13) food service be as approved by the Environmental Services Division;
- ☒ 14) handicapped toilet facilities be provided;
- _____ 15) parking structures be built in conformance with open parking garage standards;
- _____ 16) further review by the FLSC prior to final site plans and building plans consideration;
- _____ 17) *Note: egress to Lyndale Ave on South side be closed off.*
- _____ 18) *ADDED NOTE FIRE Marshal spoke against shutting off the EXIT ON TO LYNDALE. There are concerns relating to pedestrian traffic crossing vehicle traffic as well as F.I. for emergency vehicles.*

The committee spoke against the T.T.C. recommendation
~~as to~~ requiring a internal recirculation pattern.

The committee is against having traffic recirculating
within the site ~~for~~ because of pedestrians. ~~traffic~~

PUBLIC WORKS DEPARTMENT REVIEW
Commercial, Industrial and Multiple Development

Name FOUR CROWNCase No. 8946 ABC 74Location 9624 LYNDALEScheduled for Planning Comm. 3/24/94

Return _____ By _____

I. ENGINEERING SERVICES -

INITIAL & DATE

Attach conditions of approval (with appropriate minutes),
connection charges, petitions, platting, etc.

Dedicate necessary R.O.W - 60' - & easements for streetscape
along Lyndale Ave
Attractions to Lyndale Ave as developer's expense

182 3/13/94
Date

II. TRAFFIC DIVISION -

Parking lot layout, curbscuts and other traffic items

The Plan as presented is Not acceptable with
Regard to two Very important matters:

- ① The only access to Lyndale Ave shall be the existing
SIB to WIB Right turn ingress to site there shall be NO additional curbscuts
- ② It is necessary that there be an on-site re-circulation to provide
driveway within the Pkg lot @ the East side of the Bldg.

Also the following conditions shall be included for the recommendations:

- ① Review on 3-10-94!
- ② Dedicate ROW to 60 ft. front along Lyndale
- ③ No on-street Pkg.
- ④ The applicant shall construct "Street Scope" in accordance with Downtown
3-16-94 Planning
Date Concept

III. UTILITIES DIVISION

Permits, Sewer Availability Charge, hydrant location, etc.

- Show location of valves. (The existing 6" water lateral possibly was frozen in 1982.)
- Comply with fire protection requirements of Fire & Life Safety Committee.
- Use of a 90° bend on the sanitary sewer line is not acceptable use 2-45° bends instead.
- Suggest installing a cleanout on the building side of the 45° bends for future maintenance.
- Install inspection manhole on San. sewer service at property line.
- Confer with Chief Utilities Inspector re: SAC charge

TRK 3-16-94
Date

Date

IV. ENGINEERING DIVISION -

1. Elevations and grading

- Provide Right of Way & Easements as noted above.
- ADD STORM SEWER TO RETAIN RUNOFF ON SITE AND ADJUST GRADES ON NORTHWEST CORNER ONLY
- ADD TRAP MANHOLE(S).
- Mirror Landscaping from East side of Lyndale with sod
in street widening area.
- Submit plan to 9th Precinct Watershed.
- Manholes required on San. sewer service @ approx property line.

(over)

3/16/94
Date



IV. ENGINEERING DIVISION Cont.

2. Drainage

PROPOSED PLAN MUST ADDRESS SECTION 10.50 OF CITY CODE REQUIRING PONDING. REUSE GRABES AT NW CORNER/ ARROY AND ADD CB TO PICK UP RUNOFF. LAST STORM SEWER STRUCTURE PRIOR TO CONNECTION TO PUBLIC SYSTEM MUST BE A TRAP MH, SHOW ELEVATION AND SEWAGE TREATMENT PLANT. NEED NINE MILE CREEK WDO GRADING PERMIT

SAT 16 MAR 94
Date

3. San. Sewer and Water

Date

4. City Engineer

Date

V. PUBLIC WORKS ADMINISTRATION -

1. Deputy Director

Date

2. Director

Date

* * *

ITEM: 2

CASE(S): 8946ABC-94
APPLICANT: FourCrown, Inc.
LOCATION: 9624 Lyndale Avenue
REQUEST: Variances to:

- A) Reduce landscaped yard from 20 feet to 9 feet (8946A-94)
- B) Increase the number of allowable signs from 2 signs to 4 signs (8946B-94)

Conditional use permit and final site plan and building plans for a freestanding restaurant (8946C-94)

COMMISSIONERS PRESENT: Chair Schneider, Napier, Delegard, Pearson, Mahowald and Bump.

