CITY OF BLOOMINGTON MINNESOTA

Planning Commission Item

Originator	Item
Planning	**City Code Amendment - Acrylic-Based Finish Coatings to Stucco Exterior Materials**

Date
11/3/2016

Description

GENERAL INFORMATION

Applicant:	Minnesota Lath and Plaster Bureau
Location:	City-wide
Request:	City Code amendment to Section 19.63.08 (Exterior Materials) to allow an acrylic based finish coating on stucco

Requested Action

RECOMMENDATION

Staff recommends the following motion:

In Case PL2016-169, I move to recommend City Council adopt a resolution of denial for the City Code amendment to Section 19.63.08 to allow acrylic-based finish coatings to stucco.

Attachments:

Staff Report
Applicant's Project Description and Proposed Code Amendment
Sample Finish Spec Sheets
TSIB Acrylic Finishes
NWCB Technical Document Acrylic vs Stucco Finish
Cement based coating option
TSIB Stucco vs Acrylic Finish
Building Materials - City Council history
2004 Agenda Item regarding exterior materials
Public Comment
Publication Verification

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CHRONOLOGY

Planning Commission	11/03/2016	Public hearing scheduled
City Council	12/05/2016	Tentative date for public hearing

DEADLINE FOR AGENCY ACTION

Application Date:	09/22/16
60 Days:	11/21/16
120 Days:	01/20/17
Applicable Deadline:	**11/21/16**
Newspaper Notification:	Confirmed – (10/20/16 Sun Current – 10 day notice)
Direct Mail Notification:	Not Required

STAFF CONTACT

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PROPOSAL

The applicant proposes City Code amendments to Section 19.63.08 to allow acrylic-based finish coats for exterior cement plaster (stucco). Specifically, the applicant proposes amended language in Sections 19.63.08(c)(1), 19.63.08(d)(1)(A), and 19.68(e)(1) to acknowledge acrylic finish coats as an integral component of cement plaster wall systems. This change would consider acrylic finishes on stucco acceptable as a primary exterior material. Currently, acrylic finishes are allowed only on "secondary materials," which are limited to no more than 15 percent of the exterior wall surface of a building elevation. The aforementioned sections correspond to exterior materials requirements for

high-density residential and commercial zoning districts, industrial zoning districts, and the CX-2 district.

The applicant is not requesting changes to City Code standards related to exterior insulation finish systems (EIFS), or synthetic stucco. EIFS, similar to stucco with acrylic finishes, is limited to no more than 15 percent of exterior wall surface of a building elevation for high-density residential and commercial zoning districts (excluding the CX-2 District where it is allowed over 18 feet above grade).

BACKGROUND

The applicant submitted and staff determined an acrylic-based finish for cement plaster is a coating, which, according to the City Code, may not be applied as a stucco finish coat. The finish sample provided peals much like most acrylic paints, which is not a characteristic of Portland cement stucco.

The City Code defines "coating" as "sealing, painting, or staining with any liquid or viscous material in any manner of application that includes, but is not limited to, brushing, spraying or troweling, but does not include a fired glaze on a clay product or concrete masonry unit." The acrylic product is liquid and viscous.

Bloomington exterior materials standards date from 1960 and have evolved since then. The underlying intent of the standards over the years has been to avoid materials that require frequent maintenance and to require exterior materials that are durable. The first ordinance record in a staff search was a 1960 ordinance requiring all I-1 District buildings to be "faced with brick, stone, curtain wall construction, architectural tilt up panels, or equivalent." See ordinance 235 attached.

Since 1960, similar language was incorporated into all non-residential zoning districts. Dating back to 1961, several requests for variances or changes from the brick standard had been submitted. The following is not an all-inclusive list, but items found through an electronic records search. Supporting documents are in the file named "historical documents."

On March 24, 1961, the City Council reviewed a variance request to allow stucco as opposed to the brick approved for a building at 2701 East 78th Street. The City Council found stucco to be equivalent to brick and a variance was not required.

On December 17, 1964, City Council approved a proposal for a new Target Store at Penn Avenue and Interstate 494. There was discussion regarding exterior materials and the City Council required brick on all four sides of the building. This action was described in an article by Jim King, former Mayor and Planning Commissioner (attached to the agenda materials). Target originally desired a typical concrete block wall for the new Target Store at Penn Avenue and I-494. The Planning Commission required, and City Council approved, that all four sides of the building be brick. The

standard to require "brick or better" was established for commercial development throughout the City and generally administered through a condition of approval.

On August 9, 1965, the City Council was asked to allow Shadow Block as an alternative to brick. The City Council minutes reflect a "lengthy discussion was held … and it was agreed that brick was preferred and that the Building Department should tighten up on block construction."

In 1972, the question of brick or better standard was before the City Council for the construction of a shopping center at 5105 West 98th Street (Case 7332B-72). The City Council rejected the proposed material and required brick to be the primary exterior building material.

In 1981, a variance to the brick requirement was submitted for 5810 West 78th Street. The applicant was seeking "Dry-Vit" as an alternative. The City Council denied the variance.

By 1990, the Mall of America requested a variance from the materials requirements to use EIFS as a primary material. The City Council granted a variance for the EIFS to be allowed provided it was located at least 18 feet above the ground level of the building. The approval was to allow a review of the product durability and maintenance. To date, there are varied opinions regarding the outcome.

In 1991, Dalsin Industries was granted a variance to use an Insulated Metal Panel for proposed additions (the City Code has since been amended to make the material Code-complying).

On June 1, 1992, an application for a variance to allowed poured in place concrete walls as opposed to brick at 9200 Old Cedar Avenue South was reviewed. The City Council denied the variance.

In 1994, Toro Company sought a variance to use EIFS on a portion of an expansion. The location of the expansion would be an interior wall once additional phases would be completed. The variance was approved. This action resulted in the allowance of up to 15% of any façade being an alternative material to brick, which has since been incorporated into the City Code.

In 2000, the City Council denied a request to coat a brick building that was previously coated (Resolution attached). The request was challenged and the Courts ruled that a coating application where the brick was previously coated could not be prohibited based on the City Code. In 2004, the City Code was amended to allow previously coated surfaces to be recoated. The proposed amendment made through this application would extend the 2004 change to allow acrylic coatings on new stucco.

While there is a significant historical record for requiring a high quality exterior material, the primary focus has been on abatement of nuisance issues related to deteriorating buildings as opposed to an aesthetic preference. Historically, once a building's exterior becomes a nuisance, it is difficult to gain compliance; maintenance and repair costs can be significant. A recent example of a nuisance issue can be found at 511 West 78th Street, where a previously coated building has a

significant problem with pealing. According to the property owner, the required maintenance is $20,000 and they have been deferring any action.

As listed above, restrictions on exterior materials have evolved with variances and resulted in City Code Amendments. This application is to consider an acrylic coating on stucco to be "an integrated part of an exterior Portland cement plaster (stucco) exterior wall finish." However, if acrylic coatings are allowed on stucco, should they also be allowed on brick, stone, concrete or other exteriors? The important policy question is whether the City should continue its long standing approach of requiring low maintenance exterior materials.

ANALYSIS

The applicant's request for an acrylic coating to be considered and integrated part of a wall is not consistent with the City Code requirements. The application of an acrylic final coating on any structure has historically increased maintenance and created a greater number of nuisance issues that have been difficult resolve. Using the broad definition proposed by the applicant, applying any acrylic paint to any surface could be considered integrated with the surface. However, the applicant request this only apply to stucco.

Figure 1 represents the most common stucco application, on wood-based sheathing, although stucco may be applied to a variety of building material substrates. The proposed amendment applies only to the outer layer, or finish coat. The graphic, taken from the applicant's website, identifies either cementitious or acrylic finishes for the finish coat, the latter being the subject of the proposed amendments. Table 1 compares the characteristics of each finish.

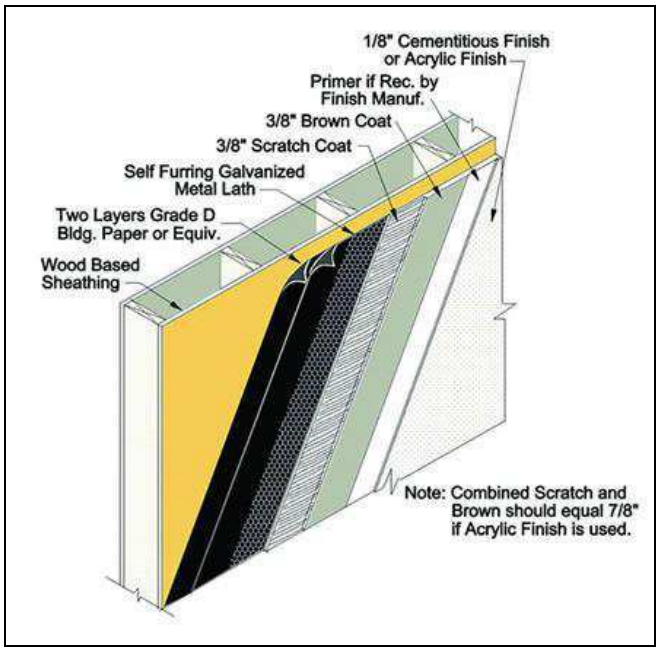

Figure 1: Stucco on Wood Sheathing (Source: Minnesota Lath and Plaster Bureau)

Comparison to Acrylic Paint

The acrylic based finish is very similar to acrylic paint. Essentially, the finish coat is acrylic paint with some sort of aggregate, typically sand. The Technical Services Information Bureau recommends an acrylic primer be applied first (See attached report TSIB 60.121).

Table 1: A comparison of acrylic vs Portland cement finishes

Characteristic	Acrylic Finish	Portland cement finish
Base material	Acrylic paint with aggregate mix (comes in a bucket, like paint)	Portland cement based (in bags and typically mixed on-site)
Color options	Unlimited as with paint color	Light pastel colors with risk of some color variation (mottling)
Color uniformity consistency	Very consistent as factory mixed	Color is mixed in the field where without a high level detail, color variation may occur.
Pliability	High elasticity reduces cracking and other imperfections	Very rigid – cracking possible with building shifts or if under coats are not allowed to cure
Number of coats	Several coats may be applied without issue	Weight of cement based finish makes many layers unfeasible
Durability	Requires regular maintenance similar to acrylic paint (15-20 years)	Unless there is cracking or damage, minimal maintenance required
Nuisance potential	Higher issues related to long term maintenance	Unless there is cracking or damage, minimal maintenance required
Permeable	Resistant to water	Highly permeable

Benefits of Acrylic-Based Coatings

- Unlimited color opportunities
- Enhanced color uniformity and consistency
- Coat is pliable – reduces cracking and other imperfection from building settling or shifting
- Allows for smooth textures, which are difficult for traditional cementitious finish
- Unlike the Portland cement finish, multiple coats can be applied and color can more easily be changed

Concerns with Acrylic-Based Coatings

- Nuisance concerns – acrylic finishes do not have the longevity of traditional stucco and require more frequent maintenance
- Unknown durability
- Allowing acrylic based coatings on stucco opens the door to acrylic based coatings on other materials, such as brick or concrete block.

Staff finds there are two primary benefits supporting the application of an acrylic coat to a stucco surface. The first is the ability to alter the exterior building color to meet the desires of the owner. This is a common request for all buildings, not just stucco. Staff is concerned the allowance of the acrylic coating as integrated with stucco would lead to requests to apply an acrylic coat onto brick or other materials.

The second primary benefit supporting acrylic coatings on stucco is the reduction of issues related to cracking or settling. With proper installation, the chance of cracking decreases significantly. According to the NW Wall and Ceiling Bureau (report attached), "The Portland cement plaster basecoat must be cured a minimum of seven days before applying acrylic or stucco, but a longer cure time is beneficial. It gives the building additional time to "find itself" or settle before the finish coat is applied. The NWCB recommends, if possible, waiting 14 to 21 days." This is a similar recommendation by the Technical Services Information Bureau. According to Magnawall (http://www.magnawall.com/downloads/stucco_handbook.pdf), acrylic top coats and elastomeric top coats should have cure period of 28 days. It is not common practice to wait 21 or more days before applying the final coat. Most contractors will wait the minimum time, 7 days, so the job may be completed.

While the applicant has provided documentation to support many of the benefits, the primary issue is whether to move away from Bloomington's longstanding requirement for low maintenance exterior materials to gain the coloration and pliability benefits of acrylic coating.

RECOMMENDATION

Staff recommends the following motion:

In Case PL2016-169, I move to recommend City Council adopt a resolution of denial for the City Code amendment to Section 19.63.08 to allow acrylic-based finish coatings to stucco.

Project Description: Amendment of Bloomington City Zoning Code 19.63.08 to change in part existing code language as it relates to portland cement plaster (stucco) and to ask the City Council to specifically approve acrylic finish coating as part of developmental approval process; as an acceptable alternative to portland cement plaster finish coat for the installation of stucco in zoning districts 19.24(a).

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Firm/ Associations: Minnesota Lath and Plaster Bureau, Minnesota Drywall and Plaster Association

Proposed Code Change – Language (underline added)

The following modification is proposed for the identical paragraphs at Sections 19.63.08(c)(1), 19.68.08(d)(1)(A), and 19.68(e)(1):

"Exterior wall finish. Exterior wall surfaces of all buildings, excluding those portions of foundation walls extending normally above finished grade, shall be faced with glass, exterior cement plaster (stucco), natural stone, brick, architectural concrete, metal in accordance with adopted policies and procedures set forth in the adopted resolution, or an equivalent or better. A trowel or spray applied acrylic finish coat is recognized by this provision as an integrated part of an exterior portland cement plaster (stucco) exterior wall finish. Except for glass or metal, all color shall be integral to the exterior wall finish material unless a colored and opaque coating for all or some part of the exterior wall finish material is specifically approved by the City Council as part of a development approval process and where the application has included:…"

Proposed Code Change – Narrative

Current Bloomington City Zoning Code expressly prohibits the use of subsequent "colored or opaque coatings" on uncoated exterior wall finish materials [brick, natural stone, architectural concrete, exterior cement plaster (stucco)] unless specifically approved by the City Council. Stucco in and of itself is installed in three coatings and the color is not integral throughout.

These three coatings include the application of:

Scratch Coat – The typical compositional mix includes: 1 ft^3 masonry cement, 1 ft^3 of grey portland cement, 5-8 ft^3 of sand aggregate, water and chopped inorganic fiber strands. The scratch coat is installed 3/8" thick and mechanically scarified (scratched) to provide a mechanical key for the subsequent brown coat.

Brown Coat – The typical compositional mix includes: 1 ft^3 masonry cement, 1 ft^3 of grey portland cement, 6-10 ft^3 of sand aggregate, water and optional chopped inorganic fiber strands. The brown coat is installed 3/8" thick over the scratch coat. The scratch and the brown coats cumulatively together constitute what is called "the base coat," for a total thickness of ¾."

Finish Coat – A typical compositional mix includes: 1 ft³ of white portland cement, ¾ - 2 ft³ lime, 3-6 ft³ of silica sand, water and colorant. An aggregated acrylic finish material is frequently substituted for a portland cement based mix due to the material's desirable characteristics. Whether portland cement or acrylic based, the finish coat is typically installed 1/8" thick minimum. The total thickness of the three-coat process is 7/8" thick minimum.

Color in a three-coat stucco application is not integral through the entire 7/8" thickness of the cumulative three-coat stucco, but only in the outer 1/8" thickness.

Finish coats comprised of portland cement have their own inherent difficulties in achieving the desired aesthetic. Pigments used to color stucco are naturally mined oxides that can have some variation. The same level of pigment used one day may prove to be shades different the next day. Drying conditions, humidity, sunlight, wind and temperature can all have a bearing on color consistency. This is why cement stucco finishes are mostly relegated to light pastel colors. Darker colors come with considerably more expense and hasten the drying conditions yet further, often resulting in blotchiness that in most cases would be deemed unacceptable by the owner. Another concern is the final texture of the cement finish. Smoother textures are difficult to achieve with a field mixed cement finishes. Stucco also goes through a volumetric change which results in what has been identified as "shrinkage cracks" as it cures. Aesthetically these shrinkage cracks could be identifiable in a smooth cement finish coat. So for these reasons heavier spray dash or hand textures are preferred.

According to the International Association of Certified Home Inspectors, the service life of stucco is 50-100 years. During those years of service the stucco may have to otherwise be maintained by fog-coating with cement paint or re-dashing the cement finish coat to re-constitute the surface.

Acrylic Finish Coat Alternative

Acrylic finish coats were integrated with portland cement plaster applications beginning in the 1970's. Acrylic finish materials are VOC compliant, more resistant to soiling, with more of a vibrant and consistent color palette. Additionally it was realized that acrylic finish provides elastomeric qualities that control minor (hairline) cracking in stucco.

Acrylic finish is not the same as paint. The dry film thickness of two coats of latex paint over a smooth surface is approximately 15 mils (15/1000 inch). Textured acrylic finish is typically applied 3/32 to ¼ inch based upon the desired effect. Acrylic finish top coats are in place at the Mall of America where the materials have demonstrated a service life of nearly 25 years. If it is desired to update the façade it may be as simple as applying the manufacturer's compatible acrylic coating to the exterior for it to last another 25 years or more. Because of the existing texture of the acrylic finish material, it will require and hold more acrylic coating than if it were a smoother surface. Re-dashing entails a bit more work: The façade would be skimmed with polymer modified cement coating, then re-finished with similar acrylic finish materials. Given the existing state of the building, exceeding a 100 year service life does not seem out of the question with this routine maintenance. For your review, please see enclosed synopsis of Acrylic Finish Durability Standards.

Compatibility of Acrylic Finish with the International Building Code

Section 2512 Exterior Plaster
2512.1 General. Plastering with cement plaster shall be not less than three coats when applied over metal lath or wire fabric lath or gypsum board backing as specified in Section 2510.5 and shall be not less than two coats when applied over masonry or concrete*. If the plaster surface is to be completely covered by veneer or other facing material, or is completely concealed by another wall, plaster application need only be two coats, provided the total thickness is as set forth in ASTM C 926.*(emphasis added)

Note the reference to "veneer or other facing material" which specifically accommodates an acrylic finish coat over two coats, the scratch and brown coats, of portland cement plaster.

Other Factors to Consider Related to Proposed Code Change

Corporate entities such as Marriott, Hilton, Radisson, Caribou, Dairy Queen, Perkins, Buffalo Wild Wings et. al., insist upon a standard of appearance in corporate identity and brand image to distinguish themselves from their competition. Corporate identity is often reflected in a specific color scheme. Acrylic coatings have become strategic to the aesthetics of brand imaging by providing color retention and distinctiveness that cannot be matched by traditional portland cement finish. There are hundreds of buildings in the Bloomington area and in the city itself that employ an acrylic finish and literally billions of square feet of acrylic finish installed throughout the United States.

It is our understanding from the Planning Division Staff that the code rule limiting the use of coatings over existing uncoated finishes has been in effect for over twenty years. Moreover, submitted plans are typically redlined to convey that acrylic finish is not acceptable. This information is obviously not being effectively disseminated to the general contractor and the plastering subcontractor, because many acrylic finish exteriors have been installed over that same period; moreover the City of Bloomington building inspectors have not enforced this restriction in use of acrylic finish top coats.

Proposed Code Change – Cost Analysis

There is no prospective cost associated with this change. Indeed, the change would accommodate and recognize current building practices.

If the City chooses to enforce the existing Zoning Code language as it has been recently interpreted by the City's planning division, the City would be rejecting a standard building practice that building owners and contractors have come to rely on. Current accepted building practices, including projects in process, would be significantly disrupted.

