

April 1, 2026

Nick Johnson
Planning Manager
City of Bloomington
1800 West Old Shakopee Road
Bloomington, MN 55431

Via Portal

Re: Southtown Shopping Center – Sign Variance Narrative

Dear Mr. Johnson,

Our firm represents Kraus-Anderson, Incorporated (the “Applicant”), the owner of Southtown Shopping Center, located in Bloomington, Minnesota (the “Property”). The Property contains a long-standing freestanding pylon sign that has historically provided visibility and wayfinding for the shopping center from Interstate 494. While the sign was lawfully established, it is considered a legal nonconforming structure under the City’s current sign regulations.

As part of ongoing redevelopment and site improvements at Southtown Shopping Center, including the Dick’s House of Sport redevelopment project, the existing pylon sign must be removed and reconstructed. The proposed sign is intended to maintain the same overall height and sign area as the existing sign in order to preserve its established visibility and function. Due to current site constraints and changes to surrounding infrastructure, the reconstructed sign cannot fully comply with current sign area and setback requirements and serve its intended purpose of providing visibility and wayfinding for customers. Accordingly, the Applicant is seeking two variances:

- 1) A sign area variance to allow a freestanding pylon sign with approximately 245 square feet of sign area where 200 square feet is otherwise permitted; and
- 2) A sign setback variance to allow a reduced side-yard setback of 10 feet where a 20-foot setback is otherwise required.

Property and Sign Description

The Property is zoned Freeway Commercial Center (C-3) and is located within the Class III Sign District. The existing pylon sign is approximately 44.2 feet in height and contains approximately 245 square feet of sign area. Although it exceeds current dimensional standards, the sign has long functioned as a primary visibility and wayfinding feature for the shopping center and the surrounding freeway-oriented commercial area.

Redevelopment of the site requires the sign to be relocated and reconstructed to accommodate changes in site circulation and infrastructure. Visibility has also been affected by recent MnDOT improvements along I-494, including new retaining and noise walls permitted to reach heights of up to 20 feet. The proposed replacement sign is designed to preserve the established height and sign area necessary for legibility at highway speeds. Due to site configuration and

redevelopment constraints, the proposed location requires a reduced side-yard setback. As a result, variances related to sign area and setback are required.

Practical Difficulties Standard

Before we review compliance with the required City Code findings, it may be helpful to address changes to state law regarding the threshold for granting a variance. The most important change was the Legislature's replacement of the former "undue hardship" standard with "practical difficulties." Before 2011, the old "undue hardship" test had been interpreted by some courts to require near-deprivation of all reasonable use. Said another way, if strict compliance with dimensional requirements was possible somewhere on the property, then the applicant could not show "undue hardship". In changing to "practical difficulties" as the standard, the legislature intentionally lowered the threshold from confiscatory hardship to reasonableness, while still limiting discretion through required findings. Now, the test is whether the applicant's proposal is reasonable in light of the circumstances and whether it alters the essential character of the locality.

Sign Variance Findings

Pursuant to Section 21.304.24 of the Bloomington City Code, the Planning Commission may grant a sign variance only if the required findings are met. As demonstrated below, the requested variances satisfy each applicable criterion.

- 1) *The variance is in harmony with the general purposes and intent of the sign code and other applicable sections of the city code.*

The proposed sign and requested variance are consistent with the purpose and intent of the City's sign code. The sign is designed to provide clear and orderly communication while protecting public health, safety, welfare, and the physical environment. As proposed, the sign does not create traffic or pedestrian hazards, does not contribute to visual clutter or excessive sign display, and is compatible with the surrounding development pattern. A larger format is required for the sign to be read at highway speeds, supporting the request for a larger total area, due to the proximity to several highways. The sign's design, scale, and placement are integrated with the site and nearby structures, preserve the appearance of the area, and safeguard adjacent property values. Considered together, the variances allow reconstruction of a long-standing sign in a manner that respects both the regulatory framework and the practical realities of the site.

- 2) *The variance is consistent with the Comprehensive Plan.*

The requested variances are consistent with the Forward 2040 Comprehensive Plan's emphasis on reinvestment, redevelopment, and support for established commercial centers, particularly those serving a regional market and located near major transportation corridors. The Property functions as a freeway-oriented commercial destination, where visibility and legibility are critical to its continued viability. Retaining the existing sign area supports the continued economic function of the site, while the reduced setback reflects evolving site design and infrastructure conditions associated with redevelopment. Together, the variances advance the Plan's goals of supporting commercial reinvestment without introducing new intensity or land use impacts.