COMMISSIONERS ABSENT: Thorson.

STAFF PRESENT: Hawbaker and Schultz.

APPEARING FOR THE APPLICANT:

Dan Opitz, FourCrown, St. Paul
Mike Givens, FourCrown, St. Paul

SPEAKING FROM THE PUBLIC:

No one.

DISCUSSION BY THE COMMISSION:

Hawbaker presented the staff report recommending approval of the following: (A) approval of a variance to reduce the landscape yard from 20 feet to nine feet along Aldrich Avenue as shown in plans (8946A-94); (B) approval of a variance to increase the number of signs from two to four with two conditions (8946B-94); and (C) approval of a conditional use permit and final site plan and building plans (8946C-94) with 10 conditions and seven Code requirements being satisfied prior to the issuance of any grading or building permits.

Schneider told the Commission that a memo was submitted by Lyle Berg, Traffic Engineer. There was a three minute recess while the Commissioners read the memo. Hawbaker explained the main points made by Lyle Berg in the memo:

- 1) Incorporation of a recirculation driveway at the easterly edge of the site;
- 2) Eliminate second proposed driveway (the southerly drive) to Lyndale Avenue;
- 3) Dedication of rights-of-way to 60 feet from centerline on Lyndale Avenue;
- 4) No on-street parking be permitted; and
- 5) Provision of sidewalk and screening design on the Lyndale frontage compatible with the Oxboro area redevelopment.

Hawbaker explained that the Traffic and Transportation Engineer and the Traffic and Transportation Advisory Committee had reviewed the plan and recommended that the southerly driveway shown on the proposed plan be eliminated. A driveway would have to be constructed to allow traffic leaving the drive-up window, which is on the south side of the building, to turn northerly in front of the restaurant, then drive west to exit on Aldrich Avenue. The single driveway allowed on Lyndale Avenue would be a right-turn entrance only. No traffic would be allowed to exit from the restaurant to Lyndale Avenue. He explained that the Fire and Life Safety Committee had reviewed this proposal and the Fire Marshal objected to the single driveway concept. Fire and emergency vehicles would have a difficult time using the recommended recirculation drive.

Hawbaker said that since the property is currently platted in a lot and block description, there would be no rights-of-way dedication with this development. However, in accordance with the Code

requirements, the building is being set back from the future widened rights-of-way line, which is 60 feet from the centerline of Lyndale Avenue.

He noted that the applicant is not proposing on-street parking, and that the parking shown on the site plan meets the ordinance requirements. Parking would be reduced if the recirculation drive were added.

Bump questioned the use of a recirculation drive by fire trucks. Hawbaker said that once the fire trucks get on the south side, they will not be able to recirculate due to the tight radius of such a drive. They would have to drive over the curb to get back onto Lyndale Avenue if there were no driveway.

Mahowald was concerned about this plan fitting in with the "Downtown Bloomington" plan. He suggested a recirculation drive designed to accommodate emergency vehicles. Hawbaker said this would involve paving much of the landscaped yard area.

Opitz said their main concern is the requested recirculation drive. People entering the site from Lyndale would have to cut across traffic exiting the recirculation lane, and larger vehicles would probably not be able to get out.

Mahowald mentioned that the building is below the minimum square feet required. Opitz said they would add on to the trash area. Hawbaker said they would probably add on to the dry storage area also.

Pearson asked if it was a problem to cut down 10 square feet of signage to 188 square feet. Opitz said it was no problem.

Givens also commented on the requested recirculation drive. He fears this will be a danger to drivers on Lyndale Avenue because traffic will back up on Lyndale Avenue. He said the ingress and egress movements already exist on the Lyndale frontage.

Schneider feels that sight lines would be blocked if the entry/exit were together. The drive-thru will also back-up, causing recirculation problems. He feels a separate ingress and egress would be most efficient.