If the City chooses to enforce the existing language retroactively by pursuing removal and replacement of existing acrylic finish top coats, the potential disruption to the community would be especially severe. The removal and replacement of existing acrylic finish top coats in the City of Bloomington would prove extremely expensive in manpower, equipment, material and inconvenience for building owners. Moreover, it is challenging to remove any finish top coat

from a stucco wall system and replace it without compromising the integrity and durability of the stucco base coat. Finally, the sheer volume of work that would be required would be disruptive to the City's businesses, residents and visitors alike.

To the community's benefit then, this subtle code change would maintain the status quo. The change would not be disruptive and would instead maintain the integrity and aesthetics of existing building stock.

Current code language restricts Planning Division approval/authorization of acrylic finishes on new construction and maintenance on existing buildings. For Planning Division staff, approval of this code change would entail a reduction in work load to pursue more time for assessment of critical public health and safety issues.

Encl.: Acrylic Finish Durability Standards, ASTM C 926.

Acrylic Finish Durability Standards

Referenced Std.	Accepted Criteria	Required Results
Abrasion Resistance ASTM D968	Determines the resistance of coatings to abrasion produced by min. 500 liters abrasive falling onto coatings	Pass/ Fail based on cracking or loss of integrity of coating.
Accelerated Weathering ASTM G153	This apparatus is intended to induce property changes associated with the end use conditions, including the effects of sunlight, moisture, and heat.	Pass/ Fail based on the deleterious effects at 2000 hours when viewed under 5x magnification.
Flexibility ASTM D522	Determines the coatings resistance to cracking (flexibility)	Findings are based on the diameter of a mandrel which the coatings are bent around
Freeze Thaw Resistance ASTM E245	Determines the effect of freezing and thawing cycles on coatings	Pass/ Fail based on deleterious effects of min. 10 cycles under 5x magnification
Mildew Resistance Military Std. 810B	Establishes uniform environmental test methods for determining the resistance of coatings to the effects of mildew	Pass/ Fail based on growth supported during 28 day exposure period
Moisture Resistance ASTM D2247	Tests water resistance of coatings by exposing coated specimens in an atmosphere maintained at 100 % relative humidity	Pass/Fail based on examination of deleterious effects at 14 day exposure
Scrub Resistance ASTM D2486	Determines the resistance of coating to erosion caused by repetitive scrubbing cycles	Reporting value based on weight loss calculation. Most finishes exceed 10,000 cycles.
Surface Burning ASTM E 84	Determines the relative burning behavior of the material by observing the flame spread	By code individual components shall each have a flame spread <25 and smoke developed <450 Manufacturers typically report findings <15 flame spread and <15 smoke developed
Water Vapor Transmission	Determines water vapor transmission (WVT) of materials through coatings.	Reported as Pass/Fail permeability value. In this respect all coatings used in stucco applications are permeable

Adhesion ASTM D4541	Determines the greatest perpendicular force (in tension) that a surface area can bear	ICC minimum 15 psi. Most coatings exceed substantively
Tensile Bond ASTM C297	Determines the flatwise tensile strength of the the core-to-facing bond	ICC minimum 15 psi. Most coatings exceed substantively

PAREX®

530 Swirl Fine
531 Swirl Coarse
532 Multi-texture
533 Sand Smooth
534 Sand Fine
535 Sand Coarse
537 Rio Sand

DPR Standard Acrylic Finishes

Test	Method	Criteria	Results
Abrasion Resistance*	ASTM D968	No cracking or loss of film integrity at 528 quarts (500 L) of sand	Pass @ 1000 Liters
Accelerated Weathering	ASTM G153 (Formerly ASTM G 23)	No deleterious effects at 2000 hours when viewed under 5x magnification	Pass
Flexibility (Mandrel Bend)	ASTM D522, Method B	No Requirement	1" diameter @ -4ºF
Freeze/Thaw Resistance*	ASTM E 2485	No deleterious effects at 10 cycles when viewed under 5x magnification	Pass @ 60 cycles
Mildew Resistance*	ASTM D 3273	No growth supported during 28 day exposure period	Pass @ 35 days
Mildew Resistance*	MIL 810 B 508		No growth 28 days
Moisture Resistance*	ASTM D2247	No deleterious effects at 14 day exposure	Pass 28 days
Salt Fog Resistance*	ASTM B117	No deleterious effects at 300 hours	Pass @ 900 hrs
Scrub Resistance	ASTM D2486	No Requirement	Pass 10,000 Cycles
Surface Burning Characteristics	ASTM E84	Individual components shall each have a flame spread <25, and smoke developed < 450	Flame Spread: 0 to 15 Smoke Developed: 0 to 15
Water Vapor Transmission	ASTM E 96 Procedure B	Vapor Permeable	Permeable
VOC	EPA Reference Test Method 24	US EPA, South Coast AQMD and Greenseal Standard	8 g/L

*Tested with Parex Base Coat

530 SWIRL FINE

531 SWIRL COARSE

532 MULTI TEXTURE

533 SAND SMOOTH

534 SAND FINE

535 SAND COARSE

537 RIO SAND

DESCRIPTION:
- 100% Acrylic-based textured finish
- DPR (Dirt Pick-up Resistance) chemistry
- Integrally colored with high-quality pigments
- Exceeds ASTM and ICC Acceptance Criteria

USES:
Exterior or interior finish coat over:
- Parex EIFS
- Properly prepared masonry, stucco, and concrete surfaces
- Interior application over drywall, plaster, or properly prepared masonry or concrete

COMPOSITION:
- Binder base: 100% acrylic polymer with surface-hardening property.
- Aggregate: Pure crushed marble, rust-free.
- Water-based: VOC–compliant
- Pigment base: Titanium dioxide.
- Color: Parex USA standard colors or tinted to desired custom color. Meets SCAQMD Rule 1113 when using Parex USA Non-VOC Colorants

Note: "The Plus" Advantage can be added to any Parex finish or coating. "The Plus" provides additional protection against mildew and algae growth.

CONTAINER:
65 lb (29.5 kg) net weight in plastic pails.
- Storage: Protect from direct sunlight and freezing at all times.
- Do not stack pails more than 3 pails high.
- Shelf life: Reference Parex USA Expiration Date of Products Technical Bulletin

COVERAGE:
Depending on the condition of the substrate and method of application, approximate coverages per pail are:

530 Parex Swirl Fine
Aggregate size: 1.5mm
120–135 ft^2 (11–12.5 m^2)

531 Parex Swirl Coarse
Aggregate size: 3.0mm
70–95 ft^2 (6.5–9 m^2)

532 Parex Multi-Texture
60–150 ft^2 (6–14 m^2)
Coverage varies due to texture.

533 Parex Sand Smooth
Aggregate size: 0.5mm
280–300 ft^2 (26–28 m^2)

534 Parex Sand Fine
Aggregate size: 1.0mm
150–165 ft^2 (14–15 m^2)

535 Parex Sand Coarse
Aggregate size: 1.5mm
90–110 ft^2 (8.4-10.2 m^2)

537 Parex Rio Sand
Aggregate size: 1.25mm
120-150 ft^2 (11-14 m^2)

DRYING TIME:
24-48 hours under normal conditions. High humidity and low temperatures extend drying time.

CLEAN-UP:
Water-soluble prior to drying. Clean tools and containers with water prior to drying.

SURFACE PREPARATION:
- Remove surface contaminants such as dust or dirt without damaging the substrate.
- For previously painted surfaces, all loose and chalking paint must be removed, and glossy surfaces dulled.
- Portland Cement Plaster must be clean and cured a minimum of 7 days or in accordance with Parex Armourwall Specifications.
- New concrete, stucco and masonry must be clean and cured a minimum of 28 days.
- Check concrete surfaces for alkalinity and treat. Any form-release agents or bond breakers must be removed.
- Uneven concrete or masonry can be leveled with a Parex 121 Base Coat & Adhesive or other suitable, compatible product.
- For interior drywall, prepare as for painting.
- Parex USA recommends the use of primers to enhance the appearance and uniformity of the finish, improved coverage, and decrease the chance of efflorescence. This is especially true when using dark colors or finishes with a large aggregate. If specified, prime with Parex USA Primer or Variance VariPrime Sanded, refer to Product Data Sheet.
- For additional options, contact Parex USA Technical Services Department.

MIXING:
- Use clean equipment for mixing and preparation.
- Stir to obtain a homogeneous consistency using a heavy-duty 1/2-in. (13mm) drill with a rust free paddle at 400–500 rpm. Avoid air entrainment.
- Add the amount of water needed to achieve finish texture. To avoid color variations, add the same amount of water to each pail of finish as up to 16 oz (0.5 L).

APPLICATION:
- Read the entire label before using this product
- Always maintain a wet edge and work to corners or joints. For best color consistency, use finish with the same batch number within a wall section. For more information, see Technical Bulletin: "Boxing Acrylic Finishes".
- Keep container closed when not in use.
- Use a clean stainless steel trowel and apply a uniform coat the thickness of the largest aggregate size of the finish.
- Texturing 532 Multi-Texture Finish: Use a clean stainless steel trowel and apply a uniform coat the thickness of the largest aggregate size of the finish and allow to completely dry before applying the second coat. *Proper drying in between coats is crucial. If the second coat is applied over a wet first coat, the material will dry as a one thick coat and be more prone to cracking.* After the first pass has dried (typically 3-4 hours in 75°F, 50% RH) apply a second coat of 532 Multi-Texture, using tools and techniques necessary to obtain the desired texture. The maximum thickness within the applied texture must not exceed 3/16 in. (5mm) with average thickness not more than 1/8 in. (3mm).
- Texturing 530 Swirl, 531 Swirl Coarse, 534 Sand Fine, 535 Sand Coarse and 537 Rio Sand Finishes: Use a clean plastic float or stainless steel trowel. A plastic float will roll the large aggregates more than a stainless steel trowel , and may cause swirling. Continuously dry clean the plastic float or steel trowel while texturing. Use consistent pressure and motion to achieve the desired texture.
- Texturing 533 Sand Smooth Finish:
  - Optional: Level stucco brown coats with any Parex 121 Base Coat & Adhesive and let dry prior to finish application.
  - 533 Sand Smooth Finish cannot generally be floated. Texture will be "as trowelled."
  - 533 Sand Smooth Finish can be trowelled smooth to simulate the texture of limestone.
  - For smoothest application, apply in two tight coats. Allow first coat to dry enough that it will not be disturbed during application of the second coat. When second coat is partially dry, trowel to desired smoothness. Light, consistent misting with water during smoothing will increase smoothness. Variations in color tint and smoothness should be expected.
- Spray application: To achieve consistent texture, spray application must use consistent motion, pressure, distance and spray angle. A job-site mock up for spray application is advised.

LIMITATIONS:
- Ambient and surface temperature must be 40°F (4°C) or higher during application and drying time. Provide supplemental heat and protection from precipitation as needed.
- Use only on surfaces that are sound, clean, dry, unpainted, and free from any residue that might affect the ability of the finish to bond to the surface.
- Application in direct sunlight in hot weather may adversely affect aesthetics.
- Parex USA is not responsible for color correctness after finish has been applied.

WARNING:
- Read complete Warning information printed on product container prior to use. For medical emergency information, call 1-800-424-9300.
- For more information on handling this product refer to its Safety Data Sheet (SDS). The most current SDS and Product Data Sheet (PDS) can be found on our website.
- This Product Data Sheet has been prepared in good faith on the basis of information available at the time of publication. It is intended to provide users with information about the guidelines for the proper use and application of the covered product(s) under normal environmental and working conditions. Because each project is different, Parex USA, Inc. cannot be responsible for the consequences of variations in such conditions, or for unforeseen conditions.

Parex USA, Inc.
4125 E. La Palma Ave., Suite 250
Anaheim, CA 92807
(866) 516-0061 Tech Support: (800) 226-2424

EIMA SMA PAREXUSA SUSTAINABILITY

PAREX®

e-lastic

426 Flex Sand Fine
427 Flex Sand Coarse
428 Flex Swirl Fine
430 Flex Rio Sand

Elastomeric Finishes

Test	Method	Criteria	Results
Abrasion Resistance	ASTM D968	1,000 liters of sand	Pass
Accelerated Weathering	ASTM G153 (Formerly ASTM G23)	No deleterious effects at 2000 hours when viewed under 5x magnification	Pass
Flexibility (Mandrel Bend)	ASTM D522	No Criteria	.5" mandrel bend at -4°F, .5" mandrel bend at 32°F, .5" mandrel bend at 70°F Pass
Freeze Thaw Resistance	ASTM E2485	10 Cycles	Pass
Fungus Resistance	MIL 810B Method 508	28 days	Pass, No growth.
Mildew Resistance	ASTM D3273	No growth supported during 28 day exposure period	Pass at 35 days
Scrub Resistance	ASTM D2486	No Criteria	Pass 10,000 cycles +
Water Vapor Permeability	ASTM D1653	No Criteria	Water Permeable; does not create a vapor barrier.
Water Vapor Transmission	ASTM E 96 Procedure B	Vapor Permeable, does not create a vapor barrier	Vapor Permeable
VOC	EPA Ref. Test Method 24	US, EPA South Coast AQMD and Green Seal Standard	20 g/L

e-lastic™ Technology

e-lastic™ Technology, Parex's exclusive elastomeric polymer formulation, gives Parex Elastomeric Finishes the high flexibility of traditional elastomerics while adding the benefits of durability and dirt pick-up resistance normally found only in traditional acrylic finishes.

e-lastic™ finishes hide the existing hairline cracks that can appear in stucco bases as they cure, giving an attractive and durable finish to the job.

e-lastic™ finishes have a harder surface than traditional elastomerics, giving better resistance to airborne dirt and pollutants. This harder surface means that e-lastic™ finishes stay new-looking longer than elastomerics that use old technology.

e-lastic™ Technology - found only in Parex Elastomeric Finishes.

DESCRIPTION:
- 100% Acrylic-based elastomeric textured finish.
- DPR (Dirt Pick-up Resistance) chemistry
- Highly flexible: Can bridge pre-existing or existing hairline cracks.
- Integrally colored with high quality pigments.

USES:
Exterior finish coat over:
- Parex EIFS, Fiber-47 Armourwall Scratch & Brown, 202 Armourwall Stucco Base Sanded and 210 Armourwall Stucco Base Concentrate
- New or existing stucco and concrete surfaces.
- Renovation of old stucco and concrete walls.
- Finishing of masonry walls in combination with any Parex 121 Basecoat & Adhesive as leveler

COMPOSITION:
- Binder base: 100% Acrylic polymer with surface-hardening property.
- Aggregate: Pure crushed marble, rust-free.
- Water based: VOC-Compliant
- Pigment base: Titanium dioxide.
- Color: Parex USA standard colors or tinted to desired custom color. Meets SCAQMD Rule 1113 when using Parex USA Non-VOC Colorants

PAREX®

COVERAGE:
Depending on the condition of the substrate and method of application, approximate coverages per pail are:

Parex 426 Flex Sand Fine
Aggregate size: 1.0 mm
150 - 165 ft^2 (14 - 15 m^2)

Parex 427 Flex Sand Coarse
Aggregate size: 1.5 mm
120 - 135 ft^2 (11 - 12.5 m^2)

Parex 428 Flex Swirl Fine
Aggregate size: 1.5 mm
120 - 135 ft^2 (11 - 12.5 m^2)

Parex 430 Flex Rio Sand
Aggregate size: 1.25 mm
120 - 150 ft^2 (11 - 14 m^2)

CONTAINER:
65 lbs. (29.5 kg) net weight in plastic pails.
- Storage: Protect from direct sunlight and freezing at all times.
- Do not stack pails more than 3 pails high
- Shelf Life: Reference Parex USA Expiration Date of Products Technical Bulletin.

DRYING TIME:
48 hours under normal conditions. High humidity and low temperatures extend drying time.

CLEAN-UP:
Water soluble prior to drying. Clean tools and containers with water prior to drying.

SURFACE PREPARATION:
- Remove surface contaminants such as dust or dirt without damaging the substrate.
- For previously painted surfaces, all loose and chalking paint must be removed, and glossy surfaces dulled.
- New concrete and masonry must be clean and cured a minimum of 28 days.
- Check concrete surfaces for alkalinity and treat. Any form-release agents or bond breakers must be removed.
- Uneven concrete or masonry can be leveled with Stucco Level Coat or any Parex 121 Basecoat & Adhesive or other suitable compatible product.
- For interior drywall, prepare as for painting. Minimum level 3 drywall finish.
- Parex USA recommends the use of primers to enhance the appearance and uniformity of the finish, improved coverage, and decrease the chance of efflorescence. This is especially true when using dark colors or finishes with a large aggregate. If specified, prime with Parex USA Primer or Variance VariPrime Sanded, refer to Product Data Sheet.
- For additional options, contact Parex USA Technical Support.

MIXING:
- Use clean equipment for mixing and preparation.
- Stir to obtain a homogeneous consistency using a heavy-duty 1/2 in. (13mm) drill with a rust-free paddle at 400-500 rpm. Avoid air entrainment.
- A small amount of clean, potable water may be added to aid workability. Do not exceed 8 oz. (0.25 L) per full pail of finish. To avoid color and texture variations, add the same amount of water to each pail of finish.

APPLICATION:
- Read the entire label before using this product
- Always maintain a wet edge and work to corners or joints. For best color consistency, use finish with the same batch number within a wall section. Keep container closed when not in use.
- Application: use a clean stainless steel trowel and apply a uniform coat the thickness of the largest aggregate size of the finish.
- Texturing: use a clean plastic float or stainless steel trowel, wipe frequently. Apply moderate pressure with consistent motion, rolling the large aggregates to obtain the desired texture.

LIMITATIONS:
- Ambient and surface temperature must be 40°F (4°C) or above during application and drying time Supplemental heat and protection from precipitation must be provided as needed.
- Use only on surfaces that are sound, clean, dry, unpainted and free from any residue which may affect the ability of the finish to bond to the surface.
- Application in direct sunlight in hot weather may adversely affect aesthetics.
- Due to the composition of this product, minor pin holes may be noticeable in the cured finish.
- Parex USA is not responsible for color correctness after finish has been applied

WARNING:
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- For more information on handling this product refer to its Safety Data Sheet (SDS). The most current SDS and Product Data Sheet (PDS) can be found on our website.
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Facilities
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EIMA SMA PAREXUSA SUSTAINABILITY

EIFS SOLUTIONS • STUCCO ASSEMBLIES • TILE AND STONE SYSTEMS PAREXUSA ENVISION IT ALL

Acrylic Finishes

Acrylic finishes are a blend 100% acrylic co-polymers, an aggregate either composed of marble or quartz, liquid pigments and other proprietary ingredients. This "high performing" finish was originally designed to go over Exterior Insulation Finish Systems known as EIFS. EIFS is designed to be very flexible and crack resistant. Therefore, the finish must have the same characteristics as the rest of the assembly. While acrylic finishes won't stop portland cement plaster from cracking, it has a higher crack resistant quality than cement-based finishes.

Acrylic finishes have other qualities that make them a popular alternative to cement-based stucco finishes; namely color. The finish uses very stable "wet pigments" to make the product integrally colored. These stable pigments along with the specially formulated 100% acrylic binder, promote resistance to fading, chalking and yellowing. As a result, the finishes tend to maintain their original appearance over time. Acrylic Finishes give your plaster assembly a consistent and durable finish with an unlimited color selection. Many textures are also available to suit your design needs. "Specialty" finishes are available that provide other aesthetic options and/or have increased "mar resistance" than the standard finishes.

