

Originator <b>Public Works</b>	Item <b>City Code Amendment Modify Driveway Approach Standards</b>		# <b>5.4B1</b>
Agenda Section <b>HEARINGS/PUBLIC INPUT Ordinances</b>	By <b>JCD</b>	Approved	Date <b>March 22, 2010</b>

Description

Case 10000B-10

## GENERAL INFORMATION

Applicant: City of Bloomington

Location: Citywide

Request: Consider an ordinance to make multiple miscellaneous amendments to Chapters 15, 17, 19 and 21 of the City Code pertaining to driveway approaches and recommend ordinance language pertaining to driveway approach materials

## PROPOSAL

The City Council has requested that staff revise the Driveway Approach Ordinance in respect to decorative driveway materials, with the goal of allowing property owners freedom to choose materials for their driveway approach, while limiting the City's liability when a City construction project is required. In addition to driveway approach materials, there are several miscellaneous updates and clean up items addressed at this time.

Staff presented three options to address decorative driveway approaches to the Planning Commission (Options 1, 2A & B, and 3 below). The Planning Commission recommended modifying Option 2B, also below.

Option 1: The code language for decorative driveways remains essentially the same. The existing code requires that all driveway approaches are constructed of either concrete or asphalt. When a property owner requests that their driveway approach is of a different material, than the code requires that a 3-foot concrete apron is constructed adjacent to the curb and then the decorative material is placed after the concrete apron. The current code also requires an encroachment agreement which states that the liability, responsibility and cost of replacing the decorative material is the property owners. The encroachment agreement is to be legally filed with the property for all non-concrete or asphalt driveway approaches.

Option 2: The code language is changed to allow decorative driveway materials to be used right up to the curb or edge of pavement. This change does not require the 3-foot concrete apron. Option 2 requires the property owner to bear the cost of replacing the decorative driveway approach in the event a City construction project requires it. In sub-option 2A, the City would still require an encroachment agreement be filed with the property

**Council Action**

Motion by \_\_\_\_\_ Second by \_\_\_\_\_ to \_\_\_\_\_

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for all non-concrete or asphalt driveway approaches. In sub-option 2B, the City would do away with requiring an encroachment agreement, but the liability/cost of replacing the driveway approach with decorative materials would still fall to the property owner, per the code language.

Modified Option 2B: The Planning Commission reviewed the proposal and recommended a modification to sub-option 2B that would require the City to reimburse the property owner for the cost of a replacement standard portland cement concrete driveway approach for the disturbed area due to a City construction project.

Option 3: The code language is changed to allow any decorative material as the driveway approach. In this option, the full cost of removing and replacing any type of driveway approach for a City construction project would be at the cost of the City.

Additional topics include the following:

- Section 15.13(b): Adding reference to Chapter 17, Article I of the City Code.
- Section 17.01: Clarifying the definitions of business driveway approach and residential driveway approach and adding definitions for off-drive parking area and off-drive turnaround area (hammerhead).
- Section 17.03: Clarifying that constructing an off-drive parking or turnaround area in the right-of-way is prohibited and adding reference to Section 21.301.06(i)(5-6)
- Section 17.05: Changing responsible staff person for driveway approach permits from City Traffic Engineer to City Engineer, adding reference to Section 14.03 for fee information, adding bonding and insurance requirements and noting that driveway approaches in Hennepin County right-of-way require a permit from Hennepin County.
- Section 17.06: Changing responsible staff person for driveway approach permits from City Traffic Engineer to City Engineer.
- Section 17.07: Deleting all text because reference to fees will be included in Section 17.05.
- Section 17.09: Changing responsible staff person for driveway approach permits from City Traffic Engineer to City Engineer.
- Section 17.10: Clarifying the divisions and staff persons responsible for reviewing driveway approach permits.
- Section 17.11: Reformatting to match the rest of Chapter 17, Article I.
- Section 17.12: Moving all text out of Section 17.12 and into Section 17.13, under a new subsection Widths and Locations
- Section 17.13: Including one of the options described above under a new subsection (a) Materials, moving text from 17.12 to 17.13 under a new subsection (b) Widths and Locations, adding a new subsection (c) Slope and clarifying subsection (b) Widths and Locations to read more clearly.
- Section 17.14: Adding reference to Section 21.301.06 of the City Code, changing the maximum business driveway approach from 25-feet to a width, number and location to be approved by the City Engineer and adding slope requirements.
- Section 17.16: Changing the section to Exceptions rather than Variances and changing the responsible staff person from the City Traffic Engineer to the City Engineer.
- Section 19.61: Changing the driveway approach standards for Service Stations to refer to Section 17.14 of the City Code.
- Section 21.301.06: Adding various references to Chapter 17, Article I.
- Section 21.301.06(i)(8): Deleting text pertaining to driveway approach materials and referencing Chapter 17.13 of the City Code instead.

The proposed ordinance is attached.

## **APPLICABLE REGULATIONS**

Chapter 15 – Buildings and Structures  
Chapter 17 – Streets and Rights-of-Way  
Chapter 19 – Zoning  
Chapter 21 – Zoning and Land Development

## **CHRONOLOGY**

Planning Commission Agenda: 03/11/10 – Recommended approval of the proposed amendments to the City Code for Modifying Driveway Approach Standards with the addition of Option 2B Modified, described above.

City Council Agenda: 03/22/10 – Public hearing scheduled.

## **DEADLINE FOR AGENCY ACTION**

Waived by Applicant

**Please see enclosure materials for additional information.**

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### Requested Action

The Engineering Division Staff recommend approval of the proposed driveway approach amendments to Chapters 15, 17, 19 and 21 of the City Code and including Modified Option 2B text in Section 17.13.