ACTIONS OF THE COMMISSION:

M/Delegard , S/Napier : To close the hearing. Motion carried 6 - 0.

M/Delegard , S/Napier : Having reviewed the Findings in Section 2.98.01(b)(3)(A),(B),(C) and (D), in Case 8946A-94 to recommend approval of a variance to reduce the landscape yard from 20 feet to nine feet along Aldrich Avenue. Motion carried 6 - 0.

M/Delegard , S/Pearson : Having reviewed the Findings in Section 2.98.01(b)(3)(A),(B),(C),(D) and (E)(iii), in Case 8946B-94 to recommend approval of a variance to increase the number of signs from two to four with two conditions. Motion carried 6 - 0.

M/Delegard , S/Mahowald : Having reviewed the Findings in Section 19.22(7)(A),(B),(C),(D),(G) and (H) and Section 19.40.12(d)(1)-(5), in Case 8946C-94 to recommend approval of a conditional use permit and final site plan and building plans with 10 conditions and seven Code requirements being satisfied prior to the issuance of any grading or building permits. Motion carried 6 - 0.

CONDITIONS OF APPROVAL RECOMMENDED BY THE COMMISSION:

In Case 8946B-94, increase the number of allowable signs from 2 signs to 4 signs:

- 1) Total aggregate signage area not exceed the maximum allowed by Code (188 square feet); and,
- 2) Signage package consist of three wall signs and one monument sign.

In Case 8946C-94, conditional use permit and final site plan and building plans for a freestanding restaurant:

- 1) Exterior building materials be approved by the Planning Manager;
- 2) An interior trash storage room be provided as approved by the Manager of Environmental Services;
- 3) Grading, drainage, utility and erosion control plans be approved by the City Engineer;
- 4) A SAC questionnaire be completed and submitted to the Department of Public Works;
- 5) Access, circulation and parking plans be approved by the City Traffic Engineer consistent with the approved site plan;
- 6) Exterior lighting plan and building security plans be approved by the Chief of Police;
- 7) Erosion control measures be in place prior to issuance of grading permits;

and subject to the following additional conditions of approval:

- 8) Alterations to utilities be at the developer's expense;
- 9) Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal;
- 10) Building area not be less than 4,000 square feet with final coverage layout to be approved by the Planning Manager;

and subject to the following Code requirements:

- 1) Landscape plan including Oxboro Redevelopment Area streetscape improvements be approved by the Planning Manager (Sec 19.52);
- 2) All rooftop equipment be fully screened (Sec. 19.52.01);
- 3) Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
- 4) Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn Bldg. Code 3802; Uniform Fire Code Ch 10.306);
- 5) Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (Sec. 6.20, Uniform Fire Code Ch. 10.301-C);
- 6) Food service plans be approved by the Environmental Services Division (Sec. 14.360); and,
- 7) Fire lanes be posted as approved by the Fire Marshal (Sec. 8.73).

* * *

MINUTES

M/Napier , S/Delegard : To approve the minutes of February 10, 1994. Motion carried 4 - 0.

M/Napier , S/Delegard : To approve the minutes of February 17, 1994. Motion carried 5 - 0.

M/Napier , S/Delegard : To approve the minutes of March 10, 1994. Motion carried 5 - 0.

M/Delegard , S/Pearson : To approve the minutes of March 17, 1994. Motion carried 5 - 0.

Prepared By: JS Reviewed By: BA

Approved By Planning Commission: 4/14/94

Hearing Preliminary &
Final Plat Approval for
Walmart Addition
Case 9951A-94
Item 4.7
R-94-43

The Council was requested by Walmart Inc. to approve the preliminary and final plat of Walmart Addition, located at 715 East 78th Street. The plat is submitted to change metes and bounds descriptions to lot and block, for construction of a Walmart store. At its March 22 meeting, the Administrative Subdivision Review Committee recommended approval of the plat, subject to the following conditions:

1. Grading, drainage, utility and erosion control plans to be approved by the City Engineer.
2. Provide standard 10' concurrent sidewalk, bikeway, drainage and utility easements along East 79th Street and Chicago Avenue.
3. Provide a cross-access agreement with property to the west.
4. Park dedication in cash to be in accordance with the approved Development Agreement.
5. Connection charges to be satisfied prior to sewer and water connection.
6. NURP requirement to be satisfied in cash.