Many acrylic finish manufacturers have Dirt Pick-up resistant technology in their products. This "DPR" technology causes the finish to cure into a tough, non-tacky coating that resists the accumulation of dirt, mold and pollutants. Many manufacturers also offer "upgrades" to standard acrylic finishes including: "light-weight" finishes making them more "user-friendly," the addition of silicone boosts durability to withstand the most damaging environmental conditions and adding biocides to the products during the manufacturing process is designed for extra resistance to fungi and algae growth.

One more advantage of acrylic finish is that it is less moisture permeable than cement stucco. Acrylic finish won't darken or discolor during prolonged rainstorms. It also adds weather resistance to the portland cement assembly while still allowing the assembly to breath.

"Steel Trowel Smooth" finishes are not recommended. Applying a "Smooth" finish requires the substrate beneath the finish to be very smooth and making a plaster brown coat smooth is difficult at best and also an expensive process. It is recommended to use either Sand Fine or Sand Coarse Finish over a traditional plaster brown coat. It is also recommended that an acrylic primer that matches the color of the finish be applied to the brown coat prior to the application of the finish. This will allow the finish to dry evenly and the end result will be a more consistent and "brighter" colored wall!

In the event a "smooth steel trowel finish" is required, many acrylic finish manufacturers offer "smooth" finishes. Some manufacturers would recommend the use or even require the application of an acrylic base coat (an EIFS base coat) between the finish and the brown coat to "level out" the brown coat surface.

Nevertheless, when applying acrylic finishes right over a traditional brown coat, the brown coat should be as level, uniform and "closed" as possible. In addition, many if not all acrylic manufacturers recommend the use of an acrylic primer prior to the application of the finish (primer should be avoided with some acrylic "smooth" finishes). For more information and application procedures, call your local acrylic finish manufacturer representative.

Technical Services Information Bureau
1910 North Lime Street • Orange, CA 92865-4123 • (714) 221-5530 • Fax (714) 221-5535 • www.tsib.org

Acrylic Finish vs. Stucco Finish

Portland cement plaster has traditionally been a three-coat cement system as described by all model building codes. Within the last decade, acrylic has become very popular as an alternative finish coat to the traditional portland cement "stucco" finish. Both finish coats are excellent finish materials, can be integrally colored and are vapor permeable, but this is where the similarities end.

As with most things in life, there are advantages and disadvantages to each material. The first important step is not to confuse the two finishes with each other. Stucco is defined by Webster's dictionary as "an exterior plaster made of cement, lime and sand." While stucco is a natural cement product, acrylic finish is a synthetic man-made coating. Stucco **cures** to a hardened state while acrylics **dry** to their final hardened state. This is a critical difference when considering environmental conditions during application.

Regions of Canada and the United States seem to have a preference to one or the other finish coat material for portland cement plaster bases. For example traditional stucco finishes are much more popular in Southern California, while acrylic finish coat is more popular in Seattle. Vancouver, B.C., seems to have a fair mix between acrylic and stucco.

Designers must choose which finish material is most appropriate for the building and best meets the desires of their client. A checklist of the desired aspects is one good way to help decide which material should be used.

Texture:

Cement finish has practically an unlimited variety of textures from smooth trowel, mission, and old English to combed. While acrylics have some range of texture, most acrylics are applied in a sand finish texture, and the wide-range of texture choices is not their strong suit.

Color:

Acrylic finishes can come in just about any color imaginable and can be matched to almost any shade desired. The consistency of color is very good with acrylics, even in darker shades. Stucco, being cement based can only hold so much pigment, and dark tones are not recommended. Stucco works best in light pastel shades, and some slight variation in color shade should be expected. This is particularly true with stucco sand finish-texture. Colored cement stucco can be "fog" coated, which is a good method to improve the color consistency.

Application:

Acrylics dry from the outside in and can be sensitive to environmental conditions. Acrylic finish should not be applied in temperatures below 40 degrees F (4°C). Sometimes air circulation is more important for drying than temperature, especially in humid conditions. Cement stucco finish "cures" as opposed to drying and can be applied in temperatures as low as 35 degrees F (2°C).

The portland cement plaster basecoat must be cured a minimum of seven days before applying acrylic or stucco, but a longer cure time is beneficial. It gives the building additional time to "find itself" or settle before the finish coat is applied. The NWCB recommends, if possible, waiting 14 to 21days.

NWCB
NW WALL & CEILING BUREAU
Build to a Higher Standard.
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2825 Eastlake Ave E Ste 350 | Seattle, WA 98102
tel 206-524-4243 | email info@nwcb.org
OREGON
tel 503-295-0333
email oregon@nwcb.org

Water Repellency:

Traditional cement stucco, like all cement products, will absorb surface moisture and darken when wet. Acrylics, similar to a nylon stocking, will repel surface moisture, but moisture will pass through as a vapor. Acrylics should never be mistakenly used or sold as a method to "seal" the building from water intrusion. Properly applied portland cement plaster basecoat will seal moisture out and be vapor permeable. It is advisable that finish coat materials, including paint, be a "breathable" membrane. Acrylic finish should never be used on flat surfaces or other areas of possible standing water, as they can soften with prolonged exposure to moisture. An advantage of acrylic finish is that they retain their color when wet and are particularly desirable in wet climates, again, not to seal, but to stay one constant shade of color even when wet.

Many cement stucco manufacturers offer clear sealers that will provide the same water repellent benefit as acrylics. Most only last a year or two and may have to be reapplied every few years. This is a simple procedure and not very expensive.

Maintenance:

Both stucco and acrylic finish are relatively low maintenance and both can be painted when a change of color is desired. The life expectancy of a stucco finish coat has been proven to be several decades. Acrylics have been applied to cement basecoats in Seattle for over 15 years and many of these original finish coats are holding up quite well.

Conclusion:

Both finishes have strong points and limitations. I suggest designers/owners look at a building with traditional stucco and one with an acrylic finish before making a final decision. Only use recognized products by manufacturers with a proven track and service record. I recommend pre-manufactured (mill mixed) cement stucco finish coats over site mixed blends. The few pennies you might save are not worth the gamble of job site blending. The NWCB and the BCWCA publish industry standards for proper application of both finish materials. Whether you use stucco or an acrylic finish, it is always important to follow manufacturer recommendations and guidelines.

This article was printed in the March/April 2001 edition of The Trowel magazine. Mark Fowler is the Architectural Consultant for the Northwest Wall & Ceiling Bureau. Mark was a journeyman plasterer in Los Angeles for 15 years before moving to the Pacific Northwest in 1993.

The Cement-Based Allegro Alternative

Allegro is a cement-based product similar to stucco. As it cures, it forms a chemical matrix that grows through any alkaline deposits and mechanically attaches itself to the stucco. The result is the creation of a continuous, concrete-based cladding with numerous advantages for both applicator and homeowner.

- Allegro is available in a wide range of colors, including deeper hues than traditional stucco colors.
- Allegro won't bridge over existing stucco textures, so it retains their original appearance.
- Allegro can be applied over any texture, including dense surfaces like the smooth Santa Barbara Mission Finish.
- Cost-effective to use, Allegro can be mixed on-site in exactly the amount needed, with 1 pound covering 36 square feet.
- Allegro is less expensive than an elastomeric coating or paint designed for use over a paint-grade stucco finish.
- Allegro will not sag when applied correctly with a garden sprayer, airless paint sprayer, paint roller, or brush.
- Allegro cures well in humid conditions and can be exposed to rain sooner after application than paint.

When You're in the Know, You'll Go with Allegro

For more information about recoating your stucco-clad home, contact your local authorized LaHabra distributor. As a representative for one of the world's largest and most experienced stucco manufacturers, they're your best source for getting the job done right.

Tip

For the best results always apply Allegro end-to-end and top to bottom or to a prominent architectural break.

Allegro is not recommended for spot touch ups on any material other than Allegro.

LaHabra

Corporate Office

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Fax: 209-983-8873

Redan
1870 Stone Mt.-
Lithonia Rd.
Redan, GA 30074
Phone: 770-482-7872
Fax: 770-482-6878

LaHabra

Don't Paint Stucco... Refresh with Allegro

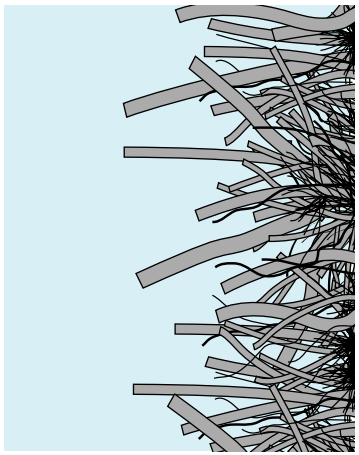
Allegro

LaHabra® Allegro Cement Coating

Allegro

Paint vs. a Cement-Based Coating

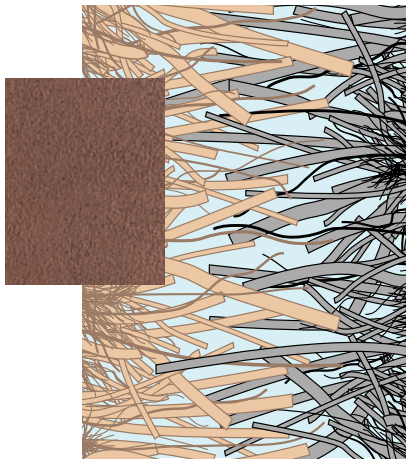
Paint is often seen as a convenient and cost-effective way to freshen up the appearance or change the color of stucco. Unfortunately, the incorrect paint can damage the natural properties of stucco that make it an ideal exterior cladding. To understand why this happens, it's helpful to know how stucco contributes to a structure's weather resistance, and how coatings like paint or a cement-based product like Allegro will affect this ability.



The interlocking structure of stucco at a microscopic level makes it breathable.

How Stucco Works

Traditional stucco is made from portland cement, which is also used to build roads, bridges, and block walls. When mixed with aggregate and water, stucco undergoes a chemical reaction, creating interlocking microscopic crystals that form a vapor permeable structure. As a result, stucco is both drainable and breathable.



Allegro fuses with the cement instead of simply adhering to the stucco surface like paint.

Protecting the Weather Barrier

Construction codes require that a weather-resistive barrier be built over exterior walls to protect them from moisture. Stucco is a cement-based material applied over this barrier to give it an attractive, durable finish without affecting its weather-resistance qualities.

Water that gets behind stucco through gaps between windows and doors stops at the weather-resistive barrier and runs down the wall, draining through perforated metal flashings called weep screeds. Because stucco is highly breathable, any moisture that doesn't drain quickly escapes from the wall in the form of vapor through stucco's porous crystals.

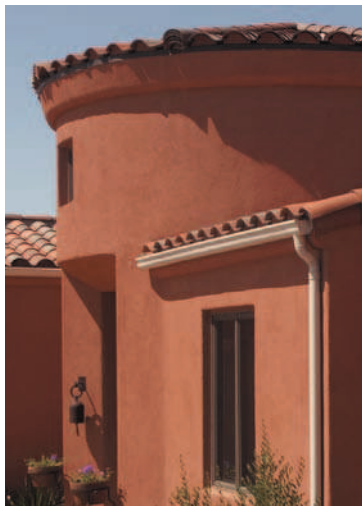
How Allegro Works With Your Stucco

Because if its unique formulation, Allegro not only allows stucco to breathe, it also allows it to continue hydrating, gaining strength over time and adding performance over its lifetime.

And, unlike paint, Allegro makes it easy to recoat with traditional stucco if you want to change the decorative texture of your home.

What Stucco Does to Paint

Stucco is not very paint-friendly, either. If the PH of the stucco is too high when the paint is applied, or if the stucco is not fully cured over time, stucco may erode the bonds that hold the paint to it, and alkaline salts that accumulate on its surface reduce the area for paint to adhere to it in the first place.



Durable and attractive, Allegro is cost-effective and easy to apply over stucco cladding.

Flaking and fading can also result from exposure to sunlight and temperature changes that break down the paint's pigment and wall-bonding properties.

Stucco vs. Acrylic Finish

Portland cement plaster has traditionally been a three-coat cement system as described by current and past building codes. Within the last decade, acrylic finish has become popular as an alternative finish coat to the traditional Portland cement "stucco" finish. Both finish coats are suitable finish materials for cement base coats, can be integrally colored and are vapor permeable. In this document, the term stucco refers to a cement finish coat.

Regions of the United States seem to have a preference to one or the other finish coat material for Portland cement plaster bases. For example, traditional cement finish coats are more popular in the southwest and acrylic finish coats tend to be more popular in the north. However, both finish materials may be used in either region.

Designers must choose which finish material is most appropriate for the building and best meets the desires of their client. A checklist of the properties is one good way to help decide which material is best suited to a project. Each product has strong points to consider. Neither product is the answer for all projects.

TEXTURE:

Cement finish has practically an unlimited variety of textures from a Santa Barbara/mission finish, lace texture, dash, sand finish, old English to comb texture. While acrylics have some range of texture, most acrylics are applied in a sand finish texture, and the wide-range of texture choices is not their strongest suit. Smooth finish is possible in both materials, but not recommended as a smooth finish tends to crack and the smooth texture highlights minor imperfections. Designers are encouraged to select a finish with some texture to hide minor hand applied imperfections and cracks that are inherent with cement plaster systems.

COLOR:

Acrylic finishes can come in just about any color imaginable and can be matched to almost any shade desired. The consistency of color is very good with acrylics, even in darker shades. Stucco, being cement based can only hold so much pigment, and dark color tones are not recommended. Stucco works best in light pastel shades, and some slight variation in color shade should be expected. This is particularly true with stucco sand finish-texture. The water needed to float the sand texture can cause colors to migrate and be blotchy, the darker the color, the more blotches. Colored cement stucco can be "fog" coated, which is a good method to improve the color consistency in cement finish coats.

APPLICATION:

Stucco is a natural cement-based material; acrylic finish is a synthetic man-made coating. Stucco cures to a hardened state while acrylics dry to a hardened state. This is a critical difference when considering environmental conditions during application.

Acrylics should be thought of as a quality thick paint with an aggregate added for texture.

Acrylics dry from the outside in and can be sensitive to environmental conditions and should not be applied in temperatures below 40 degrees F (4°C). Air circulation is as important for drying as the temperature, especially in humid conditions. Cement stucco finish "cures" as opposed to drying and can be applied in temperatures as low as 35 degrees F (2°C). *(continued on back)*

Cement finish coats are a nominal 1/8 inch thick and have the ability to fill small imperfections in the base coat. Acrylic finish coats are paint-like in their characteristics and have very little fill capability. This same paint-like characteristic makes a light colored (white) acrylic difficult to cover some darker base coats and the use of a primer over the base coat may be advisable.

For acrylics or cement finish, the Portland cement plaster base coat must be cured a minimum of seven days before applying the finish, but a longer cure time is beneficial. It gives the building additional time to "find itself" or settle before the finish coat is applied. When the construction schedule can allow the added time, TSIB recommends a 14 to 21 day interval between application of the brown coat and finish.

WATER REPELLENCY:

Traditional cement stucco, like all cement products, will absorb surface moisture and darken when wet. Acrylics, similar to a nylon stocking, will repel surface moisture, but moisture will pass through as a vapor. Acrylics should never be mistakenly used or sold as a method to "seal" the building from water intrusion. Properly applied Portland cement plaster base coat will keep moisture out while remaining vapor permeable. It is advisable that all finish coat materials, including paint, be a "breathable" membrane. Acrylic finish should never be used on horizontal surfaces or other areas susceptible to ponding water, as they can soften with prolonged exposure to moisture. An advantage of acrylic finish is that they retain their color when wet which is a consideration in wet climates.

Many cement stucco manufacturers offer clear sealers that will provide the same water repellant benefit as acrylics. Most only last a year or two and may have to be reapplied every few years. This is a simple procedure and not very expensive.

FLEXIBLE:

Cement finish coats are not flexible and hairline cracks will transfer through the finish. Acrylic finish coats are more flexible when initially installed and tend to hide minor hairline cracking in the first year or so. However, acrylic finish coats are not considered an elastomeric paint coating. After exposure to the sun, the acrylics tend to harden slightly and hairline cracks may appear at a later time.

The TSIB cautions designers about the use of elastomeric coatings over stucco, true elastomeric coatings tend to be vapor barriers and can hinder membrane drainage.

MAINTENANCE:

Both stucco and acrylic finishes are relatively low maintenance and both can be painted when a change of color is desired. Acrylics have proven to work well over the last ten to fifteen years. The life expectancy of a stucco finish coat has been proven to be several decades.

CONCLUSION:

Both finishes have strong points and limitations. Acrylic finish coats cost more for material and labor to apply. Designers should review the above list of compared features and discuss with the building owner which finish is most appropriate.

6/10/60

ORDINANCE NO. 235

AN ORDINANCE ESTABLISHING MINIMUM PERFORMANCE STANDARDS IN FREEWAY DEVELOPMENT AND INDUSTRIAL PARK (I-1) DISTRICTS.

The Village Council of the Village of Bloomington ordains:

Section 1. That the following performance standards shall apply to Freeway Development and Industrial Park Districts.

A. That the minimum site area in Industrial Park Districts is 3 acres and the minimum ground floor area is 10,000 square feet.

B. That the minimum site area in Freeway Development I Districts is 3 acres and the minimum ground floor area is 10,000 square feet.

C. That set-backs in these districts are as follows:

1. Front - 35 feet
2. Side - 25 feet
3. Rear - 35 feet
4. All increased by 2 feet for each additional foot of height of structure in excess of a height of 15 feet.

D. No materials or equipment may be stored outside except those directly related to the principle use or those being used for construction on the premises.

E. All waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse and weeds.

F. Screening is required where any off street parking area contains more than six parking spaces and is within 30 feet of residential zone and where a driveway to a parking area of more than six spaces is within 15 feet of a residential zone.

Screening is required where a use is adjoining or across the street from a residential zone.

The screening required in this section shall consist of a solid fence or wall not less than 5 feet high but shall not extend within 15 feet of any street or driveway. The screening shall be placed along property lines or in case of screening along a street, 15 feet from the street right-of-way with landscaping between the screening and the pavement.

G. All uses shall provide a landscaped yard along all streets. This yard shall be kept clear of all structures, storage, and off-street parking. This yard shall be at least 20 feet in depth along all streets, measured from the street right-of-way. Except for driveways, the yard shall extend along the entire frontage of the lot, and along both streets in the case of a corner lot.

H. All structures requiring landscaping and fences shall be maintained so as not to be unsightly to the adjoining areas.

I. Any lighting used to illuminate an off-street parking area or sign shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, from floodlights or from high-temperature processes such as combustion or welding, shall not be directed into any adjoining property.

J. No sign shall be constructed so as to interfere with traffic signs or signals. Except as otherwise provided in the Village Code, the following shall apply:

Number:	Business signs:	one per frontage on street, or per business.
Size:	Business signs:	one square foot for each 100 square feet of ground floor area.
Height:	No higher than 5 feet above highest outside wall.	
Projection into required front set-back area:	2 feet	
Illumination:	Illuminated but not flashing signs permitted.	

The illumination of any sign located within 50 feet of a residential district lot line shall be diffused or indirect and designed so as not to reflect direct rays of light into adjacent residences.

If a commercial or industrial building faces a Freeway or major arterial, the permitted size of signs shall be doubled for each additional 25 feet of front-yard set-back, except that such increase shall not result in a sign area more than 20% of the area of the face of the building on which the sign is located.