- 3) *The applicant for the variance establishes that there are practical difficulties in complying with the sign code, and strict compliance with the sign code would deprive the applicant of a reasonable use of a sign, consistent with the purpose of the sign. Economic considerations alone do not constitute practical difficulties.*

Strict application of the sign code would impose practical difficulties by preventing reasonable use of the Property in light of its unique highway-oriented context, redevelopment constraints, and established sign function. Under Minnesota law, practical difficulties exist when (1) the property owner proposes to use the property in a reasonable manner not permitted by an official control, (2) the plight of the landowner is due to circumstances unique to the property not created by the landowner, and (3) the variance, if granted, will not alter the essential character of the locality. Each of these elements are satisfied here. The Property is located at the intersection of I-35W and I-494, and relies on a pylon sign designed to be legible at highway speeds and distances. Recent roadway improvements constructed by MNDOT, including new retaining walls along I-494 with up to 20 feet in height, have materially reduced the visibility of the existing sign, and requiring a new sign be constructed closer to the highway for improved visibility.

The requested variances reflect a reasonable use of the Property that accounts for physical and operational constraints created by the site layout and redevelopment, not a preference for a particular location or configuration. Pushing the sign back to meet the 20-foot setback requirement would interfere with internal site circulation, curb clearance, and loading operations, and would place the sign in a position that undermines visibility and legibility for highway traffic. The proposed sign location represents the only viable placement on the site. Alternative locations to the west are not feasible due to visibility obstructions caused by the existing Kohl's building. Relocating the sign further east is similarly impractical, as that portion of the site remains undeveloped and positioning the sign in that area would interfere with future development plans for the Property. Reducing the sign area to meet current standards would further compound these limitations by rendering the sign ineffective at highway speeds, contrary to accepted traffic-safety and visibility principles applicable to signs serving regional and state roadways.

These practical difficulties are not self-created. The existing sign predates current regulations and is legally nonconforming. Its relocation is necessitated by a broader redevelopment of the site and public infrastructure changes rather than by any discretionary action of the applicant. The circumstances giving rise to the variance request are unique to this Property and were not created by the landowner. The variance request represents the minimum deviation necessary to maintain the long-standing sign function while avoiding additional visual clutter, increased height, or new sign locations elsewhere on the site. Granting the requested variances will not alter the essential character of the locality; instead, it will preserve the established scale and function of a sign that has served this site for decades, support orderly communication for motorists, and avoid the need for a more intrusive or less safe alternative configuration.

- 4) *The property owner proposes to use the sign in a reasonable manner not permitted by the sign code or other applicable sections of the city code.*

The proposed sign represents a reasonable use of the Property that is not otherwise permitted under the sign code. Southtown Shopping Center draws patrons from a broad area and relies on the pylon sign to clearly communicate the center's location and access to motorists traveling at highway speeds. In this context, maintaining a sign of sufficient size and visibility to direct

traffic safely and predictably to the site is a reasonable and customary use of signage for a development of this scale and function.

Application of current dimensional standards in a manner that significantly reduces visibility or legibility would impair the sign's ability to serve this necessary wayfinding purpose. The proposal does not intensify signage or introduce a new use, but preserves an established, functional sign that continues to guide the public to an existing regional destination consistent with the character and use of the property and surrounding properties.

- 5) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

The property is subject to unique circumstances related to its location adjacent to two major highway corridors and its role as a regional access point serving multiple tenants. The site's configuration, proximity to the I-494 and I-35W interchanges, and changes to internal site layout resulting from MNDOT redevelopment and public infrastructure redesign require the pylon sign to be positioned and sized to be visible to motorists approaching at highway speeds and making advanced lane and access decisions. Maintaining the existing sign area and a reduced setback is necessary to account for these conditions and to ensure the sign remains legible and effective within the compressed decision-making environment created by the interchange geometry and access pattern.

- 6) *The variance, if granted, will not alter the essential character of the locality, or deter or negatively affect the traveling public on roads or highways adjacent to the sign.*

The proposed sign will not alter the essential character of the locality or result in adverse impacts to surrounding properties. The sign maintains an established scale, height, and area that has long existed and does not introduce additional signage, increased height, or new visual intrusion. The sign's visibility from the highway is balanced by its placement along an internal circulator road, rather than a main arterial, which limits direct exposure to local traffic and nearby properties. As proposed, the sign remains compatible with surrounding development patterns and continues to function as an integrated site-identification feature without creating visual clutter or traffic concerns.

Conclusion

The requested sign area and setback variances are necessary to allow reconstruction of a long-standing, legally established pylon sign that has historically provided visibility and wayfinding for Southtown Shopping Center from Interstate highways 494 and 35W. Redevelopment of the site, together with changes to surrounding roadway infrastructure and visibility conditions, requires the sign to be relocated and rebuilt, and strict compliance with current sign standards would either prevent reconstruction or significantly impair the sign's ability to function as intended for a freeway-oriented commercial center. The proposed variances allow the sign to maintain its established height, area, and visibility while accommodating current site constraints, without introducing additional signage, increasing intensity, or altering the character of the area.

For the reasons stated above, the requested sign variances satisfy all applicable findings under the Bloomington City Code. These approvals will allow continued reinvestment in the Property while maintaining safe, orderly, and effective communication for the traveling public.

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We respectfully request approval of the requested sign variances.

Sincerely,

A handwritten signature in blue ink, appearing to read "W.C. Griffith".

William C. Griffith, for
Larkin Hoffman

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