Following discussion, motion was made by Houle, seconded by Peterson, and all voting aye, to approve the preliminary and final plat, based on compliance with the conditions set forth by the A.S.R.C., adopt a resolution granting final approval, and approve the subdivision agreement, subject to a review of the title by the City Attorney and receipt of the necessary documents and deposits.

Variances, Conditional
Use and Final Site Plan
and Building Plans for a
Restaurant at 9624
Lyndale Avenue
Case 8946ABC-94
Item 5.1ABC
R-94-39

The Council was requested by the City Planning Manager to postpone to later in the meeting consideration of variances to reduce landscaped yard from 20 feet to 9 feet and increase the number of allowable signs from 2 signs to 4 signs, and approval of a conditional use permit and final site plan and building plans for a freestanding restaurant at 9624 Lyndale Avenue. The Planning Manager said a postponement would allow the parties to resolve an issue concerning a right-of-way.

The Council granted a postponement of this item to later in the evening.

Resolution Approving
Amendments to
Indenture of Trust
Item 4.10
R-94-38

The Council was requested to consider adoption of a resolution approving amendments to the Indentures of Trust between the City and First Trust National Association with regard to Multifamily Housing Revenue Refunding Bonds (Hampshire Apartments Project Series A and Series B). The City has been asked to approve a Third Supplemental Indenture of Trust to correct an error in the 1991 Indenture and a First Supplemental to Amended and Restated Indenture of Trust to correct an error in the 1986 Indenture. The interest rates for the two series of tax-exempt bonds are adjusted each Wednesday, effective Thursday, but the Indentures inadvertently describe a Tuesday adjustment, effective Wednesday.

Following discussion, motion was made by Lenczewski, seconded by Heintzeman, and all voting aye, to adopt a resolution approving amendments to the Indentures of Trust.

Resolution Approving
Plans and Specifications
and Agreements with
MN/DOT, Hennepin
County and Richfield re:
Penn Avenue - 75th-81st
Project
Item 4.11
R-94-34

The Council was requested to consider adoption of a resolution approving the plans and specifications for Hennepin County Project 8334, County State Aid Highway No. 32, approve the Cooperative Construction Agreement No. PW 52-19-93 and approve Minnesota Transportation Department Traffic Control Signal Agreement No 71587. Council was also requested to approve funding for the project.

Hennepin County Project 8334 allows for improvements on County State Aid Highway No. 32 (Penn Avenue) from approximately West 75th Street to West 81st Street. The plans also include those portions of West 76th Street from Sheridan Avenue South to 60 feet east of Newton Avenue South and West 80th Street from 400 feet west to 500 feet east of Penn Avenue South.

Agreement No. PW 52-19-93 is with Hennepin County and the City of Richfield regarding the cost sharing for this project, and Agreement No. 71587 is with the State of Minnesota Department of Transportation, Hennepin County and the City of Richfield.

The total cost of the project is estimated to be in excess of \$5,000,000, and Bloomington's share of this cost is estimated at \$1,038,622.44. The City's portion will be paid from Utility and Street Maintenance funds (Nos. 7600, 8100, 8200 and 8300) and State Aid.

~~Peterson withdrew his motion. A motion was made by Wilcox, seconded by Henry, and all voting aye, to send the mobile sales component back to staff to draft language that will allow moveable sales within a licensed establishment, but not allow sales from a mobile vehicle.~~

~~Dr. Renner expressed his disappointment in the Council's actions; he felt the Council was given adequate information to take action to stop one of the leading causes of death. He further stated he felt the Mayor led the Council in some arguments.~~

~~Steve Mosow addressed the Council as the vice chair of MedCenters Board of Directors and a member of the executive committee of Health Partners Board of Directors. He said the issue is economics -- for the City and business owners. Everyone suffers the economic consequence of smoking and the City is faced with making tough decisions about the public health and economy. Health care costs are too high and something has to be done; a bold step needs to be taken on youth access to tobacco products. This ordinance is trying to stop one of the most serious health problems, one of the most significant causes of death in this country, and unless youth is affected, the problem won't be solved.~~