To provide reasonable flexibility in these regulations, the Superintendent of the Building Department may, subject to the approval of the Village Council, approve an application for a sign that exceeds the number, size, or height, or signs permitted by these regulations where such exception would not be inconsistent with the intent of regulations. All signs shall be attached to the building and shall not be painted on the building.

K. All principle buildings other than one and two family dwellings must be designed by a registered architect.

L. No noise, odors, vibration, smoke, air polution or dangerous wastes shall be created.

M. Additional Industrial Park Requirements:

1. Building coverage shall not exceed 30% of the site.
2. All materials and equipment shall be completely enclosed within buildings or fences.
3. No loading docks may be on any street frontage. Provision for handling all freight, either by railroad or truck, shall be on those sides of any buildings which do not face on any street or proposed streets
4. No fence masonry wall, hedge, or mass planting shall be permitted to extend beyond the building set-back lines.
5. All buildings erected on the property shall be of masonry construction, or its equivalent, or better. No building shall be constructed of sheet aluminum, asbestos or iron or steel, or corrugated aluminum, asbestos or iron. No building shall be constructed with wooden frame. Exterior wall surfaces of all buildings shall be faced with face brick, stone, curtain wall construction, architectural tilt-up panels, or an equivalent.

6. The following conditions must be met along any street bordering on a residential zone:

   a. There may be no driveway access from such street into adjacent dustrial sites. All such access shall be from streets within the industrial park.

   b. All buildings shall be set-back at least 125 feet from the street right-of-way.

   c. A landscaped yard of 50 feet in depth shall be provided and maintained along such street.

   d. Any off-street parking, as well as other storage located within the 125 foot set-back area shall be fully screened by means of a solid fence at least five feet high. Such area shall be at least 50 feet from the street right-of-way, however.

Adopted this 10th day of June, 1960.

Mayor

Attest:

Clerk

82nd Street be rezoned to Multiple Dwelling (R-3), on the following grounds:

1. The original zoning was erroneous, in the fact that the first comprehensive land use plan that the City has had, arrived at the conclusion that commercial is not the proper zoning in this area.

2. The condition have changed -
   a. Since this was initially zoned commercial, residences have been built entirely surrounding it.
   b. Major highway has split up part of the original property.
   c. School has developed in the immediate vicinity.

3. That strip commercial zoning as a result of the residue left of the property would generate more traffic in the area than multiple dwelling. It would pile up peaks in traffic flow, which is something the City should avoid.

4. On the basis that one of the petitioners indicated, that the area north of 82nd Street might well serve as a buffer between residential or a "living use", whether it be motel or multiple dwelling and the industrial use immediately to the north.

The vote on the motion was: Miklethun, yea; Mastrovich, yea; Knudsen, yea; Adams, abstain; Hoffman, yea, and so carried.

Hearing for Variance at 9201 17th Ave. So. Case #2666

The hearing on the request of Mr. G. L. Running for approval of a variance at 9201 17th Avenue South, to permit a store entrance on 17th Avenue and to substitute landscaping and shrubbery for a solid wood fence along 17th Avenue was opened for discussion. Mr. Running presented a sketch of the proposed building, that, in his opinion, would be more in line with the architecture of the residences across the street. The front would be of a colonial design, and that landscaping and shrubbery would be more desirable than a solid fence. Several of the property owners were present and reviewed the proposed plans, and after numerous questions, indicated that they have no serious objections to the proposed changes. A motion was made by Hoffman, seconded by Miklethun, and all voting yea to approve the variance as requested.

Hearing for Variance of Building Facing at 2701 East 78th Street Case #2668

The hearing on the request of Mr. A. C. Anderson of the Chrom-O-Lite Company at 2701 East 78th Street for a variance to permit the change in the finish of the present building and the addition from a brick finish to a textured stucco was opened for discussion. The Building Inspection Department had approved plans for a finish that would provide either a brick or stone appearance, which the applicant now does not want to comply. Mr. Anderson stated that the scoring of the stucco to resemble brick would be quite expensive and feels that a textured stucco finish in two-tone green would be as attractive. He exhibited some snap-shots of other buildings on either side of his that at best would not be any more attractive than the finish he wishes to put on his building. The City Manager stated that it has been the desire to upgrade this area, and this is certainly an improvement. A motion was made by Hoffman, seconded by Adams, and all voting yea, to approve the variance, on the basis that stucco has been determined as an equivalent of masonry construction.

Discussion on Current Legislation

The Council considered and discussed current legislation before the Legislature affecting Bloomington. The City Manager reported that the sanitary district expansion program is apparently coming to a head. The Governor, at the request of the Metropolitan Planning Commission, and others, is attempting to get the Legislature to consider this bill, and it is the belief of the City Manager that a strong stand must be taken, or the entire proposal may fail at this session. At present this would probably not affect Bloomington directly, but would leave us that much longer in doubt as to our ultimate design of our sewer system in the southern area, and the entire metropolitan area would be in a quandry if this is not resolved by this Legislature. Mr. Olsen recommended that the Council request the bill be considered, with a proviso of some form of limitation so that the cost for each unit would not exceed 105% of the average cost, which would include Minneapolis and St. Paul. This would eliminate the

NOTE - City Council action was taken on December 17, 1964

Building the Future on the Strength of the Past

By: Jim King, Past Mayor of Bloomington

The "Edge City Defined" article by Lee Canning in the March issue of the Forum is an interesting concept and it certainly is a good definition of what Bloomington really has become. The foundation for what took place in Bloomington in later years was developed, for the most part, in the 1960's by a leadership that recognized the unique opportunity the city had to experiment and do things differently.

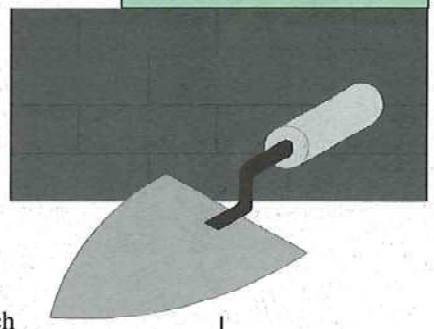
I was appointed to the Planning Commission in January 1964. After only a few meetings on the commission, an application for a conditional use permit had been filed for a Target Store by what is now the Dayton/Hudson Corp., and of course it was a typical commercial building of that era - raw concrete block with a little brick trim on the front. At that time, two commission members were structural engineers and it wasn't long after the hearing began that I could see both of them making calculations on their slide rules. Finally, Chairman Milan Johnston announced that he had calculated the cost to put brick on all four sides of the building at a cost of approximately $50,000. Burt Anderson chimed in and said he, too, had come up with the same number. Then Milan Johnston called a recess and we retired to the board room for a short discussion on the brick matter. When the meeting resumed a short time later, Burt Anderson took his mike in hand and said, "Mr. (Douglas) Dayton, this is Bloomington and we do things differently in Bloomington. Your building will be brick on all four sides." Douglas Dayton agreed. That decision became a standard for all future commercial development in Bloomington. It would be brick or better. It also became a standard for all future Target stores.

As the planning process evolved during those years, other criteria and standards were developed. For example, we knew that we did not want cars parked on city streets - streets that were constructed for the purpose of moving traffic, not for parking cars. As a result, all development had to provide for adequate off-street parking and proper screening so as to minimize the visual effect of large blacktopped areas. It also enabled the City to plow all streets completely in less than 12 hours. Bloomington was all done before Minneapolis stopped talking about plowing.

By the middle 1960's, Bloomington had a very ambitious park and open space acquisition program in place but had little or no money to carry it out. The big challenge was how to implement the plan without money. Easy. As each new residential subdivision was approved, it had a condition that required the developer to donate land equal to 10% of the plot or its equivalency in cash at the discretion of the city. Developers protested this form of black mail, but paid the 10% nevertheless. Today, the 10% donation requirement has been written into state law. In 1970 when I became Mayor, the city applied for federal grant money for the first time ever. We received a grant from the land and water conservation fund, which enabled the city to acquire all of the open space around Normandale College and the Bloomington Ice Garden, which went a long way toward implementing the overall plan.

There were so many things that were used that were designed to attract quality development such as using liquor licenses as a development tool, which the city did very effectively -hence the hospitality industry. Bloomington has always been blessed with excellent leadership, but the people who served this city in the 1960's were a special breed. They showed vision and were not afraid to chart new ground. They were one bunch of dedicated people willing to make the sacrifice, attending meetings that often ended at 3 a. m. It was a challenging period and I am thankful for the opportunity to have been a part of it. ■

When the meeting resumed a short time latter, Burt Anderson took his mike in hand and said, "Mr. (Douglas) Dayton, this is Bloomington and we do things differently in Bloomington. Your building will be brick on all four sides."



and setting a hearing on the amended revision. The vote on the motion was as follows: Ayes, Viitala, Nelson, Crain, Malone and Hasselberg, and nay, Adams, and the motion carried.

Meaning of "More Restricted"

The Council was requested by the Planning Commission to consider a zoning ordinance revision on the meaning of "more restricted." The Planning Commission commented in a written report that Section 7.02 describes the rules to follow when a lot is located in two different districts, and that the rule varies by whether the frontage of the lot is in a "less restricted" or a "more restricted" zone. It was felt this terminology is a holdover from when residential zones allowed only homes, but business zones allowed business and homes, and industrial zones allowed industry and business and homes.

The Commission felt that because all zones are restrictive in their own way, e.g. homes are not permitted in industrial zones, any difficulty could be eliminated by simple definition of terms.

A lengthy discussion was held on the sequence of the districts because question was raised as to the order in which they should be listed.

Motion was made by Hasselberg, seconded by Malone, and all present voting yea, to refer this matter to the Attorney for research.

Retail Shopping Uses in Freeway Development Zones

The Council was requested by the Planning Commission to consider a zoning ordinance revision on retail shopping uses in Freeway Development zones. Following discussion, motion was made by Malone, seconded by Adams, and all present voting yea, to instruct the Attorney to draft an amendment to the ordinance effecting this change.

Required Garages for Apartments

The Council was requested by the Planning Commission to consider a zoning ordinance revision on required garages for apartments. Following discussion, motion was made by Malone, seconded by Adams, and all present voting yea, to instruct the Attorney to draft an amendment to the ordinance effecting this change.

Apartment Park Density

The Council was requested by the Planning Commission to consider a zoning ordinance revision on apartment park density. Following discussion of the reasons for the revision, motion was made by Crain, seconded by Hasselberg, and all present voting yea, to instruct the Attorney to draft an amendment to the ordinance effecting this change.

Shadow Block or Not

The Council was requested by the Planning Commission to discuss the use of concrete block in industrial and commercial buildings as exterior finish because of the low standards they felt results from use of this block. Planning Commission members brought out their objections to the use of concrete block and the City Building Superintendent said that while he personally prefers brick construction, he receives complaints from builders in the City who feel their architects are being handicapped by the City's insistence that the exterior finish be brick.

A lengthy discussion was held on the use of brick versus shadow block versus concrete block and it was generally agreed that brick was preferred and that the Building Department should tighten up on block construction and that it must be architecturally treated.

State Planning Law

The Council was requested by the Planning Commission to consider the impact of the new Minnesota planning law on Council-Commission relationships and organization of the Planning Commission workload. A summary of the pertinent new state law requirements and provisions was furnished to the Council and Planning Commission. Following discussion, the Council requested that the City Attorney prepare a comprehensive report and recommendations on this law as it will affect Bloomington.

Meaning of Concept Approval

The Council had discussed at previous meetings the meaning of concept approval as it pertains to conditional use permits. The Council reviewed their previous discussions for the benefit of the Planning Com-

The Planning Commission at its meeting of December 7 recommended approval of the rezoning based on being able to make the findings in 7.14.G.1. through 7. The Planning Commission also recommended approval of the preliminary development plan based on being able to make the findings and with the following conditions:

1. property be platted in accordance with Chapter 20 of the City Code,
2. right-of-way be provided to 40 feet from centerline on West 110th Street and for a 75 foot radius on the corner of 110th Street and Normandale,
3. the single-family home at the northeast corner of the project should have access from the private drive to the west instead of from 110th Street,
4. five foot wide sidewalk and utility easements on both 110th Street and Normandale Boulevard with sidewalk on 110th Street to be built as part of this development,
5. landscape plan be approved by the Planning Director,
6. details of access and circulation be approved by the City Traffic Engineer,
7. drainage and utilities be approved by the Engineering Division and catch basin be provided within the parking area rather than drainage on the surface.

Discussion was held on the density requirements for this area as it relates to the Western Area Plan and the Director of Community Development indicated that the proposed development will be within the approved density.

The preliminary development plans were posted on the wall and were reviewed by Thomas Wakely, who called the Council's attention to the location of three single family homes which will be incorporated into this development, which he said is an experiment to determine acceptance of the concept of townhouses and homes in one development.

Following discussion, motion was made by Malone, seconded by Anderson, and all voting aye to close the hearing and adopt the ordinance rezoning certain land in the vicinity of 5389 West 110th Street from Residential District R-2 to a Residential Planned Development District R-2 (PD).

Motion was made by King, seconded by Belanger, and all voting aye to approve the preliminary development plan subject to compliance with the conditions listed by the Planning Commission.

Final Site Plans and Building Plans for Shopping Center Case 7332B-72 Item 6.2

The Council was requested by Inland Construction Corporation to consider approving the final site plans and building plans for a shopping center at 5101 West 98th Street in a Retail Business (B-2) zone. A conditional use permit for this use was granted in June of 1972.

The Planning Commission at its meeting of December 7, 1972, recommended approval of the final site plans and building plans subject to the plans conforming to all applicable codes and ordinances and with the following conditions:

1. approval of access, parking and circulation by the City Traffic Engineer,
2. drainage and utilities be approved by the Engineering Division,
3. landscape and lighting plan and schedule be approved by the Planning Director with review by the Homeowners Association,
4. final review and approval of uniform sign design,
5. redesign south wall to lessen its impact on the surrounding area,
6. additional right-of-way as required for acceleration, deceleration and turn lanes be provided,
7. sidewalk and utility easement be provided around the entire perimeter of the site and special attention to a meandering sidewalk on the east end of the property,
8. include a north/south walkway in the parking lot,
9. eliminate one aisle of parking along Normandale between the exit to the south and entrance to the north so the green area could be increased,
10. replatting of the property and the City-owned property in question into one parcel.

The Planning Commission also recommended that Normandale Highlands Drive be closed as indicated on the final site plans and building plans at the same time that construction would start on the project or before.

At its meeting of December 14, 1972, the Planning Commission considered the redesign of the south elevation, which had been one of the conditions of approval of the final site and building plans. Their motion was as follows: "...in Case 7332B-72 recommending approval of the south and east elevations of the proposed shopping center to be treated with a combination of architecturally treated concrete or similar material consisting of break off block with and without ears. The details should be reasonably close to elevations presented to the Planning Commission."

Plans for the shopping center were posted on the wall and were reviewed by Cal Lundquist, architect for the petitioner. A model of the shopping center was also displayed. Lengthy discussion was held on the proposed plans with particular emphasis on the ingress and egress into this shopping center; the architectural treatment of the exterior finish, and lighting for the center so as not to disturb the surrounding residential area. Opposition was expressed to the proposed ingress and egress from Normandale Boulevard. Allen asked the proposed daily volume of traffic that will be going in and out of this center and Mr. Lundquist said he did not know because such a study had not been completed.

In reviewing the material proposed to be used as exterior finish, the Manager said he felt that the material that is proposed to be used would require a change in the ordinance if approval is to be given. William Harrison, President of Inland Construction Corporation, said that his company will use brick instead of this material if there is objection to it.

Anderson noted that meetings have been held with the Shepherd-Normandale Home Owners Association, who have approved of the plans as presented because they feel it will keep traffic off of 98th Street and Normandale Highlands Drive. In response to a query by the Council, the City Engineer said that the Traffic Engineer had concurred with the traffic patterns proposed because of the location of the buildings on the site and because it is felt that the future traffic on 98th Street will be as great as that on Normandale.

Following discussion, motion was made by King and seconded by Darr to approve the final site plans and building plans for the shopping center with the conditions specified by the Planning Commission and also approving the exterior material as proposed. The vote on the motion was: aye, King, and nays, Belanger, Allen, Anderson, Darr, O'Neil and Malone, and the motion failed 1-6.

Belanger said he had discussed the proposed plans with the attorney for the developer and felt that the present plans do not embody the concept he thought the Council had approved. He said the plan isn't unique and in effect takes the Valley West plan and puts it at this location on a smaller scale. Malone indicated that the Council's action wouldn't preclude the developer from returning with revised plans. He said his objection is to the architectural treatment of the exterior and to the proposed ingress and egress from Normandale. He felt the architect had designed the traffic exit and entrances to fit the center rather than the reverse.

O'Neil concurred with the objection to the traffic pattern but said he would rather see the proposed exterior treatment than a big brick building. Allen said his main concern was with the lack of knowledge on the volume of daily traffic using the center. He said until this was known, he couldn't make a judgement for or against the traffic pattern. Anderson said his objection was to the architectural treatment of the exterior of the building. He asked that after the Staff has researched this matter, it be brought back to the Council as soon as possible. Darr concurred, saying if the material doesn't meet code requirements, it should be discussed and clarified. He

felt this material must meet requirements of the City Code before it can be approved for use at this shopping center.

Conditional Use Permit for Two-Family Dwelling Case 7820A-72 Item 6.3

The Council was requested by Gilbert H. Feig to consider approving a conditional use permit for a two-family dwelling at 9747-49 Utica Road in a Residential (R-2) zone.

The Planning Commission at its meeting of December 21, 1972, recommended approval of the conditional use permit based on being able to make the required findings in 11.13.A.1. through 4. and 6. and with the following conditions:

1. site plans and building plans to be approved by the Planning Commission and City Council,
2. building to be designed and placed on the lot to avoid encroachment on the sewer easement and to comply with all of the setback requirements,
3. landscape plan be approved by the Planning Director.

Following discussion, motion was made by King, seconded by O'Neil, and all voting aye to approve the request for conditional use permit subject to compliance with the conditions specified by the Planning Commission and with special emphasis on the second condition.

Conditional Use Permit and Final Site Plans and Building Plans Case 7821A-72 Item 6.4

The Council was requested by Gilbert H. Feig to consider approving a conditional use permit for a two-family dwelling at 9723-25 Utica Road in a Residential (R-2) zone. The Council was also requested to consider approving the final site plans and building plans for this dwelling.

The Planning Commission at its meeting of December 21 recommended approval of the conditional use permit based on making the required findings in 11.13.A.1.through 4. and 6. with the following conditions:

1. site plans and building plans be approved by the Planning Commission and City Council,
2. garage setback to be 50 feet from the property line,
3. landscape plan be approved by the Planning Director.

At its meeting of December 28 the Planning Commission approved the final site plans and building plans with the following conditions:

1. sidewalks be incorporated on this parcel on Utica,
2. landscape plans be approved by the Planning Director,
3. grading plans be approved by the Engineering Division,
4. subject to approval of the conditional use permit for this dwelling by the Council.

Following discussion, motion was made by King, seconded by O'Neil, and all voting aye to approve the conditional use permit and the final site plans and building plans for the two-family dwelling at 9723-25 Utica Road.

Conditional Use Permit for Garden Store Case 5241A-72 Item 6.5

The Council was requested by Target Stores, Inc., to consider approving a conditional use permit to continue a garden store at 2555 West 79th Street in a Freeway Development (FD-1) zone. The last conditional use permit for this garden store was approved by the Council on December 14, 1970, for a two-year period.

