

Item 2

GENERAL INFORMATION

Applicant: City of Bloomington

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 prepared three options to address decorative driveway approaches:

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 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 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 removing and replacing the driveway approach with decorative materials would still fall to the property owner, per the code language.

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.

ANALYSIS

The following changes are included in the draft ordinance.

Chapter 15

Section 15.13(b). Construction or Modification of Parking Areas.

- Reference to Chapter 17, Article I of the City Code added.

Chapter 17

Section 17.01. Definitions.

- Added text to make the definition of business driveway approach consistent with other definitions in the City Code.
- Added definition for off-drive parking area that is consistent with other definitions in the City Code.
- Added definition for off-drive turnaround area (hammerhead) that is consistent with other definitions in the City Code.
- Added text to make the definition of residential driveway approach consistent with other definitions in the City Code.

Section 17.03. Prohibited Construction.

- Revised text to use the terms off-drive parking area and off-drive turnaround area.
- Added reference to Section 21.301.06(i)(5-6).

Section 17.05. Application for Permit.

- Revised text to use the term within the public right-of-way.
- Changed the responsible staff person to the City Engineer or designee instead of the City Traffic Engineer
- Removed male references to the City Engineer
- Added reference to permit fees listed in Section 14.03.
- Added surety bond requirements of the permit.
- Added liability insurance requirements of the permit.
- Added indemnification and hold harmless language
- Added text that driveway approaches adjacent to Hennepin County roads require a separate Hennepin County permit.

Section 17.06. Issuance of Permit.

- Changed the responsible staff person to the City Engineer or designee instead of the City Traffic Engineer.
- Eliminated references to gender.
- Removed text pertaining to fees, as that is included in Section 17.05.

Section 17.07. Reserved [~~Permit Fees~~].

- Removed all text because permit fees are included in Section 17.05.

Section 17.09. Authority of City [~~Traffic~~] Engineer.

- Changed the responsible staff person to the City Engineer or designee instead of the City Traffic Engineer.
- Removed male references to the City Engineer.

Section 17.10. Submission of Plans to City [~~Traffic~~] Engineer.

- Changed the responsible staff person to the City Engineer or designee instead of the City Traffic Engineer.
- Revised text to use the term Building and Inspections Division instead of Building Inspector.
- Eliminated references to gender.

Section 17.11. General Construction Requirements [~~Generally~~].

- Formatted the sub-paragraphs to be listed by letters instead of numbers to be consistent with the rest of City Code Chapter 17, Article I.

Section 17.12. Reserved [~~Widths and Locations~~].

- Moved to Section 17.13. Residential Driveway Approaches.

Section 17.13. Residential Driveway Approaches.

- Divided the section into three sub-sections, a) Materials; b) Widths and Locations; and c) Slope
- See above for options 1, 2a, 2b and 3 under sub-section a) Materials.
- Moved text from Section 17.12.
- Combined all text related to second curb cuts into one paragraph.
- Added text pertaining to driveway approach slopes to be consistent with Chapter 21.

Section 17.14. Business Driveway Approaches.

- Added reference to Section 21.301.06 of the City Code.
- Changed the maximum driveway approach width from 25 feet to the maximum width necessary to safely and efficiently accommodate the expected traffic demand and vehicle type for the intended use, as approved by the City Engineer or designee.
- Added text pertaining to driveway approach slopes for business driveway approaches.

Section 17.16. Exceptions [~~Variations~~].

- Removed references to variances and changed to exceptions.
- Changed the responsible staff person to the City Engineer or designee instead of the City Traffic Engineer.
- Removed male references to the City Engineer.

Chapter 19*Section 19.61. Service Station Performance Standards.*

- Removed text pertaining to access characteristics and added reference to Section 17.14 of the City Code.

Chapter 21*Section 21.301.06. Parking and Loading.*

- Added reference to Section 17, Article I of the City Code in multiple sub-sections.
- Removed text pertaining to driveway approach materials because this is included in Section 17.13.

Section 21.301.07. Exterior Lighting.

- To improve readability, a new graphic regarding canopy lighting is proposed to replace the existing graphic.

Driveway Approach Options

Section 17.13. Residential Driveway Approaches.

Option 1: The code language for decorative driveways remains essentially the same. This option is not recommended because it is the most restrictive of the three options. Staff and the Council have received complaints from contractors and homeowners that requiring a 3-foot concrete apron adds to the costs and deters from the aesthetic.

Option 2: The code language is changed to allow decorative driveway materials to be used right up to the curb or edge of pavement, with the property owner to bearing the cost of replacement in the event a City construction project requires it. Sub-option A requires a filed encroachment agreement, while sub-option B does not.

Staff recommends Option 2B because it allows flexibility of materials but requires the property owner to bear the cost of replacing their more expensive, decorative driveway. Staff also recommends that the requirement for a filed agreement be removed from the code because the City Code is the official governing document of the City of Bloomington. An extra agreement requires an additional, unnecessary cost to the property owner.

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. This option is not recommended because the cost of replacing a decorative driveway is significantly more expensive than replacing a driveway paved with standard concrete or bituminous (asphalt). If a property owner chooses to have a more expensive, decorative driveway in the public right-of-way, the taxpayers should not bear the cost to replace the decorative driveway in the event of a public improvement project.

RECOMMENDATION

In Case 10000B-10, Engineering Division staff recommends approval of the attached ordinance to amend Chapters 15, 17, 19, and 21 of the City Code and including Option 2B text in Section 17.13.

Residential driveway and driveway approach