~~Peterson responded that it is his job to give leadership to Council. The City does not have the resources to do everything in the form of policing for behavior.~~

~~Henry asked if it would be feasible to tie into the license process the requirement that those applying must show proof that they provide employee training. The City Manager said staff would look into this.~~

Variances, Conditional
Use and Final Site Plan
and Building Plans -
9624 Lyndale Avenue
Case 8946ABC-94
Item 5.1ABC
R-94-39

The Council was requested by FourCrown, Inc. to approve variances to reduce a landscaped yard, and increase the number of allowable signs. Council was also requested to approve a conditional use permit and final site plan and building plans for a freestanding Wendy's Restaurant at 9624 Lyndale Avenue.

At its March 24 meeting, the Planning Commission recommended approval of a variance to reduce the landscape yard from 20 feet to 9 feet along Aldrich Avenue as shown in the plans. At this same meeting, the Planning Commission recommended approval of a variance to increase the number of signs from two to four subject to the following conditions:

1. Total aggregate signage area not exceed the maximum allowed by Code (188 square feet).
2. Signage package consist of three wall signs and one monument sign.

The Planning Commission, at its March 24 meeting, also recommended approval of a conditional use permit and final site plan and building plans for a freestanding restaurant subject to the following conditions being satisfied prior to the issuance of any grading or building permits:

1. Exterior building materials be approved by the Planning Manager.
2. An interior trash storage room be provided as approved by the Manager of Environmental Services.
3. Grading, drainage, utility and erosion control plans be approved by the City Engineer.
4. A SAC questionnaire be completed and submitted to the Department of Public Works.
5. Access, circulation and parking plans be approved by the City Traffic Engineer consistent with the approved site plan.
6. Exterior lighting plan and building security plans be approved by the Chief of Police.
7. Erosion control measures be in place prior to issuance of grading permits.
8. Alterations to utilities be at the developer's expense.
9. Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal.
10. Building area not be less than 4,000 square feet with final coverage layout to be approved by the Planning Manager.

and subject to the following Code requirements:

1. Landscape plan including Oxboro Redevelopment Area streetscape improvements be approved by the Planning Manager.
2. All rooftop equipment be fully screened.
3. Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands.
4. Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal.
5. Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer.
6. Food service plans be approved by the Environmental Services Division.
7. Fire lanes be posted as approved by the Fire Marshal.

The Planning Manager informed the Council that the applicant, City Traffic Engineer and Public Works Department had come to an agreement on inclusion of a re-circulation drive through the center of the property, and the addition of a right-turn out driveway onto Lyndale Avenue. Condition of approval 5 was amended to include these changes:

5. Revised access, circulation and parking plans incorporating a re-circulation drive in addition to the right-turn out only access to Lyndale Avenue be approved administratively by the Planning Manager and the City Traffic Engineer. Any variances resulting from administrative requirements or revisions may be processed as administrative variances.

An additional issue agreed upon by the developer, Public Works and Planning staff was dedication of additional right-of-way off Lyndale Avenue. An additional 20 feet of land has been dedicated to the City and the addition of condition 11 covers this:

11. Dedicate rights-of-way to 60 feet from the center line of Lyndale Avenue.

Motion was made by Lenczewski, seconded by Ramthun, to adopt a resolution approving the variances, and approve the conditional use permit, and final site plan and building plans, based on compliance with the amended conditions and Code requirements set forth by the Planning Commission. There was no immediate vote because of further discussion.

Wilcox expressed concern over the re-circulation drive and the number of parking spaces given up because of this.

The vote was called on the motion. All voted aye and the motion carried 7 - 0.