The Planning Commission at its meeting of December 21, 1972, recommended approval of a temporary conditional use permit for a garden store for a two-year period based on being able to make the findings in 11.13.E.1.a. through d. with the following conditions:

1. property be platted in accordance with Chapter 20 of the City Code,
2. the outdoor speaker at the garden store area be cut off or somehow controlled to reduce its nuisance characteristics.

Following discussion, motion was made by King, seconded by O'Neil, and all voting aye to approve a temporary conditional use permit for two years for a garden store subject to compliance with the conditions specified by the Planning Commission.

RESOLUTION NO. 81-120

A RESOLUTION OF DENIAL OF REQUEST FOR VARIANCE FOR NONCONFORMING EXTERIOR BUILDING MATERIALS

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

WHEREAS, Norman Undestad proposes to construct a two-story, 12,000 square foot office building on a parcel of land located at 5810 West 78th Street, in an area zoned FD-2 (Freeway Development); and

WHEREAS, Section 19.34(f) of the City Code reads as follows:

> "(f) Freeway Development (FD2) District Requirements. All buildings erected on the property shall be of masonry construction, an equivalent, or better. No building shall be constructed of sheet aluminum, asbestos, iron, steel, or corrugated aluminum. No building shall be constructed with wooden frame. Exterior surfaces of all buildings shall be faced with face brick, stone, architectural concrete or pre-cast concrete, or an equivalent or better."

WHEREAS, Norman Undestad has applied to the City for a variance in order to permit him to use "Dry-vit" as the exterior material for the proposed office building; and

WHEREAS, on September 10, 1981, the Planning Commission of the City of Bloomington, an advisory body to the City Council, held a public hearing with regard to said variance application and voted unanimously to deny the variance request based on the inability to make the findings required in Section 2.98.01(b)(3)(A)(B)(C) and (D) of the City Code, which provides as follows:

> "(b) Powers and Duties. The Planning Commission shall have all the powers and duties prescribed by law and by this Division, including the following:
> (3) To prescribe any conditions for granting any variance which it deems to be necessary or desirable. No variance from the strict application of any of the provisions of this Code shall be granted by the Commission unless it finds as follows:
> (A) That, for reasons which are to be set forth in the findings, the variance is necessary for reasonable use of the land or building and that the variance as approved by the Commission is a minimum variance which will accomplish this purpose.
> (B) That granting the variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
> (C) That the special condition or circumstance is not the result of actions of the applicant.

(D) That nonconforming use of neighboring lands, structures, or buildings in the same district is not the sole grounds for issuance of the variance."

WHEREAS, the City Council of the City of Bloomington, in regular meeting assembled on September 28, 1981, held a public hearing where the applicant was given full opportunity to be heard regarding said variance application; and

WHEREAS, the City Council having before it memorandums dated October 1, 1981, from Arlyn Grussing to John Pidgeon and from Jan Gasterland to John Pidgeon and the minutes of the Planning Commission's consideration of said application on September 10, 1981; and

WHEREAS, the City Council of the City of Bloomington, based upon all the facts before the Council and upon its experience and knowledge of the area, hereby makes the following findings:

1. That the material proposed, "Dry-vit," is not the equivalent of or better than the materials permitted in an FD-2 zoning district and as described in Section 19.34(f) of the City Code and therefore is not allowed by the Zoning Code.
2. That the requested variance is not necessary for the applicant's erection or use of the proposed office building.
3. That the granting of said variance would be inconsistent with the purposes of the Zoning Code enumerated in Sections 19.01(1) and (7) and 19.34(a) thereof.
4. That the proposed material, "Dry-vit," is a foam plastic combustible material which would create a greater fire hazard than the materials allowed under Section 19.34(f) of the City Code.
5. That "Dry-vit" does not meet the standards of noncombustible materials set forth in the Uniform Building Code, which has been adopted by the City of Bloomington.
6. That the denial of said variance request would not impose an unnecessary hardship on the applicant nor deprive the applicant of the reasonable use of the building or land involved.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON IN REGULAR MEETING ASSEMBLED, that based on the foregoing findings the application for said variance is hereby denied.

Dated this 19th day of October, 1981.

Mayor

Attest:

Evelynne Thompson
Secretary to the Council

Ordinance Amendment - Exterior Building Materials in the CX-2 Zoning District
Case 9759A-90
Item 4.2
O-90-12

The Council was requested to adopt an ordinance to amend the exterior building material requirements in the Mixed Use CX-2 Zoning District and amending Sections 19.03 and 19.40.06 of the City Code.

The Planning Commission, at its meeting of March 8, recommended approval of the ordinance amendment to the CX-2 Zoning District to allow additional exterior building materials.

The Director of Planning said the developer of the Mall of America has been discussing with the staff the use of an exterior insulation finish system (EIFS) as the exterior finish for the building. Because this material is not presently allowed in the CX-2 Zoning District, the requirements of this district had to be amended if this material was to be used. He said after the request by the Mall developer, staff reviewed the material being proposed particularly with regard to durability, safety and architectural design. He said there was some concern about the fire safety factor because of two fires in which this material burned after being exposed to radiant heat. He said this was resolved by requiring horizontal and vertical distances between buildings on which it is used.

He said there are two parts to the ordinance, one for the definition of the material and the other citing provisions for its use. In the latter he said the ordinance was written to specify that the material could not be used lower than 18 feet from the ground. In addition to the 18-foot requirement it would also be specified that there be a 14-foot distance between buildings or building to a curb line. He said these requirements would be manageable in the CX-2 Zoning District because planned developments are mandatory, and there is control over the location of the buildings and the roadways.

In response to a question by Mahon as to whether the definition in the ordinance zeroed in on the best of EIFS, Mr. Geshwiler said he felt it did, and the material as defined in the ordinance is designed for high use areas. Mahon asked what the first 18 feet of a building would be to which Mr. Geshwiler said it would be brick or better, and in the case of the Mall would be brick. He said the material could be used in other districts without amending the requirements for those districts if the City adopted the Uniform Building Code which includes approval of this material, otherwise he said the City would have to amend the requirements for those districts.

Houle asked about the process followed by the City in seeking acceptance of a particular product which hadn't previously been approved for use. Mr. Geshwiler said the Manager of the Building and Inspection Division and the Fire Marshal both serve on committees in their specific organizations that review code requirements for products. He said the City also contacts building officials across the country to determine their experience with the product. He said for EIFS, the City also consulted with the architect for the Mall as well as the manufacturers of this product. He said through a process of elimination a set of criteria was defined for the product. He said some of the EIFS that were examined did not contain portland cement or acrylic and it was felt both are essential in the product.

James Andrews, 4932 West 82nd Street, said he was concerned about the use of EIFS because of the precedent being set. He said the real reason this product is being approved is because of its proposed use at the Mall dictated by the economics of the developer. He said he had questions about its durability and maintainability, and does not feel it conforms to the brick or better standard. In addition, he said there could be an environmental concern about flurocarbons or gases that would be given off if there was a fire. He noted there is nothing in the ordinance about appearance of the exterior material, and suggested that the reason the '88 code hasn't been adopted could be because this is one of the things on which there isn't agreement. Mr. Andrews said this material

could also be susceptible to being penetrated by darts or arrows.

Houle asked if the standards that were being applied for use of this product were specifically because of the Mall. Mr. Geshwiler said the 18-foot separation was specified because of the possibility of exposure to radiant heat at a lower elevation. He said if the use of EIFS was extended to other zoning districts the horizontal (14 feet) and vertical (18 feet) distances would have to be incorporated.

Following discussion, motion was made by Schuler, seconded by Mahon, and all present voting aye, to close the hearing and to adopt the ordinance.

Declare Recess

A short recess was declared after which the meeting was reconvened by the Mayor at 8:45 p.m.

Final Development Plan for Approval of Exterior Building Materials and Design for the Mall
Case 8235A-90
Item 5.1

The Council was requested by the Mall of America Company, 8100 24th Avenue South, to consider approving the exterior building materials and exterior design for the Mall structure. This approval was required by the approval of the revised final development plan for the Mall which specified several additional final development plan requirements.

The Planning Commission, at its meeting of March 8, recommended approval of the revised final development plan for the exterior materials and exterior design for the Mall of America structure, based on making the required City Code findings in Section 19.38.01 (e)(5)(A-H) with the following conditions:

1. any changes in exterior building materials or colors be approved by the City Council,
2. a "U" groove imitation mortar joint be used on the EIFS instead of a "V" groove imitation mortar joint, or an alternative as approved by the Director of Planning,
3. conditions of the Federal Aviation Administration permit be observed,
4. a sample of each building material and color variation thereof shall be submitted to the Director of Planning prior to application of an exterior finish; for the EIFS panels this shall include a two-foot by four-foot panel showing the imitation mortar joint, the step-back for the reveal and an expansion joint,
5. a minimum five-foot wide vertical neutral zone be provided at edges adjoining anchor department stores,
6. metal, roof-mounted mechanical structures be painted in a manner that will diminish their importance as approved by the Director of Planning.

The Director of Planning discussed the exterior building materials to be used, displaying samples to be used on the different parts of the building. He said the standards that were set by the City for this structure were outlined in a staff report for the Mall last year and requested the developer to provide human scale elements close to the ground; use of a palette of exterior materials that wasn't of sharp contrast of colors or textures; not to use unusual or unique shapes; and to provide a background building that was neutral so it would not be a strong contrast to the buildings of the anchor tenants. Mr. Geshwiler said the first 18 feet of the building would be jumbo brick with a contrasting band at nine feet, and after the 18-foot level the exterior insulation finish system (EIFS) would be used. He said a triangular light bar system is proposed to accentuate the entrances. Mechanical structures on the roof would be screened.

Houle asked if the City was comfortable that the most attractive building as possible is being designed to which Mr. Geshwiler said he felt it is. He said this structure has long straight walls, very tall, which persons in Bloomington aren't used to seeing. However, he said because of the design, all loading docks and mechanical equipment will be beneath the building and not exposed as at other shopping centers. He said the landscape plan will also provide relief. In addition, he noted the building will not be in isolation because there are parking structures at either end. He said the building will fit in scale with those structures.

relief from the City's required screening of rooftop equipment, and to overrule the staff's denial of the proposed landscaping plan. After a hearing, the Council had referred the matter back to the staff with a request to work with the applicant to effect a compromise.

The applicant has now modified the request concerning the screening of the rooftop equipment so that all sides of the equipment will be screened except from the north side, and if complaints are received, that screening will be provided. A revised landscaping plan has been submitted which is acceptable to the staff. Staff recommendation, therefore, was for approval of the revised preliminary and final development plans. Following discussion, motion was made by Herbst, seconded by Houle, and all voting aye, to approve the revised preliminary and final development plans.

Revised Final Site Plan and Building Plans
Case 7112AB-91
Item 5.4

The Council was requested by the Evangelical Free Church of America, 901 East 78th Street, to approve the revised final site plan and building plans for exterior finish and parapet expansion for an existing office building.

The Planning Commission, at its meeting of April 11, recommended approval of the revised final site and building plans based on making the required City Code findings in Section 19.40.12(d)(1-5) with satisfaction of the following condition prior to the issuance of building permits:

1. canopy design and dimensions be approved by the Director of Planning.

Following discussion, motion was made by Mahon, seconded by Peterson, and all voting aye, to approve the plans based on compliance with the condition set forth by the Planning Commission.

Revised Final Site Plan and Building Plans for Bank Teller Facility
Case 9237A-91
Item 5.5

The Council was requested by The Highland Bank, 5270 West 84th Street, to approve the revised final site plan and building plans to replace an existing drive-up teller unit with a drive-up automated teller machine.

The Planning Commission, at its meeting of April 11, recommended approval of the revised final site plan and building plans based on making the required City Code findings in Section 19.40.12(d)(1-5) with satisfaction of the following conditions prior to the issuance of building permits:

1. exterior colors and materials of the ATM be approved by the Director of Planning,
2. signage and graphics on the ATM be limited to six square feet, as approved by the Director of Planning,
3. all other on-site sign changes relating to the ATM be limited to legal directional signs.

Following discussion, motion was made by Houle, seconded by Peterson, and all voting aye, to approve the revised final site plan and building plans based on compliance with the conditions set forth by the Planning Commission.

Variance to Exterior Building Material Requirements and Revised Final Site and Building Plans
Case 8742AB-91
Item 5.6
R-91-61

The Council was requested by Dalsin Industries, 9135 Grand Avenue, to approve a variance to the exterior building material requirement in the I-3 General Industrial District to allow the use of precast masonry wall panels for an addition to their building, and to approve the revised final site plan and building plans for this addition.

The Planning Commission, at its meeting of April 11, recommended approval of a variance to use a metal insulated panel system for energy conservation purposes and to renovate an existing building based on making the required City Code findings in Section 2.98.01

(b)(3)(A-D) with the following condition:

1. exterior building materials be approved by the Director of Planning.

The Planning Commission, at the same meeting, also approved the revised final site and building plans based on making the required City Code findings in Section 19.40.12(d)(1-5) with satisfaction of the following conditions prior to the issuance of any grading or building permits:

1. exterior building materials be approved by the Director of Planning,
2. grading, drainage, utility and erosion control plans be approved by the City Engineer,
3. access, circulation and parking plans be approved by the City Traffic Engineer,
4. exterior lighting plan and building security plans be approved by the Crime Prevention Officer, Bloomington Police Department,
5. existing L.P. tank for standby fuel be removed,
6. an agreement guaranteeing the provision of adequate parking when required by the City Traffic Engineer be submitted for approval by the City Attorney, be filed with the appropriate Hennepin County office, and proof of filing be provided to the Manager of the Building and Inspection Division,

and subject to the following additional conditions of approval:

7. building be provided with an automatic fire sprinkler system as approved by the Fire Marshal,
8. all pickup and dropoff occur on site and off of public streets,
9. all loading and unloading occur on site and off of public streets,
10. enclosed trash facility(s) be provided in a designated area as approved by the Fire Marshal,
11. space be provided for the collection, separation and temporary storage of recyclable materials within or adjacent to the building,
12. handicapped access be provided to the building,
13. extend the water main along the north side of the building and add two additional hydrants, one along the east and one along the north side.

Following discussion, motion was made by Johnson, seconded by Mahon, and all voting aye, to adopt a resolution granting the variance based on compliance with the condition set forth by the Planning Commission, and to approve the revised final site plan and building plans based on compliance with the conditions set forth by the Planning Commission.

Preliminary and Final Development Plan for Motel Addition
Case 6921A-91
Item 5.7 and
Ordinance Rezoning Property to CS-1(PD)
Item 4.10
O-91-27

The Council was requested to approve a preliminary development plan for a motel addition to the Days Inn, 1901 Killebrew Drive (formerly 8401 Cedar Avenue), to approve a final development plan for the existing development, and to approve rezoning of the property from Commercial Service (CS-1) to Commercial Service Planned Development (CS-1(PD)). As part of the condemnation settlement with Days Inn, the City is proposing a Planned Development Overlay for this property, and the preliminary development plan provides for a 12-story tower addition containing 312 units attached by a three-story atrium area along the east side of the existing building. A four-level parking structure containing 540 spaces would be located at and attached to the south end of the existing building. A total of 92 existing rooms would be removed to provide connections for the tower and the parking structure, resulting in a new total of 430 rooms.

The Planning Commission, at its meeting of March 28, recommended approval of the rezoning and the preliminary and final development plans based on making the required City Code

RESOLUTION NO. 91-61

A RESOLUTION APPROVING A VARIANCE TO THE EXTERIOR BUILDING MATERIAL REQUIREMENT IN THE I-3 GENERAL INDUSTRIAL ZONING DISTRICT

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

WHEREAS, the applicant herein, Dalsin Industries, is the agent for the owner of certain lands located at 9135 Grand Avenue, Bloomington, Minnesota, and legally described as follows: Lots 40, 41, 42, 43, 44, 45, 46, 47, 48 and 49, Lynn Acres Addition, (hereinafter, the "PREMISES"); and

WHEREAS, the City Council is empowered to approve variances to provisions of the City Zoning Code when strict application thereof would result in practical difficulty or unnecessary hardship which would deprive the owner of the reasonable use of the property involved; and

WHEREAS, the applicant has requested approval of a variance to exterior building material requirement in the I-3 General industrial District; and

WHEREAS, the City Council has reviewed the findings in Section 2.98.01(b)(3)(A)(B)(C)(D) and has found as follows:

A. That, for reasons which are to be set forth in the findings, the variance is necessary for reasonable use of the land or building and that the variance as approved by the Commission is a minimum variance which will accomplish this purpose.

B. The granting of the variance would be consistent with the intent of the Code in that the proposed insulated metal panel system would allow for a reasonable standard for a supplemental exterior material used only as a renovation, rehabilitation and energy conservation technique. The variance would not be detrimental to the character of the surrounding area.

C. The condition of the existing exterior walls is a circumstance that is not the result of the actions of the applicant.

D. Not applicable.

WHEREAS, the City Council has considered the report of the City Staff, the findings and decision of the Planning Commission, and the comments of persons, if any, who wished to speak to the Council on the issue of the proposed variance;

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 Planning Commission are adopted by the City Council;

B. That the variance shall expire if not used or applied in accordance with the provisions of City Code Section 19.23.01;

C. That the requested variance to exterior building material requirement in the I-3 General Industrial District is hereby approved, subject to the following condition:

1) exterior building materials be approved by the Director of Planning.

Passed and adopted this 22nd day of April, 1991

Mayor

ATTEST:

Secretary to the Council

dalsin

The attached resolution was adopted by the City Council of the City of Bloomington on 4-22-62.

The question was on the adoption of the resolution, and there were 7 YEAS and 0 NAYS as follows:

CITY OF BLOOMINGTON COUNCILMEMBERS:	YEA	NAY	OTHER
Neil W. Peterson	✓		
Adrian E. Herbst	✓		
Coral S. Houle	✓		
Carol C. Johnson	✓		
Mark P. Mahon	✓		
Charles S. Schuler	✓		
Thomas P. Spies	✓		

RESOLUTION ADOPTED.

ATTEST: Evelynne Thompson
Secretary to the Council

there was no personal notification of this ordinance to any of the owners or operators of these facilities. The Mayor commented that if there is a need for public sanitation requirements, the Council has the responsibility to take that action.

Following discussion, motion was made by Johnson, seconded by Houle, and all voting aye, to close the hearing and adopt the ordinance.

Ordinance Regarding Exterior Storage of Vehicles in Off-Street Parking Spaces
Item 4.2
O-92-30

The Council was requested to adopt an ordinance proposed by the Environmental Services Division to clarify the exterior storage provisions in the City zoning code. The proposed ordinance incorporates the long-standing interpretation that the exterior storage of vehicles in off-street parking spaces is prohibited in all use districts except residential districts, which are governed by another section of the Code.

Robert Mood, Environmental Services Division Manager, said there presently is no specific area in the City Code that addresses complaints regarding storage of cars in parking lots. As a specific example of the abuse of the storage of cars in a parking lot, he said National Pawnbrokers is presently storing vehicles that have been pawned in the parking lot of their establishment. He said the purpose of the parking lot is being circumvented and customers end up parking on the street or in the parking lots of other establishments. Question was raised by Andrews as to how this would be regulated, noting that many service stations that keep customers' cars overnight store those vehicles on their parking lot. Mr. Mood said unless a complaint was made about the storage of the cars, the City would not get involved.

Andrews asked if the owner of the pawnshop has been advised of this proposed ordinance to which Mr. Mood said no personal notification have been made of this ordinance, with legal notice in the City's official newspaper. Johnson said there is a difference between a service station where cars are being left for service, and a pawnshop where the cars are being stored, taking away parking space for customers. The Mayor noted that if a lot was to be used for storage, there is a screening requirement that would be applied.

