

GENERAL INFORMATION

Applicant G&I IX Bloomington LLC (Owner)
Tom Kendall (Applicant)

Location 7801 E Bush Lake Road

Request Variance to reduce the front yard setback from 20 feet to 8.6 feet for a freestanding sign

Existing Land Use and Zoning: Office Building; zoned Commercial Office 1.0 (CO-1)

Surrounding Land Use and Zoning: North – City of Edina
South and East – Office Buildings; zoned CO-1
West – Railroad corridor/Place of Assembly; zoned I-2(PD)

Comprehensive Plan Designation: Office (OFC)

HISTORY

City Council Action: 02/23/81 – Approved a variance for a freestanding sign (Case 8814A-81). NOTE – This sign will be removed.

CHRONOLOGY

Hearing Examiner 09/18/2023 – Public Hearing held, recommends approval

City Council 09/25/2023 – Consent Agenda

DEADLINE FOR AGENCY ACTION

Application Date: 08/25/2023
60 Days: 10/24/2023
Extension Letter Mailed: No
120 Days: 12/23/2023
Applicable Deadline: 10/24/2023
Newspaper Notification: Confirmed – (09/07/23 Sun Current – 10 day notice)
Direct Mail Notification: Confirmed – (200 ft. buffer – 10 day notice)

STAFF CONTACT

Emily Hestbech, Planning Technician
Phone: 952-563-4507 E-mail: ehestbech@BloomingtonMN.gov

PROPOSAL

The applicant is proposing a front yard setback variance for a freestanding sign. The multi-tenant office building was built in 1979 with a Code complying 20-foot yard area. An easement for street purposes (Document No. 1338653) in favor of the City of Bloomington reduced the yard area to 8.6 feet. The applicant requests a reduced setback from 20 feet to 8.6 feet due to the expansion of East Bush Lake Road and the reduced setback distance available to place the sign. The proposed sign placement increases building entrance visibility for those exiting Interstate 494.

PROPERTY HISTORY

The building was built in 1979. In 1981, the City Council approved a variance for a sign setback at the corner of West 78th Street and East Bush Lake Road. The approval was conditioned that the sign face must not exceed 24 square feet, the sign height must not exceed six feet, only one other wall sign is allowed, and reserved handicapped parking spaces be provided. The sign dimensions were restricted to that requested. This sign will be removed, subject to approval of the requested variance for a new sign.

ANALYSIS

East Bush Lake Road is a four-lane A Minor Reliever Road. The primary site access is a right-in/right-out shared access approximately 300 feet north of the Interstate 494 exit. The current sign, located at the corner of West 78th Street and East Bush Lake Road, is approximately 300 feet north of the access. The applicant requests moving the sign to increase the visibility for northbound traffic and guide them to the primary entrance point. The only Code complying option for a sign at that location would be a sign with a 53-foot setback due to the existing access aisles. Given the right-of-way acquisition and existing shared access, staff supports the requested 8.6-foot setback for a freestanding sign.

Required Variance Findings – Section 2.85.04(g)(1)(A-F)

Zoning variances may only be approved when:

Required Finding	Finding Outcome/Discussion
(A) ... The variance is in harmony with the general purposes and intent of the ordinance.	Finding Made – The City Code recommends appropriate setbacks for orderly and safe development of the City. Freestanding sign setbacks are intended to provide adequate separation between streets and signage. The proposed sign location equals the parking lot setback along East Bush Lake Road. Approving a variance to allow a sign with adequate visibility for the public at a permitted location prior to right-of-way taking is in harmony with the general purpose and intent of the Ordinance.

(B) ... The variance is consistent with the Comprehensive Plan.	Finding Made – Granting a setback variance for the proposed sign is consistent with the Comprehensive Plan because ground signs are customarily incidental structures permitted in the Comprehensive Plan.
(C) ... The applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute practical difficulties	Finding Made – Taking additional right-of-way created practical difficulties for sign placement. Placing the sign at the compliant setback would decrease visibility and be within a drive aisle, creating the practical difficulty in complying with the Zoning Ordinance.
(D) ... The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.	Finding Made – Given the practical difficulties, the proposed 8.6-foot setback is reasonable. The reduced setback relocates the sign for enhanced wayfinding from East Bush Lake Road. The proposed setback provides adequate separation between the street and the sign.
(E) ... The plight of the landowner is due to circumstances unique to the property not created by the landowner.	Finding Made – The setback is equal to the parking lot and would have been permitted if additional right-of-way had not been acquired. The landowner did not create the issues.
(F) ... The variance if granted will not alter the essential character of the locality.	Finding Made – The variance will not alter the essential character of the locality. The sign is essential and common for large office buildings and is a reasonable request.

Required Variance Findings – Section 2.85.04(g)(3)(A-D)

Sign placement variances may only be approved when:

Required Finding	Finding Outcome/Discussion
(A) ... The placement of the sign will not be at a location which will have an adverse effect in appearance, height or location on neighboring properties.	Finding Made - The proposed sign is adjacent to A Minor Reliever roadway and approximately 300 feet from the Interstate exit. The sign is not of a size and scale to negatively impact neighboring properties.
(B) ... 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.	Finding Made – The sign location is equal to that of the parking lot, which is legally non-conforming due to the right-of-way expansion. The sign placement will significantly enhance wayfinding to the building, and the sign's character is similar to other Code complying locations, even with the parking lot.
(C) ... Strict compliance with the provision of Chapter 19 or 21 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.	Finding Made - Placing the sign at the 20-foot setback would block an access driveway to the site. The only alternative is to locate the sign approximately 40 feet east of the right-of-way, which will not be visible to the public. The reduced setback of the sign would make the sign more visible to traffic and those visiting the property.

<p>(D) ... 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 or 21 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.</p>	<p>Finding Made - The site's physical conditions caused by the right-of-way expansion would not allow a reasonable sign without the variance.</p>
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RECOMMENDATION

The Hearing Examiner and Staff recommend approval through the following motion:

Motion made by ____, seconded by ____, in Case #PL2023-148, I move to adopt a resolution approving a Variance to reduce the front yard setback from 20 feet to 8.6 feet for a freestanding sign at 7801 E Bush Lake Road.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL202300148

Project Description: Variance to reduce the front yard setback from 20 feet to 8.6 feet for a freestanding sign

Address: 7801 E BUSH LAKE RD

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. A sign permit is required and signs must be in compliance with the requirements of Chapter 19, Article X of the City Code.
2. The sign setback must be as shown on the approved plans in Case File # 2023-148.