

RESOLUTION NO. 2016-_____

A RESOLUTION APPROVING A VARIANCE TO REDUCE THE SETBACK FROM THE PLANNED WIDENED RIGHT-OF-WAY FROM 20 FEET TO 10 FEET FOR A FREESTANDING SIGN AT 1701 EAST AMERICAN BOULEVARD, BLOOMINGTON, MINNESOTA.

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington; and

WHEREAS, an application has been filed on behalf of Alidade Cedar I, LLC, owner of the premises located at 1701 East American Boulevard and legally described as follows:

Lot 2, Block 1, CEDAR PARK ADDITION

Variance to reduce the setback from the planned widened right-of-way from 20 feet to 10 feet for a freestanding sign.

WHEREAS, the Hearing Examiner has reviewed said request at a duly called public meeting and recommends approval.

WHEREAS, the City Council is empowered to approve variances to provisions of the City Zoning Ordinance when such variances are in harmony with the general purpose and intent of the Zoning Ordinance, are consistent with the Comprehensive Plan, and when the applicant has established that there are practical difficulties in complying with the Zoning Ordinance.

WHEREAS, the City Council has considered the report of the City staff, the findings and decision of the Hearing Examiner, the comments of persons speaking regarding the proposed variances and the factors in Bloomington City Code Section 2.98.01(b) (2) (A-C) and has found as follows:

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 Blvd.

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

- Granting the requested variances for the proposed signs is consistent with the comprehensive plan as freestanding signs are customarily incidental structures permitted for Office uses in the FD-1 Zoning district.

B) 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 Blvd with adequate visibility. The additional right-of-way needs along American Blvd 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 signs are typical for similar uses. The locations of the signs are reasonable given the speed limit and high traffic volume on American 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 large boulevard created by greater future right-of-way established after the building was constructed are 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 was previously granted and the sign is moving west from its existing locations. The change is not anticipated to alter the essential character of the area.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON IN REGULAR MEETING ASSEMBLED:

- A. That the affirmative findings of the Hearing Examiner are adopted by the City Council;
- B. That the variances shall expire if not used or applied in accordance with the provisions of City Code Section 19.23.01;
- C. That the requested variances are approved, 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. A sign permit and an amendment to the Uniform Sign Design (USD) must be applied for prior to the installation of the sign.

Passed and adopted this ____ day of _____, 2016.

Mayor

ATTEST:

Secretary to the Council