Following discussion, motion was made by Mahon and seconded by Peterson to close the hearing and to adopt the ordinance. The vote on the motion was ayes, Schuler, Mahon, Spies, Houle, Johnson and Peterson, and nay, Andrews, and the motion carried 6-1.

Variance for Exterior Building Material, Final Site Plan and Building Plans
9200 Old Cedar Avenue
Case 5304AB-92
Item 4.3

The Council was requested by Murphy Oil Company, 9200 Old Cedar Avenue, to approve a variance to allow the use of exterior building material not in compliance with the requirements of the General Business (B-3) Zoning District, and to approve the final site plan and building plans for a new service station and convenience store building.

The Planning Commission, at its meeting of May 7, recommended denial of the variance for the use of exterior building material not in compliance with the B-3 Zoning District requirements, and approved the final site and building plans with satisfaction of the following conditions prior to the issuance of any grading or building permits:

1. photometric lighting plan be submitted for approval by the Director of Planning,
2. an interior trash storage room be provided as approved by the Director of Planning and Fire Marshal,
3. grading, drainage, utility and erosion control plans be approved by the City Engineer,
4. a SAC questionnaire be completed and submitted to the Department of Public Works,
5. access, circulation and parking plans be approved by the City Traffic Engineer,
6. erosion control measures be in place prior to issuance of grading permits,
7. exterior lighting plan and building security plans be approved by the Crime Prevention Unit, Bloomington Police Department,

8. any standby fuel provisions be approved by the Fire Marshal,

and subject to the following additional conditions of approval:

9. alterations to utilities be at the developer's expense,
10. building be provided with an automatic fire sprinkler system as approved by the Fire Marshal,
11. height of the canopy not exceed 13 feet 6 inches from the top of the base of the pump island to the bottom of the canopy fascia panel,
12. canopy fascia panel not exceed 2 feet 6 inches in height,
13. canopy fascia panel be opaque and not backlit,
14. canopy fascia striping be approved by the Director of Planning,
15. any column cross support not exceed the outer portion of the column,
16. light fixtures under the canopy be completely recessed into the canopy box or equipped with side shades to avoid horizontal glare,
17. signage be in conformance with Section 19.66 of the City Code,
18. right-of-way and sidewalk easements be executed and recorded for East Old Shakopee Road and Old Cedar Avenue as required by the City Traffic Engineer,
19. sidewalks be installed along East Old Shakopee Road from the entrance/exit to Old Cedar Avenue and along Old Cedar Avenue to the south property line at the expense of the applicant pursuant to an approved location by the City Traffic Engineer,
20. any deviation from the sign ordinance may be processed as an administrative variance, provided that the only deviation is from the number of permitted signs.

The Director of Planning indicated that the Planning Division staff concurred with the Planning Commission's recommendation for denial of the variance. He said in addition to the fact that the material does not meet the requirement of the zoning code for this district, the color of the concrete block would not conform with the apartment buildings which are in close proximity. He said regardless of the material that is used, this will be a substantial improvement of an existing service station.

Jeremy Putnam, an architect with LH&B Architects, representing the applicant, said a hearing had been requested because his client does not understand why the material they propose to use is not being approved. He said in their mind this material fits the equivalent of "or better" in the ordinance. He said it is believed this material will retain its color better because it is all clay and is the same as poured-in-place concrete. Mr. Geshwiler said the definition of the product proposed to be used distinguishes it from brick, and that is why a variance is required. He said the finding that a hardship exists could not be made because there are other materials that could be chosen. He said the Planning Division staff's view is that a stark white building next to residential defeats the purpose of having the commercial use blend into the residential area. Mr. Putnam said the Planning Commission had stated that it would not be biased on the color issue because there is nothing in the City Code that allows that to be done.

Houle said she is concerned that if she votes against the applicant's variance, she might be voting against an improvement that is needed in this neighborhood and that would strengthen the particular corner on which this building is located. The Mayor noted that the requirement regarding brick or better has been in the City Code for some time.

Following discussion, motion was made by Mahon, seconded by Johnson, and all voting aye, to close the hearing, to deny the variance for the use of an exterior material not in compliance with the City Code, and to request the City Attorney to prepare a resolution of denial.

Motion was made by Schuler, seconded by Mahon, and all voting aye, to approve the final site plan and building plans for a new service station and convenience store building based on compliance with the conditions set forth by the Planning Commission.

Ordinance Providing Standards for Lawful Gambling Permits and Bingo Hall Licenses
Item 4.4
O-92-31

The Council was requested to adopt an ordinance providing standards for the issuance of lawful gambling permits and bingo hall licenses and prohibiting the use or possession of certain gambling devices in licensed alcoholic beverage establishments.

The City Attorney said the proposed ordinance specifies standards for City Council approval of lawful gambling premises permits and bingo hall licenses and revises the definition of gambling devices. He said before 1990, state law prohibited the possession or use of specific gambling devices such as slot machines and roulette wheels on the premises of any retail establishment licensed to sell alcoholic beverages. The City's Liquor Code also contained a similar prohibition which included blackjack tables. In 1990 the Legislature modified the definition of gambling devices by eliminating the mention of particular devices and substituted a general definition that requires that the contrivance provide something of value to be considered a gambling device. Consequently, the mere possession of a roulette wheel, blackjack table or slot machine on the licensed premises is no longer unlawful.

Mr. Ornstein said after the change in the state law, the City adopted an ordinance authorizing the conducting of casino gaming events, and the City's Liquor Code was amended to conform to the change in state law. This amendment has made it possible for licensed alcoholic beverage establishments to install blackjack tables, roulette wheels or other traditional gambling devices as long as the devices do not pay out anything of value. He said several years ago the Council had a request to allow the installation of blackjack tables to play for fun with no monetary payback. The Council rejected that request. Now, the proprietor of the Original Sports Bar, scheduled to open in the Mall of America, has projected plans to put blackjack tables in this establishment to be played for fun with no payback of money or other consideration.

Because it would be very difficult for the City to adequately monitor establishments that installed these devices to prevent illegal gambling, the proposed ordinance would prohibit any liquor licensed establishment from having these tables or other traditional forms of gambling devices on the premises except with the holding of a casino gaming event as authorized by the Code. In response to a question by Mahon as to whether the establishments that are licensed for the holding of casino gaming events on their premises can store the equipment that is used, Mr. Ornstein said they cannot keep the equipment on the premises which must be brought in for each specific event.

Charles Graham of Dallas, representing the Original Sports Bar, said he was confused by the ordinance prohibiting blackjack tables because they could be used for gambling. He said many of the activities that would be conducted in their establishment, such as free throw basketball and dartboards, could be used for gambling if that was someone's intent. However, he said the owners would not jeopardize their liquor license by allowing that to occur. He said the owners of this franchise are able to use blackjack tables in the nine other states in which they operate without any problems. He said because the City believes it would be difficult to monitor or police the activities is not sufficient reason to have them outlawed.

Following discussion, motion was made by Peterson, seconded by Mahon, and all voting aye, to close the hearing and adopt the ordinance.

RESOLUTION NO. 2000 - 31

A RESOLUTION OF DENIAL OF AN APPLICATION BY FELCOR LODGING TRUST, 2800 WEST 80TH STREET, FOR A CHANGE IN THE CONDITIONS OF APPROVAL RELATING TO THE METHOD OF PAINTING THE BRICK EXTERIOR OF THE BUILDING

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

WHEREAS, FelCor Lodging Trust, Inc. ("Applicant"), the owner of the Embassy Suites property located at 2800 West 80th Street ("the "Subject Property"), has applied to the City for a change in the conditions of final site and building plan approval relating to the method of painting the brick exterior of the hotel at that location; and

WHEREAS, the Subject Property is located in the CS-1 (Commercial Service) zoning district; and

WHEREAS, Section 19.40.07(h) of the City zoning code, applicable to the Commercial Service (CS-0.5 and CS-1) zoning districts, provides as follows:

> "SEC. 19.40.07. COMMERCIAL SERVICE DISTRICTS CS-0.5 AND CS-1.
>
> ***
>
> (h) Special Provisions.
>
> (1) No permits for development within the CS Districts shall be issued by the City until final site and building plans have been reviewed and approved by the City Council, subject to the provisions of Section 19.40.12 of this Code.
>
> ***
>
> (5) Exterior surfaces of all buildings shall be faced with face brick, stone, glass, architectural concrete or precast concrete, or an equivalent or better.";

and

WHEREAS, the exterior surface standard expressed in Section 19.40.07(h)(5) has been known as the "brick or better" standard; and

WHEREAS, the final site and building plans for the hotel on the Subject Property were originally approved by the City in the late 1970's with a natural, unpainted brick finish, pursuant to the "brick or better" standard; and

WHEREAS, in 1990, the owners of the Subject Property began painting the hotel in contravention of the "brick or better" standard and the final site and building plan approval for the hotel; and

WHEREAS, requiring removal of the paint would have involved a cost to the owners estimated at $100,000 and would have potentially harmed the brick surface; and

WHEREAS, in consideration of these and other factors, the City and owners of the Subject Property negotiated a compromise settlement of the matter pursuant to which it was agreed that, while the paint would not need to be removed, the structure would be required to be painted by a method and in a fashion so as to resemble a brick surface; and

WHEREAS, this compromise was implemented by changed conditions then incorporated into the approvals for the final site and building plan and conditional use permit; and

WHEREAS, in the fall of 1999, the new owners of the Subject Property, without obtaining prior approval from the City, began to again paint the hotel in a fashion that was non-compliant with the negotiated 1990 conditions of approval; and

WHEREAS, Section 19.40.12(e) requires certain changes to final site and building plans to be approved by the City Council:

"(e) Revisions. Minor changes to final site and building plans approved by the City Council may be made by the Issuing Authority provided that the changes do not involve the following:

***

(2) Variance from any zoning ordinance requirement.
(3) Change in exterior building material.
(4) Alteration of any condition attached or modification to the final site and building plans made by the City Council."; and

WHEREAS, Section 19.40(d) requires the City Council to make the following findings prior to approval of final site and building plans:

"SEC. 19.40.12. FINAL SITE AND BUILDING PLANS.

***

(d) Findings. The City Council shall find the following prior to the approval of final site and building plans.
(1) The proposed development is not in conflict with the Comprehensive Plan.
(2) The proposed development is not in conflict with any adopted district plan.
(3) The proposed development is not in conflict with the zoning district provisions.
(4) The proposed development is not in conflict with other applicable provisions of the City Code subject to the provisions of Section 19.40.03.
(5) The proposed development is not incompatible with existing and anticipated future development."; and

WHEREAS, Section 19.21(b) provides as follows:

"SEC. 19.21. ENCROACHMENT AND VIOLATIONS.

**

(b) Conditions of Approval.

> (1) Conditions of approval attached to any decision of the City Council concerning the use of land or buildings or the development or alteration of any site or building shall be binding on all owners, proprietors, tenants, occupants, inhabitants, or residents, whether the original applicant or subsequent users of the property."; and

WHEREAS, on November 1, 1999, a public hearing was held by the City Council, which heard testimony presented by staff and the Applicant's attorney (William Griffith) and which continued the matter to November 15, 1999, at the request of the Applicant to permit response to staff memorandums; and

WHEREAS, on November 15, 1999, the City Council continued the matter at the request of the Applicant until December 6, 1999; and

WHEREAS, on December 6, 1999, the City Council continued the matter at the request of the Applicant until January 18, 2000, to respond to a staff memorandum; and

WHEREAS, on January 18, 2000, the City Council continued its public hearing, heard testimony from staff and the Applicant's attorney, and continued the matter until February 22, 2000; and

WHEREAS, on February 22, 2000, the City Council continued the matter until March 20, 2000, to permit Applicant to prepare alternative building plans for consideration by Council; and

WHEREAS, the Applicant subsequently indicated that it would not submit alternative plans and wished to renew its request for a change of the condition relating to the method of painting the exterior of the hotel; and

WHEREAS, on March 20, 2000, the City Council continued its public hearing and heard testimony from the staff and the Applicant's attorney, and voted to continue the matter to April 3, 2000, for adoption of a resolution of denial;

WHEREAS, the City Council has reviewed various materials received from staff and the Applicant, including the following:

(1) Agenda materials and unapproved minutes for each of the Council meetings cited above;

(2) 1990 approval documents, including the Planning Commission minutes of 6/7/90, the Planning commission minutes of 6/14/90, the City Council minutes of 6/18/90, and the letter of Transmittal dated 6/19/90;

(3) Renderings and photos of the Subject Property;

(4) Paint specifications;

(5) Various memos and correspondence, including the following:

(a) June McCutchen letter of 8/25/99;

(b) Larry Lee letter of 8/31/99;

(c) William Griffith letter of 10/20/99;

(d) Dave Drenth/Londell Pease memo of 11/1/99;

(e) Peter Koole memo of 11/1/99;

(f) June McCutchen letter of 1/10/00;

(g) Jeffrey Johnson letter of 1/12/00;

(h) William Griffith letter of 1/12/00; and

(i) William Griffith letter of 3/16/00, with attached materials.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON IN REGULAR MEETING ASSEMBLED, that the City Council hereby denies the request of FelCor Lodging Trust, Inc. for a change in the

conditions of final site and building plan approval, for the hotel at 2800 West 80th Street, that specifies the method of painting the brick exterior, for the following reasons:

(1) The City Council finds that the intent of the "brick or better" standard of Section 19.40.07(h)(5) is to require and maintain high quality exterior finishes in commercial districts in the City, particularly those districts along interstate highways and in high visibility commercial areas, in order to enhance the aesthetic appeal of these important areas of the City, to minimize maintenance issues with such properties, and to enhance and protect the property values and tax base of the City.

(2) A finding necessary for approval of final site and building plans is that the proposed development is not in conflict with the zoning district provisions (City Code Section 19.40.12(d)(3)). The City Council finds that a change to the agreed upon painting methodology of the 1990 conditions would be contrary to the purposes and goals of the "brick or better" standard as embodied in Section 19.40.07(h)(5) and in the 1990 compromise conditions.

(3) A second finding necessary for approval of final site and building plans is that the proposed development is not incompatible with existing and anticipated future development (City Code Section 19.40.12(d)(5)). The City Council finds that a change to the agreed upon painting methodology of the 1990 conditions would create an exceptional and non-uniform treatment of the Subject Property as compared to the commercial properties immediately adjacent thereto, which meet the "brick or better" standard. The City Council also finds that a change to the agreed upon methodology would not be compatible with existing or anticipated future development in that such a

change would encourage other owners to ignore the "brick or better" standard and thereby impair the practical ability of the City to enforce this standard.

(4) The City Council finds that with the negotiated, compromise conditions of 1990, the City made concessions on the strict enforcement of the "brick or better" standard and thereby relieved the owners of the cost and potential harm of removing the paint that had been improperly applied, in exchange for agreement by the owners on a paint application methodology that would most closely replicate a brick surface. The City Council finds that the owners' unilateral painting of the exterior surface of the hotel, and its request for a change in conditions, are contrary to the purpose and intent of the 1990 compromise and that the existing conditions of approval regarding painting methodology remain appropriate.

Passed and adopted this 3rd day of April, 2000.

Mayor

ATTEST:

Secretary to the Council

RESOLUTION NO. 2000-31

The attached resolution was adopted by the City Council of the City of Bloomington on April 3, 2000.

The question was on the adoption of the resolution, and there were 6 YEAS and 0 NAYS as follows:

CITY OF BLOOMINGTON COUNCIL MEMBERS:	YEA	NAY	OTHER
Gene Winstead	✓		
Steve Bianchi	✓		
Mike Fossum	✓		
Heather Harden	✓		
Alisa Ornat			✓
Steve Peterson	✓		
Vern Wilcox	✓		

RESOLUTION ADOPTED.

ATTEST:

Barbara J. Clausen
Secretary to the Council

PLANNING AND ECONOMIC DEVELOPMENT DIVISION
1800 W. OLD SHAKOPEE ROAD, BLOOMINGTON MN 55431-3027
PH 952-563-8920 FAX 952-563-8949 TTY 952-563-8740

CITY OF
BLOOMINGTON
MINNESOTA

PLANNING COMMISSION STUDY MEETING

PRELIMINARY AGENDA

March 18, 2004

Item 1	Case 10000A-00 6:00 p.m.	City of Bloomington	Ordinance reorganizing and clarifying regulations concerning exterior wall surface materials, the use of exterior coatings, and architecture trim.
Item 2		Organizational Meeting A) Election of Officers B) Review Rules of Procedures	

Tom Ferber
City Clerk

city of bloomington, minnesota

REQUEST FOR COUNCIL ACTION

Originating Department	By	Approved for Agenda by:	Date:	Number:
Community Development	**GPD**		Time:	
Agenda Section **HEARINGS, RESOLUTIONS, ORDINANCES**		Item **Ordinance Amendment**		

Item 1

Case 10000A-00

GENERAL INFORMATION

Applicant: City of Bloomington

Location: City-wide

Request: Ordinance reorganizing and clarifying regulations concerning exterior wall surface materials, the use of exterior coatings and architectural trim

PROPOSAL

A revised draft of the exterior materials ordinance is being returned to the Commission for a scheduled public hearing. As the Commission may recall, the previous version of the ordinance received a recommendation of approval on March 1, 2001 (see handout packet for previous agendas, staff reports, minutes, and ordinance drafts). The revised draft ordinance was informally reviewed at the Planning Commission study meeting of October 16, 2003 and was the subject of an Administrative Hearing on December 15, 2003. It is in the same format as the March 1, 2001 draft and the character and intent of the coating prohibition, affiliated regulations, and related processes have not changed in any significant manner. However, additions and modifications made to other elements of the ordinance include the following:

- Inclusion of the *administrative appeal* language as recommended by the Planning Commission;
- Added a new section establishing the coating prohibition for non-residential primary and accessory buildings and their additions in the R-1 through RM-24 Zoning Districts;
- Clarification on no material or coating limits for architectural trim on non-residential primary and accessory buildings and their additions in the R-1 through RM-24 Zoning Districts and application of appeal or variance procedures;
- Placing the RM-50 Zoning District in a section with exterior materials and coating controls for all primary and accessory buildings;

COUNCIL ACTION

Motion by _____ Second by _____ to _____

21-002 (5/93)

- Replacing "Construction" with "Finish" in the heading for Section 19.63.08;
- Removal of the proposed Building Type control language from the definitions and body of proposed Section 19.63.08, and replacement of the existing language on construction and Building Type in the existing Code zoning districts with references to Section 19.63.08; and
- Inclusion of allowed metals language as acceptable exterior wall surface materials in accordance with the *Policies and Procedures Guide* in Section 19.63.08.

Section 19.63.08(f) now contains the *administrative appeal* process as directed by the Commission at the March 1, 2001 hearing.

The coating prohibition, affiliated regulations, and related processes have been applied to those non-residential primary and accessory buildings in the R-1 through RM-24 residential districts in order to maintain consistency with similar buildings in non-residential districts. This approach also involved relocating the RM-50 Zoning District to Section 19.63.08(c), where the exterior materials and coating controls will apply to all of the primary and accessory buildings.

The latter two changes – removal of Building Type language and allowance for metal(s) to be considered as a complying exterior wall surface finish - are potentially the most significant in impact of the ordinance.

Since that Commission recommendation, discussions with the State Building Official and additional legal review determined that the City could not be more restrictive than the State Building Code by limiting non-residential building construction to the specific Types I and II in the various non-residential zoning districts. On the recommendation of the City Attorney, the Building Type language that had been included in the draft ordinance approved in March of 2001 was removed.

