

GENERAL INFORMATION

Applicant: Alidade Cedar I, LLC (owner)
CBRE Asset Services (applicant)

Location: 1701 American Boulevard East

Request: A variance to reduce the front yard setback from the planned widened right-of-way from 20 feet to 10 feet for a freestanding sign.

Existing Land Use and Zoning: Freeway Development (Airport Runway); zoned FD-1 (AR-22)

Surrounding Land Use and Zoning: North and west – Hotel; zoned FD-1 (AR-22)(PD)
East – Office, zoned FD-1
South – Multi-family residential; zoned R-4 (AR-22)

Comprehensive Plan Designation: Office

HISTORY

City Council Action: 12/02/02 - Approved a variance to reduce the front setback of a freestanding sign from the planned widened right-of-way line from 20 feet to 10 feet (Case 8810A-02).

CHRONOLOGY

Hearing Examiner action: 10/18/16 – Recommend approval of a variance with conditions.

City Council agenda: 10/24/16 – Scheduled review (consent agenda)

PROPOSAL

This applicant is requesting a variance to reduce the required setback from the planned widened right-of-way from 20 feet to 10 feet along American Boulevard East for a freestanding sign. A variance was granted in 2002 for a similar request. The applicant is requesting to relocate the sign to the entrance drive island and will provide the same setback as the existing sign. The monument sign is 12 feet tall and would be placed perpendicular to American Boulevard.

ANALYSIS

The planned widened right-of-way on American Boulevard is 60 feet from centerline. Currently, the American Boulevard half right-of-way is only 35 feet from the centerline to the south. The planned right-of-way would extend 25 feet to the south. The City Code requires a sign be setback 20 feet from the planned widened right-of-way. The proposed sign would have to be setback 45 feet from the existing property line to be Code compliant.

The existing sign is located 35 feet from the property line and 10 feet from the planned widened right-of-way. The sign is parallel to American Boulevard and is blocked by substantial tree growth. The proposed location will be placed on an island and will provide increased open area and visibility from American Boulevard. It should be noted shrubs and plantings on the entrance island may be removed for the installation of the proposed sign. The landscaping should be in accordance of the approved landscaping plan dated March 23, 2006 or modified in a Code compliant fashion.

Given the topography and parking arrangement on the property, no feasible or visible location for a freestanding sign that would meet setback requirements are available. The existing freestanding sign is not visible until directly in front of the sign, which is too late to enter the property based on the speed limit and high traffic volume on American Boulevard. Therefore, the proposed location is the most reasonable location for the freestanding sign. In 2002, the applicant wished to locate an expanded sign in the entrance drive median as proposed in 2016, but was unable to locate there due to the existence of a Metropolitan Council Environmental Services (MCES) easement and sewer trunk line directly below the island. There is still an easement, although MCES has abandoned the sewer lines and has no issue with the proposed sign located, as proposed and, per MCES, an encroachment agreement is not needed. The applicant is advised to proceed carefully when constructing the footings for the sign given the shallow depth of the abandoned sewer lines. A condition is added for clarity.

In 2002, City Council granted a variance to reduce the front setback of a freestanding sign from the planned widened right-of-way line from 20 feet to 10 feet subject to the following conditions:

1. The leading edge of the sign shall be a minimum of 35 feet from the existing property line;
2. The existing freestanding sign on site, which is located within a utility easement and over trunk sewer lines, shall be carefully removed in conjunction with installation of the new sign. Coordinate removal with the Bloomington Utilities Division to avoid damage to the sewer lines;
3. Before issuance of a sign permit, the property owner shall submit a signed agreement approved by the Public Works Department stating that the freestanding sign will be removed within 60 days following receipt of a removal notice at no cost to the public in order to accommodate the future widening of 79th Street. A decision preparation of design plans for the widening of 79th Street (to be renamed American Blvd.); and
4. This variance shall expire 60 days after the landowner's receipt of a sign removal notice.

NOTE: After a review by the City legal department, the findings listed in the Resolution are modified slightly.

FINDINGS

Variance Findings – Section 2.98.01 (b)(2)(A-C)

A) That the variance is in harmony with the general purposes and intent of the ordinance;

- * The City Code recommends appropriate setbacks for the orderly and safe development along streets. Signs are intended to efficiently identify uses thereby minimizing potential public confusion. With the planned widened right-of-way, the proposed locations have the least possible impact on the future right-of-way while providing identification along American Boulevard East.

B) That the variance is consistent with the comprehensive plan;

- * Granting the requested variance for the proposed sign is consistent with the comprehensive plan as freestanding signs are customarily incidental structures permitted in the Office Designation.

C) When the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

- * Without a variance, there are no reasonable Code compliant locations for freestanding signs along American Boulevard with adequate visibility. The additional right of way needs along American Boulevard make it difficult to place a sign along the street.

Practical difficulties as used in connection with the granting of the variance, means that:

(i) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

- * The proposed sign is typical for similar uses to provide identification along a street. The location of the sign is reasonable given the speed limit and high traffic volume on American Boulevard East as well as the parking arrangement and topography of the property.

(ii) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

- * The larger than typical boulevard created by the future right-of-way is not the result of landowner actions. The inability to locate the sign in a Code complying location with adequate visibility is not created by the landowner.

(iii) The variance if granted will not alter the essential character of the locality.

- * The variance is not anticipated to alter the essential character of the area. The proposed sign is not located in close proximity to the adjoining properties.

RECOMMENDATION

The Hearing Examiner and staff recommend the following motion:

In Case PL2016-170, having been able to make the required findings, I move to adopt a resolution approving a variance to reduce the setback from the planned right-of-way from 20 feet to 10 feet for a freestanding sign subject to the following conditions.

1. The sign location must be as shown on plans in Case PL2016-99.
2. The sign must comply with all other requirements of Chapter 19, Article X of the City Code.
3. It is advised the applicant keep a limited cover when constructing the footings for the sign.
4. A sign permit and an amendment to the Uniform Sign Design (USD) must be applied for prior to the installation of the sign.