Appointment to Senior Citizens Advisory Commission Item 3.1	The Council was requested to accept nominations and consider appointment to the Senior Citizens Advisory Commission to fill an unexpired term ending 12/31/95 due to the resignation of Jean Bosanco. No applications are on file for this commission. No action was taken on this item.
Appointment to Traffic & Transportation Advisory Commission Item 3.2	The Council was requested to accept nominations and consider appointment to the Traffic & Transportation Advisory Commission to fill an unexpired term ending 12/31/95 due to the resignation of Diane Bump. Houle placed in nomination E. Joseph Campo. Following discussion, motion was made by Houle, seconded by Peterson, and all voting aye, to accept the above nomination and postpone confirmation of appointment to the April 18 meeting.
Appointment to Human Rights Commission Item 3.3	The Council was requested to accept nominations and consider appointment to the Human Rights Commission for an unexpired term ending 12/31/95 due to the resignation of Bob Thomas. Houle placed in nomination: Bill Blom, Larry Haqq, John Hunt, Gail Lewis-Miller, Cheryl Lund, Vince Riehm, Lori Sathre, Steve Westrum and Haziell Matias. Following discussion, motion was made by Houle, seconded by Lenczewski, and all voting aye, to accept the above nominations and postpone confirmation of appointment to the April 18 meeting.
Appointment to Port Authority Item 3.4	The Council was requested to accept nominations and make an appointment to the Bloomington Port Authority to fill a vacant term expiring 6/13/94. No action was taken on this item.

April 6, 1994

Dan Opitz
FourCrown, Inc.
445 Etna Street, Suite 56
St. Paul, Minnesota 55106

RE: Case 8946ABC-94

Dear Mr. Opitz:

At its regular meeting of April 4, 1994, the City Council approved a variance to reduce a landscaped yard from 20 feet to 9 feet along Aldrich Avenue.

At the same meeting the City Council approved a variance to increase the number of allowable signs from 2 to 4 signs at 9624 Lyndale Avenue, subject to the following conditions:

- 1) Total aggregate signage area not exceed the maximum allowed by Code (188 square feet); and,
- 2) Signage package consist of three wall signs and one monument sign.

Also, at the April 4, 1994, the City Council approved a conditional use permit and final site plan and building plans for a freestanding restaurant at 9624 Lyndale Avenue, subject to the following conditions being satisfied prior to the issuance of any grading or building permits:

- 1) Exterior building materials be approved by the Planning Manager;
- 2) An interior trash storage room be provided as approved by the Manager of Environmental Services;
- 3) Grading, drainage, utility and erosion control plans be approved by the City Engineer;
- 4) A SAC questionnaire be completed and submitted to the Department of Public Works;
- 5) Revised access, circulation and parking plans incorporating a re-circulation drive in addition to the right-turn out only access to Lyndale Avenue be approved administratively by the Planning Manager and the City Traffic Engineer. Any variances resulting from administrative requirements or revisions may be processed as administrative variances;
- 6) Exterior lighting plan and building security plans be approved by the Chief of Police;
- 7) Erosion control measures be in place prior to issuance of grading permits;
- 8) Alterations to utilities be at the developer's expense;
- 9) Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal;
- 10) Building area not be less than 4,000 square feet with final coverage layout to be approved by the Planning Manager;
- 11) Dedicate rights-of-way to 60 feet from the centerline of Lyndale Avenue;

and subject to the following Code requirements:

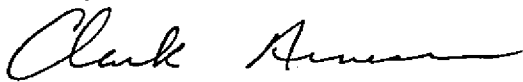
- 1) Landscape plan including Oxboro Redevelopment Area streetscape improvements be approved by the Planning Manager (Sec 19.52);
- 2) All rooftop equipment be fully screened (Sec. 19.52.01);
- 3) Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
- 4) Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (Mn Bldg Code 3802; Uniform Fire Code Ch 10.306);

Dan Opitz
April 6, 1994
Page Two

- 5) Utility plan showing location of existing and proposed water main and fire hydrant locations be approved by the Fire Marshal and Utilities Engineer (Sec. 6.20, Uniform Fire Code Ch. 10.301-C);
- 6) Food service plans be approved by the Environmental Services Division (Sec. 14.360); and
- 7) Fire lanes be posted as approved by the Fire Marshal (Sec. 8.73).

Should you have any questions regarding this action, please contact Robert Sharlin at (612) 887-9636.

Sincerely,



Clark Arneson
Planning Manager

L8946.doc

8946 ABC 94