Also subsequent to the Commission action on March 1, 2001, staff was made aware of the City Council interest in possibly allowing the use of at least certain metals as complying exterior wall surface finishes beyond the currently allowed and proposed 15 percent as architectural trim. It was necessary to develop and establish a method and rationale, outside of the existing variance or Planned Development procedures, that would provide a process through which a metal could be proposed, considered, and perhaps approved as an exterior wall surface finish. After working with a consultant, staff has developed a review methodology utilizing a *Policies and Procedures Guide* that can be applied to the review of any metal that might be proposed for exterior wall surface finish use beyond the expressed trim and percentage constraints.

CHRONOLOGY

Planning Commission Agenda: 04/27/00 - Public hearing scheduled.

Planning Commission Action:	04/27/00 - Continued item indefinitely to allow time to solicit comments from architects who have worked with the City Code.
Planning Commission Agenda:	07/20/00 - Public hearing scheduled.
Planning Commission Action:	07/20/00 - Approved revised ordinance.
Planning Commission Agenda:	01/25/01 - Public hearing scheduled at the request of the Commission.
Planning Commission Action:	01/25/01 - Held hearing and continued hearing to meeting of March 1, 2001.
Planning Commission Agenda:	03/01/01 - Continued public hearing.
Planning Commission Action:	03/01/01 – Approved revised ordinance.
Planning Commission Agenda:	10/16/03 – Study item review and discussion on ordinance revision to allow metal(s) as a complying exterior finish material.
Administrative Hearing:	12/15/03 – Staff held an advertised administrative hearing.
Planning Commission Agenda:	03/18/04 – Public hearing scheduled.

AN ORDINANCE REORGANIZING AND CLARIFYING REGULATIONS CONCERNING BUILDING CONSTRUCTION, EXTERIOR WALL SURFACE MATERIALS, ARCHITECTURAL TRIM, AND THE COATING OF EXTERIOR WALL SURFACE MATERIALS AND THEREBY AMENDING CHAPTER 19 OF THE CITY CODE

The City Council of the City of Bloomington ordains:

Section 1. That Chapter 19 of the City Code is hereby amended to read as follows:

CHAPTER 19

* * *

ARTICLE I. GENERAL PROVISIONS

* * *

Division B. Definitions

SEC. 19.03 DEFINITIONS.

* * *

Architectural Concrete - Any cast-in-place concrete or pre-cast concrete where the exposed exterior concrete surface has been shaped, ground, scored, split, or otherwise altered to produce a specific aesthetic texture or shadow and in which any color is integral to the concrete.

Architectural Concrete Masonry Units - A concrete masonry unit on which the face has been shaped, ground, glazed, scored, split, or otherwise processed to produce a unit with specific aesthetic texture or shadow and, when used as an external building surface in certain residential and all nonresidential zoning districts, all color is integral to the unit.

* * *

Brick - A unit of building material that is made of clay or shale and subjected to heat treatment at elevated temperatures through a firing process. Brick used as an exterior wall surface finish must meet all of the requirements for anchored veneer as proscribed by the Uniform Building Code, current edition.

* * *

Coating - Sealing, painting, or staining with any liquid or viscous material in any manner of application that includes but is not limited to brushing, spraying, or trowling, but does not include a fired glaze on a clay product or concrete masonry unit.

* * *

Equivalent - For the purpose of Section 19.63.08 of this Code, an equivalent exterior wall finish material shall mean comparable to the listed materials in terms of strength, durability, quality of finish, structure integrity and safety, level of required maintenance, and longevity.

* * *

Exterior Insulation Finish System (EIFS) - ~~[a noncombustible, layered exterior wall system providing both insulation value and finished exterior surface, consisting of the following minimum elements:~~

~~(1) a concrete wall, a masonry wall, or a metal stud wall with one half inch thick exterior grade gypsum sheathing to the outside;~~

~~(2) a fiberglass insulation board, or rock wool insulation board, or a fully encapsulated plastic foam insulation board free of and manufactured without the use of chlorofluorocarbons;~~

~~(3) a layer of fiberglass or metal mesh embedded in a layer of acrylic and Portland cement mix; and~~

~~(4) an exterior finish layer of acrylic and quartz aggregate mix finished in a manner so as to resemble granite or other cut stone.~~] A nonbearing exterior wall cladding system which is applied to a solid substrate or framing and includes a fastening system, insulation board, base coat, nonmetallic reinforcing fabric, and a finish coat. The fastening system may be an adhesive, a mechanical fastener, or a combination thereof. The system may also include primers, sealers, and accessories such as trim, corner beads, stops, or metal lath.

* * *

Glaze - a) A finish for clay products made by firing a coating compound that consists of clay, silica, barium carbonate, calcium carbonate, and zinc, or from premixed ceramic frit which are blended in a flux to promote fusion and may include other ingredients for color and texture. The resulting finish may be matte or glossy, textured or smooth, clear or opaque, or colored and is an integral part of the clay unit.

b) A thermosetting glazing compound consisting basically of a silica and bonding resin slurry, to which other ingredients may be added for color, that is permanently molded to one or more faces of a concrete masonry unit on an individual unit basis by curing and heat treatment in a gas-fired tunnel kiln or comparable method to become an integral part of the unit.

* * *

Graffiti-Resistant Coating – A graffiti-resistant coatings may be either permanent or sacrificial and shall be restricted to a clear coating certified for that purpose which is resistant to weathering, is UV stable, does not change the appearance of the exterior wall finish material, shall have no effect on the substrate, caulking, or sealant material, and has a performance guarantee.

* * *

Integral Color - Color that is intended to be of uniform composition throughout the entire depth of the material or is a fired glaze on a clay product or a cement masonry unit and is not a surface skin application of a liquid or viscous material coating.

* * *

ARTICLE III: DISTRICT USES

* * *

SEC. 19.30. LIMITED BUSINESS (B-1) DISTRICTS.

* * *

(e) Special Provisions -

(1) Exterior Materials. The exterior materials and finish of [~~A~~]all buildings erected on lands within Limited Business (B-1) Zoning Districts shall be [~~of steel, reinforced concrete, Type III construction, masonry construction, or an equivalent or better. No building shall be constructed of Type V construction. Exterior wall surfaces of all buildings shall be faced with face brick, stone, architectural concrete, cast-in-place or pre-cast concrete panel, or an equivalent or better. Up to 15 percent of any wall surface of a building may be wood or metal used as architectural trim, as approved by the Issuing Authority~~] in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

SEC. 19.31. RETAIL BUSINESS (B-2) DISTRICTS.

* * *

(e) Special Provisions -

(1) Exterior Materials. The exterior materials and finish of [~~A~~]all buildings erected on lands within Retail Business (B-2) Zoning Districts shall be [~~of steel, reinforced concrete, Type III construction, masonry construction, or an equivalent or better. No building shall be constructed of Type V construction. Exterior wall surfaces of all buildings shall be faced with face brick, stone, architectural concrete, cast-in-place or precast concrete panel, or an equivalent or better. Up to 15 percent of any wall surface of a building may be wood or metal used as architectural trim, as approved by the Issuing Authority~~] in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

SEC. 19.31.01. REGIONAL COMMERCIAL (CR-1) DISTRICTS.

* * *

(i) Special Provisions -

* * *

(6) Exterior Materials. The exterior materials and finish of [~~A~~]all buildings erected on lands within [~~the~~] Regional Commercial CR-1 Zoning Districts shall be [~~of masonry construction, an equivalent, or better. No building shall be constructed of sheet aluminum, asbestos, iron, steel or corrugated metal. No buildings shall be constructed with a wooden frame. Exterior surfaces of all buildings shall be faced with face brick, glass, stone, architectural concrete or pre-cast concrete, or an equivalent or better. Up to 15 percent of the total wall surface of a building may be wood or metal used as architectural trim~~] in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

SEC. 19.32. GENERAL BUSINESS (B-3) DISTRICTS.

* * *

(e) Special Provisions -

(1) Exterior Materials. The exterior materials and finish of [~~A~~]all buildings erected on lands within General Business (B-3) Zoning Districts shall be [~~of steel, reinforced concrete, Type III construction, masonry construction, or an equivalent or better. No building shall be constructed of Type V construction. Exterior wall surfaces of all buildings shall be faced with face brick, stone, architectural concrete cast in place or precast concrete panel, or an equivalent or better. Up to 15 percent of any wall surface of a building may be wood or metal used as architectural trim, as approved by the Issuing Authority~~] in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

SEC. 19.33. INDUSTRIAL (I-1, I-2, and I-3) DISTRICTS.

* * *

(e) Special Industrial Park (I-1) District requirements -

* * *

(4) Exterior Materials. The exterior materials and finish of [~~A~~]all buildings erected on lands within [~~this~~] Industrial Park I-1 Zoning Districts shall be [~~of masonry construction, an equivalent, or better. No building shall be constructed of sheet aluminum, asbestos, iron, steel, or corrugated aluminum. No building shall be constructed with wooden frame. Exterior surfaces of all buildings shall be faced with face brick, stone, architectural concrete masonry units, pre-cast concrete, or an equivalent or better. Up to 15 percent of any wall surface of a building may be metal used as architectural trim, as approved by the Issuing Authority~~] in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

(f) Special Limited Industry (I-2) District requirements -

(1) Exterior Materials. The exterior materials and finish of [~~A~~]all buildings erected on lands within [~~this~~] Limited Industry I-2 Zoning Districts shall be [~~of masonry construction, an equivalent, or better. No building shall be constructed of sheet aluminum, asbestos, iron, steel, or corrugated aluminum. No building shall be constructed with wooden frame. Exterior surfaces of all buildings shall be faced with face brick, stone, architectural concrete masonry units, pre-cast concrete, or an equivalent or better. Up to 15 percent of any wall surface of a building may be wood or metal used as architectural trim, as approved by the Issuing Authority~~] in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

(g) Special General Industry (I-3) District requirements -

(1) Exterior Materials. The exterior materials and finish of [~~A~~]all buildings erected on lands within [~~this~~] General Industry I-3 Zoning Districts shall be [~~of steel, reinforced concrete, Type III construction, masonry construction, or an equivalent or better. No building shall be constructed of Type V construction. Exterior wall surfaces of all buildings shall be faced with face brick, stone, architectural concrete masonry units, cast in place or pre-cast concrete panels, or an equivalent or better. Up to 15 percent of any wall surface of a building may be wood or metal used as architectural trim, as approved by the Issuing Authority~~] in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

SEC. 19.33.01. INDUSTRIAL PARK (IP) DISTRICT.

* * *

(j) Special Provisions.

* * *

(6) Exterior Materials. The exterior materials and finish of [~~A~~]all buildings erected on lands within [~~this~~] Industrial Park IP Zoning Districts shall be [~~of masonry construction, an equivalent or better. No buildings shall be constructed of sheet aluminum, asbestos, iron, steel, or corrugated aluminum. No building shall be constructed with a wooden frame. Exterior surfaces of all buildings shall be faced with face brick, stone, architectural concrete masonry units, precast concrete, or an equivalent or better. Up to 15 percent of any wall surface of a building may be metal used as architectural trim, as approved by the Issuing Authority~~] in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

SEC. 19.34. FREEWAY DEVELOPMENT (FD-1 AND FD-2) DISTRICTS.

* * *

(e) Freeway Development (FD-1) District requirements -

* * *

(4) Exterior Materials. The exterior materials and finish of [~~A~~]all buildings erected on lands within [~~this~~] Freeway Development FD-1 Zoning Districts shall be [~~of masonry construction, an equivalent or better. No building shall be constructed of sheet aluminum, asbestos, iron, steel, or corrugated aluminum. No building shall be constructed with a wooden frame. Exterior surfaces of all buildings shall be faced with face brick, stone, architectural concrete or pre-cast concrete, or an equivalent or better. Up to 15 percent of any wall surface of a building may be wood or metal used as architectural trim, as approved by the Issuing Authority~~] in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

(f) Freeway Development (FD-2) District requirements -

(1) Exterior Materials. The exterior materials and finish of [~~A~~]all buildings erected on lands within [~~this~~] Freeway Development FD-2 Zoning Districts shall be [~~of masonry construction, an equivalent, or better. No building shall be constructed of sheet aluminum, asbestos, iron, steel, or corrugated aluminum. No building shall be constructed with wooden frame. Exterior surfaces of all buildings shall be faced with face brick, stone, architectural concrete or pre-cast concrete, or an equivalent or better. Up to 15 percent of any wall surface of a building may be wood or metal used as architectural trim, as approved by the Issuing Authority~~] in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

SEC. 19.35. INSTITUTIONAL (IN-1) DISTRICTS.

* * *

(e) Special Institutional (IN-1) District requirements -

* * *

(4) Exterior Materials. The exterior materials and finish of [~~A~~]all buildings erected on lands within [~~the property~~] Institutional IN-1 Zoning Districts shall be [~~of masonry construction, an equivalent, or better. No building shall be constructed of sheet aluminum, asbestos, iron, steel, or corrugated aluminum. No building shall be constructed with wooden frame. Exterior wall surfaces of all buildings shall be faced with face brick, stone, architectural tilt-up panels, architectural concrete masonry units, or an equivalent or better~~] in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

SEC. 19.37. CENTRAL BUSINESS (CB) DISTRICT.

* * *

(f) Performance Standards -

(1) [~~Structures~~] Exterior Materials - The exterior materials and finish of [~~A~~]all buildings erected on lands within [~~Limited~~] Central Business [~~(B-1)~~] CB Zoning Districts shall be [~~of steel, reinforced concrete, Type III construction, masonry construction, or an equivalent or better. No building shall be constructed of Type V construction. Exterior wall surfaces of all buildings shall be faced with face brick, stone, architectural concrete cast in place or precast concrete panel, or an equivalent or better. Up to 15 percent of any wall surface of a building may be wood or metal used as architectural trim~~] in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

ARTICLE III.A. ADDITIONAL ZONING DISTRICTS

* * *

SEC. 19.40.06. MIXED-USE DISTRICT CX-2.

* * *

(h) Special Provisions.

* * *

(6) Exterior Materials. The exterior materials and finish of [A]all buildings erected on lands within [~~this~~] Mixed Use CX-2 Zoning Districts shall be [~~of masonry construction, an equivalent, or better. No buildings shall be constructed of sheet aluminum, asbestos, iron, steel, or corrugated metal. No building shall be constructed with a wooden frame. Exterior surfaces of all buildings shall be faced with face brick, stone, glass, architectural concrete or precast concrete, or an equivalent or better. An exterior insulation finish system may also be used for exterior surfacing provided that such system is utilized no lower than 18 feet above grade level. Up to 15 percent of any wall surface of a building may be metal used as architectural trim~~] in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

SEC. 19.40.07. COMMERCIAL SERVICE DISTRICTS CS-0.5 AND CS-1.

* * *

(h) Special Provisions.

* * *

(5) Exterior Materials. The exterior materials and finish of [~~A~~]all buildings erected on lands within [~~this~~] Commercial Service CS-0.5 and CS-1 Zoning Districts shall be [~~of masonry construction, an equivalent, or better. No buildings shall be constructed of sheet aluminum, asbestos, iron, steel or corrugated metal. No building shall be constructed with a wooden frame. Exterior surfaces of al buildings shall be faced with face brick, stone, glass, architectural concrete or precast concrete, or an equivalent or better. Up to 15 percent of any wall surface of a building may be metal used as architectural trim~~] in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

SEC. 19.40.07.01. HIGH INTENSITY MIXED USE DISTRICT HX-2.

* * *

(h) Special Provisions.

* * *

(5) Design Requirements.

* * *

(B) [~~Building~~] Exterior [~~m~~]Materials. The exterior materials and finish of [~~A~~]all buildings erected on lands within [~~this~~] High Intensity Mixed Use HX-2 Zoning Districts shall be [~~of masonry construction, an equivalent, or better. No buildings shall be constructed of sheet aluminum, asbestos, iron, steel or corrugated metal. No building shall be constructed with a wooden frame. Exterior surfaces of all buildings shall be faced with face brick, stone, glass, architectural concrete or precast concrete, or an equivalent or better. An exterior insulation finish system may also be used for exterior surfacing provided such system is utilized no lower than 18 feet above grade level. Up to 15 percent of any wall surface of a building may be metal used as architectural trim~~] in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

SEC. 19.40.08. COMMERCIAL OFFICE DISTRICTS CO-0.5 AND CO-1.

* * *

(i) Special Provisions.

* * *

(5) Exterior Materials. The exterior materials and finish of [~~A~~]all buildings erected on lands within [~~this~~] Commercial Office CO-0.5 and CO-1 Zoning Districts shall be [~~of masonry construction, an equivalent, or better. No buildings shall be constructed of sheet aluminum, asbestos, iron, steel, or corrugated metal. No buildings shall be constructed with a wooden frame. Exterior surfaces of all buildings shall be faced with face brick, stone, glass, architectural concrete or precast concrete, or an equivalent or better. Up to 15 percent of any wall surface of a building may be metal used as architectural trim~~] in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

SEC. 19.40.08.01. COMMERCIAL OFFICE/MIXED USE DISTRICT CO-2.

* * *

(i) Special Provisions.

* * *

(5) Exterior Materials. The exterior materials and finish of all buildings erected on lands within Commercial Office CO-2 Zoning Districts shall be in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

SEC. 19.40.09. RESIDENTIAL OFFICE DISTRICT RO-24 AND RO-50.

* * *

(h) Special Provisions.

* * *

(6) Exterior Materials. The exterior materials and finish of [~~A~~]all buildings erected on lands within [~~these~~] Residential Office RO-24 and RO-50 Zoning Districts shall be [~~of masonry construction, an equivalent, or better. No buildings shall be constructed of sheet aluminum, asbestos, iron, steel, or corrugated metal. No building shall be constructed with a wooden frame. Exterior surfaces of all buildings shall be faced with face brick, stone, glass, architectural concrete or precast concrete, or an equivalent or better. Up to 15 percent of any wall surface of a building may be wood or metal used as architectural trim~~] in conformance with the applicable requirements of Section 19.63.08 of this Code.

* * *

* * *

SEC. 19.63.08. EXTERIOR MATERIALS AND FINISH.

(a) Purpose. The City Council finds that it is necessary to regulate the exterior finish and appearance of all primary and accessory buildings and structures that are erected in all of the primary nonresidential zoning districts in the City in order to insure the consistency in quality, compatibility, and character of buildings within comparable zoning districts. The regulation of exterior materials and building construction assures consistent provision of both a high level of structural durability relative to impacts from natural and manmade forces over time and a safe environment for those occupants, equipment, and goods within the structure. The provision of a quality exterior finish compliments the building construction by reducing maintenance needs, providing a surface more resistant to damage, assisting in maintaining structure and property value over a longer period, contributing substantially to the compatibility and character of its neighborhood, and aiding in the protection of occupants and enclosed goods or equipment.

(b) The following regulations apply to all nonresidential primary and accessory buildings and their additions in the following zoning districts:

Single-family Residential R-1 Districts
Single-family Residential R-1A Districts
Large Lot Single-family Residential RS-1 Districts
Multiple-family Residential R-4 Districts
Multiple-family Residential RM-12 Districts
Multiple-family Residential RM-24 Districts

(1) Coating of Exterior Walls. No existing uncoated exterior wall finish material approved by the City Council as part of a development approval process shall be coated after January 1, 2002 except for the following:

(A) As approved in Sections 19.63.08(f) and 19.63.08(g) of this Code;

(B) Those portions of foundation walls above finished grade may be coated or sealed.

(C) Architectural trim may be coated or sealed.

(D) All exterior wall surfaces and architectural trim that were coated prior to January 1, 2002 or allowed to be coated after that date by reason of the granting of development approval, administrative approval, or a variance may be maintained, to include, sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the Issuing Authority.

(c) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:

Multiple-family Residential RM-50 Districts
Limited Business B-1 District
Retail Business B-2 District
General Business B-3 District
Central Business CB District

Regional Commercial CR-1 District
Freeway Development FD-1 and FD -2 Districts
Commercial Service CS-0.5 and CS-1 Districts
Commercial Office CO-0.5, CO-1 and CO-2 Districts
Residential Office RO-24 and RO-50 Districts

(1) Exterior Wall Finish. Exterior wall surfaces of all buildings, excluding those portions of foundation walls extending normally above finished grade, shall be faced with glass, exterior cement plaster (stucco), natural stone, brick, architectural concrete, metal in accordance with adopted policies and procedures in Resolution ******, or an equivalent or better. Except for glass or metal, all color shall be integral to the exterior wall finish material unless a colored and opaque coating for all or some part of the exterior wall finish material is specifically approved by the City Council as part of a development approval process and where the application has included:

(A) Certification by the coating manufacturer that the coating is appropriate for the intended purpose and will not damage the exterior wall finish material to which it is to be applied; and

(B) Certification by the exterior wall finish material manufacturer that the coating to be applied is one that is appropriate for the exterior wall finish material and that its use will not reduce or void the exterior wall finish material warranty.

(2) Coating of Exterior Walls. No existing uncoated exterior wall finish material regulated by this Section shall be coated after January 1, 200? except for the following:

(A) As approved in Sections 19.63.08(f) and 19.63.08(g) of this Code;

(B) Those portions of foundation walls above finished grade may be coated or sealed.

(C) Architectural trim as listed in Section 19.63.08(c)(3) may be coated or sealed.

(D) All exterior wall surfaces and architectural trim that were coated prior to January 1, 200? or allowed to be coated after that date by reason of the granting of development approval, administrative approval, or a variance may be maintained, to include sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the Issuing Authority.

(E) The coating of exterior wall finish materials regulated by this Section as trim and not to exceed 15 percent of the exterior wall surface of a building elevation either on its own or in combination with the allowance for architectural trim in Section 19.63.08(c)(3).

(3) Architectural Trim. When used as architectural trim, up to 15 percent of the exterior wall surface of a building elevation may be wood, metal, exterior insulation finish system (EIFS), or other equivalent material as approved by the Issuing Authority.

(d) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:

Industrial Park I-1 District
Limited Industrial I-2 District
General Industrial I-3 District
Industrial Park IP District
Institutional IN-1 District

(1) Exterior Wall Finish.

(A) Exterior wall surfaces of all buildings, excluding those portions of foundation walls extending normally above finished grade, shall be faced with glass, exterior cement plaster (stucco), natural stone, brick, architectural concrete, architectural concrete masonry units, metal in

accordance with adopted policies and procedures in Resolution ********, or an equivalent or better. Except for glass or metal, all color shall be integral to the exterior wall finish material unless a colored and opaque coating for all or some part of the exterior wall finish material is specifically approved by the City Council as part of a development approval process and where the application has included:

(i) Certification by the coating manufacturer that the coating is appropriate for the intended purpose and will not damage the exterior wall finish material to which it is to be applied; and

(ii) Certification by the exterior wall finish material manufacturer that the coating to be applied is one that is appropriate for the exterior wall finish material and that its use will not reduce or void the exterior wall finish material warranty.

(B) Buildings which do not currently comply with the exterior wall finish materials regulated by this Section may be expanded using identical exterior wall finish materials with the approval of the Issuing Authority, provided that:

(i) More than 50 percent of the total exterior wall surface area of the existing building, excluding architectural trim as listed in Section 19.63.08(d)(3), does not comply with the exterior wall finish materials regulated by this Section;

(ii) The non-complying exterior wall finish materials are used in compliance with the State Building Code, current edition; and

(iii) The total floor area of the addition does not exceed 50 percent of the total floor area of the building existing on January 1, 200?.

(2) Coating of Exterior Walls. No existing uncoated exterior wall finish material regulated by this Section shall be coated after January 1, 200? except for the following:

(A) The application of a clear, gas permeable coating on architectural concrete masonry units at the time of construction only upon certification of such recommendation or requirement by the manufacturer of the units when presented to and approved by the Issuing Authority. Maintenance shall be allowed thereafter, consistent with the recommendations or requirements of the unit manufacturer.

(B) As approved in Sections 19.63.08 (f) and 19.63.08(g);

(C) Those portions of foundation walls above finished grade may be coated or sealed.

(D) Architectural trim as listed in Section 19.63.08(d)(3) may be coated or sealed.

(E) All exterior wall surfaces and architectural trim that were coated prior to January 1, 200? or allowed to be coated after that date by reason of the granting of development approval, administrative approval, or a variance may be maintained, to include sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the Issuing Authority.

(F) The coating of exterior wall finish materials regulated by this Section as trim and not to exceed 15 percent of the exterior wall surface of a building elevation either on its own or in combination with the allowance for architectural trim in Section 19.63.08(d)(3).

(3) Architectural Trim. When used as architectural trim, up to 15 percent of the exterior wall surface of a building elevation may be wood, metal, exterior insulation finish system (EIFS), or other equivalent material as approved by the Issuing Authority.

(e) The following regulations apply to all primary and accessory buildings and additions in the following zoning districts:

Mixed Use CX-2 District

High Intensity Mixed Use HX-2 District

(1) Exterior Wall Finish. Exterior wall surfaces of all buildings, excluding those portions of foundation walls extending normally above finished grade, shall be faced with glass, exterior cement plaster (stucco), natural stone, brick, architectural concrete, metal in accordance with adopted policies and procedures in Resolution ********, or an equivalent or better. An exterior insulation finish system (EIFS) may also be used for exterior wall finish material provided that such system is utilized no lower than 18 feet above grade level. Except for glass or metal, all color shall be integral to the exterior wall finish material unless a colored and opaque coating for all or some part of the exterior wall finish material is specifically approved by the City Council as part of a development approval process and where the application has included:

(A) Certification by the coating manufacturer that the coating is appropriate for the intended purpose and will not damage the exterior wall finish material to which it is to be applied; and

(B) Certification by the exterior wall finish material manufacturer that the coating to be applied is one that is appropriate for the exterior wall finish material and that its use will not reduce or void the exterior wall finish material warranty.

(2) Coating of Exterior Walls. No existing uncoated exterior wall surface material regulated by this Section shall be coated after January 1, 2007 except for the following:

(A) As approved in Sections 19.63.08 (f) and 19.63.08(g);

(B) Those portions of foundation walls above finished grade may be coated or sealed.

(C) Architectural trim as listed in Section 19.63.08(e)(3) may be coated or sealed.

(D) All exterior wall surfaces and architectural trim that were coated prior to January 1, 2007 or allowed to be coated after that date by reason of the granting of development approval, administrative approval, or a variance may be maintained, to include sealing and recoating, in a manner appropriate to that wall finish material or trim and consistent with that existing surface treatment or any prior approval by the Issuing Authority.

(E) The coating of exterior wall finish materials regulated by this Section as trim and not to exceed 15 percent of the exterior wall surface of a building elevation either on its own or in combination with the allowance for architectural trim in Section 19.63.08(e)(3).

(3) Architectural Trim. When used as architectural trim, up to 15 percent of the exterior wall surface of a building elevation may be wood, metal, exterior insulation finish system (EIFS) when less than 18 feet above grade level, or other equivalent material as approved by the Issuing Authority.

(f) Administrative Appeal.

(1) Relief from the coating restriction of this Section can be sought through an application for administrative approval of revised plans unless such relief is contrary to the direction of the City Council. The administrative process can only be used for the purpose of allowing the application of a coating to an existing uncoated exterior wall finish material regulated by this Section for the following purposes:

(A) Application of a coating to address a building maintenance or exterior wall finish material condition; or

(B) Application of a graffiti-resistant coating.

(2) The application for administrative approval shall be filed by the property owner and, in addition to the documentation normally required for such application, shall include the following documentation as may be applicable to the purpose of the coating:

(A) For resolution of a building maintenance or exterior wall finish material condition:

(i) Certification by an architect, engineer or other qualified professional of the existence of a building maintenance or exterior wall finish material condition that requires the application of a coating to the exterior wall finish material; and

(ii) Certification by an architect, engineer or other qualified professional that the application of a coating to the exterior wall finish material is part of a comprehensive solution to correct the identified condition.

(B) For application of a graffiti-resistant coating:

(i) Certification that the coating is specifically designed for that purpose and is either sacrificial or permanent in nature; and

(ii) Certification that the coating is a clear coating which is resistant to weathering, is UV stable, does not change the appearance of the exterior wall finish material, shall have no effect on the substrate, caulking, or sealant material, and has a performance guarantee.

(C) General documentation:

(i) That the coating to be applied is specially formulated for the exterior wall finish material to which it is to be applied and is warranted to protect that surface;

(ii) That the coating to be applied does not reduce or void the exterior wall finish material warranty; and

(iii) That the coating shall be applied strictly in accordance with the instructions of both the coating manufacturer and the exterior wall finish material manufacturer.

(g) Variance to Coating Restriction. Relief from the coating restriction of this Section can be sought through the variance process as set forth in Chapter 2 of this Code, unless contrary to previous specific action by the City Council, in order to allow the application of a coating to an existing uncoated exterior wall finish material regulated by this Section for any purpose. The application shall be filed by the property owner and, in addition to the documentation normally required for such application, shall include without limitation that of the following documentation as may be applicable:

(1) Certification by an architect, engineer or other qualified professional of the existence of a building maintenance or exterior wall finish material condition that requires the application of a coating to the exterior wall finish material;

(2) Certification by an architect, engineer or other qualified professional that the application of a coating to the exterior wall finish material is part of a comprehensive solution to correct the identified condition;

(3) Certification that a proposed graffiti-resistant coating is specifically designed for that purpose and is either sacrificial or permanent in nature;

(4) Certification that a graffiti-resistant coating is a clear coating which is resistant to weathering, is UV stable, does not change the appearance of the exterior wall finish material, shall have no effect on the substrate, caulking, or sealant material, and has a performance guarantee;

(5) That the coating to be applied is specially formulated for the surface material to which it is to be applied and is warranted to protect that surface;

(6) That the coating to be applied does not reduce or void the surface material warranty; and

(7) That the coating shall be applied strictly in accordance with the applicable instructions of both the coating and the exterior wall surface manufacturers.

(h) Severability. The provisions of this Article are declared to be separate and severable. If any section, subsection, sentence, clause or phrase of this Article or the application thereof to any person or circumstance, is held to be invalid, such decision shall not affect the validity of the remaining portions of this Article, or the validity of its application to other persons or circumstances. The City Council hereby declares that it would have adopted the Article and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

* * *

Passed and adopted this _____ day of _____, 2003

_____
Mayor

Attest:

Approved:

_____
Secretary to the Council

_____
City Attorney

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[DRAFT]

EXTERIOR MATERIALS AND FINISH
POLICIES AND PROCEDURES GUIDE

POLICY STATEMENT

The purpose of the Exterior Materials and Finish Policy and Procedures Guide is to assist the City in determining whether a particular application of metal exterior materials is appropriate, and whether they may be approved under the Exterior Materials provision of the *City of Bloomington Code,* Section 19.63.08.

INTENT

Each metal exterior material has a set of issues and concerns that may be both unique and critical in accessing application and impact. These identified issues and concerns are the basis for the recommended standards that will be used to evaluate whether the proposed metal exterior finish material is appropriate to its purpose, application, and installation. Specific issues and concerns include, but are not limited to, the broad areas of: 1) design intent and purpose, 2) material properties and specifications, 3) application and installation, 4) operational characteristics, 5) safety, and environmental health impacts.

Information for all five categories and documentation for each metal will be required. This process will insure that the applicant addresses all conditions and provides as complete an understanding of the metal(s) as possible.

The applicant bears the responsibility to provide the City with complete and accurate information concerning all metals.

The City will compile this information to be placed in a database and eventually made available to developers, contractors, and the City for future evaluation.

I. Design Intent and Purpose

Each application for use of metal exterior finish materials beyond the 15 percent trim allowance is required to include a written statement of Design Intent and Purpose.

The written statement shall be supplemented by graphics, material samples, and/or material specifications which provide firm evidence the proposed metal(s) perform as required by Section 19.63.08(a) and as the stated intent implies.

The Design Intent and Purpose Statement should clearly include, but not be limited to, the following elements:

1. Description of the intent of the proposed metal(s) as an integral element to the design, character, and function of the building or project as a whole;

2. Description of the extent of use for the proposed metal(s) based on building elevation and total building exterior wall finish, and to include percentages for each;

3. Description of the properties and details of the metals involved;

4. Description of the proposed material and how it interfaces with adjacent materials;

5. Description of the location relative to public streets, sidewalks, pedestrian areas, and yards where the material may be damaged by normal activity and maintenance. Description of the methods for protection.

II. Material Properties and Specifications

Material properties and specifications information will be used to fully evaluate the compatibility of the metal for the proposed application and purpose.

The burden is on the applicant to verify the various properties and specifications for each metal and to determine whether they are appropriate for the proposed application. Verification will be accomplished by providing the City with complete documentation including warranties and certifications on the production, installation, and long term maintenance of the product.

Required information shall include, but not be limited to, gauge, composition, configuration, reinforcement, method of attachment, joint sealant and finish, color, surface texture, fatigue, stability and durability, damage resistance, oxidation, and weathering relative to the appropriate use and application.

When discussing gauge, a distinction shall be made between Proper (the proposed gauge to render the intended effect) and Correct (the proposed gauge relative to the manufacturers' recommendations) gauge.

III. Application and Installation

The applicant will be required to submit all supporting documentation, including any warranties and installation certificates.

The submission of such documents will allow the City to make an informed decision as to whether the use of the metal(s) is consistent with the intent and purpose of this Code and will provide a basis for consistency when reviewing all structural elements of the proposal.

Application and installation must be consistent with manufacturer requirements for both the metal and the supporting structure.

All information and decisions will be compiled into a database for future use by developers, contractors, and the City, and will be used to evaluate future application and installation issues.

The following are specific application and installation requirements which must be addressed by review and documentation (note that the description of the metal and its supporting structure shall be considered a single system and shall be evaluated as such):

1. All components of the proposed support system including, but not limited to, walls, fasteners, structural members, seals, and caulks must be reviewed and certified by the metal exterior finish manufacturer and must be in compliance with specifications for proper installation. If special certification is required then such documentation shall be provided.

2. There shall be a written description concerning any treatment of moisture, vapor, expansion and contraction relative to the support structure and abutting material.

3. There shall be a review of location and exposure and they impact the metal(s) relative to adjacent materials. All material must be located such that they will not affect or be affected by the weathering, corrosion, routine cleaning, or maintenance of any abutting or adjacent surface or support materials.

4. There shall be an examination of all natural changes and weathering of metal(s) and how applicapable buildings are designed to accommodate anticipated effects on the material.

5. There shall be documentation of all attachment, sealants, and other relevant mechanical and structural issues.

6. All potential defacing or damage due to exposure to public streets, sidewalks and pedestrian areas should be identified and mitigated for.

7. There shall be a review of all weather related occurrences, particularly snow and ice, and how they affect and are affected by the installation of metal materials.

8. Documentation is required for the expected life of the installation, along with any maintenance and/or replacement programs.

IV. Environmental and Safety

The location and application of metal exterior finish material(s) may have the potential to impact the local environmental and create potential safety hazards over both short and long term periods.

The following are issues which should be addressed and appropriately documented:

1. Document whether production, use, or disposal of the metal(s) may pose any short or long term environmental concerns for local air, soil, water or plants. If so, provide a viable mitigation plan.

2. Determine associated concerns with protective coatings and washes. Determine the method of reapplication as part of a required maintenance program. Provide a plan for minimizing potential hazards.

3. Determine whether the use of the metal(s), its location, and/or method of installation creates any safety hazard for persons, vehicles, or other building elements, particularly with regard to snow or ice build-up, or storm runoff.

V. Operational Issues

This category serves as a catch-all for questions, concerns and issues primarily relating to the life, maintenance, repair and protection of the metal exterior finish material(s). Some of the following concerns may have already been addressed in previous categories:

1. Determine whether the character and/or appearance of the material is expected to change over time. Discuss why and how long this might take. Discuss whether the change is natural, chemically induced, or controllable. Discuss whether the change requires guidance/assistance through specific programs, actions and applications of coatings or washes. Determine whether that process of change can be affected or influenced by other deliberate or accidental actions or forces, natural or man-made.

2. Determine whether there is any potential for impact on the appearance, stability, strength or structural integrity of any abutting or adjacent materials as a result of the change. Discuss how these can be avoided, minimized or corrected.

3. Discuss the recommended/required maintenance of the metal exterior finish material(s) for the warranty period. Determine what is anticipated beyond the warranty period. Determine the expected life span of the proposed material. Discuss any potential impacts on other elements of the system due to maintenance.

4. Determine whether components of the metal exterior finish system will be replaced or changed. Determine any differences in color and/or texture due to age. Discuss how these differences will be accommodated.

5. Discuss whether the metal exterior finish material is particularly vulnerable to vandalism or damage. Discuss whether components of the system can be easily protected, cleaned, restored or replaced if damaged by accident or vandalism.

	REQUIREMENTS	ALUMINUM	CAST METAL	COMPOSITE ALUMINUM	COPPER	COPPER (COATED)	COR-TEN STEEL	GAVALUME
MATERIAL PROPERTIES & SPECIFICATIONS								
1	The applicant shall document the **gauge** of the proposed material, that it is the **proper gauge** to render the intended effect, and that it is the **correct gauge** relative to the manufacturer's recommendations for application and purpose.							
2	Material **composition** shall be provided and documented as to proper use.							
3	Material **configuration** or **shape** shall be described, to include stock or custom made, factory or on-site fabrication, and consistency with manufacturer's recommendations for application and use.							
4	Document whether material does not or does require **reinforcement** when used as proposed, the nature and method of reinforcement, and consistency with manufacturer's recommendations.							
5	Describe the **method of attachment** to the underlying surface, framework, or structure for which it is the exterior finish.							
6	Descriptions and specifications of the **finish**, **color**, **surface texture**, and **appearance** at time of application and **stability** and **durability** of each.							
7	Describe the nature of any planned or expected changes to the appearance of the material, how it is accomplished, the extent of change, impact on the material, and consistency with manufacturer's specifications.							
8	Provide metal exterior finish material warranty information and certify that the proposed application and use will not invalidate the warranty.							
APPLICATION & INSTALLATION								
1	Documentation on application and installation of the metal exterior finish material to recognize and reflect that the metal exterior finish material and the supporting structure to which it is applied, attached, or fastened, shall be considered a single system and evaluated as such.							

	REQUIREMENTS	ALUMINUM	CAST METAL	COMPOSITE ALUMINUM	COPPER	COPPER (COATED)	COR-TEN STEEL	GAVALUME
APPLICATION & INSTALLATION (Cont.)								
2	The metal exterior finish material manufacturer shall review and certify that all components of the proposed support system including but not limited to walls, fasteners, structural members, seals and caulks are in compliance with specifications for proper installation of the exterior material.							
3	Identify any and all special certification or training required to properly install the metal exterior finish material, and provide proof that installer has that training or certification.							
4	Explain the potential impacts of and treatment for moisture, vapor, expansion and contraction relative to the metal exterior finish material, the support structure, and abutting materials and document that the solutions are in compliance with the specifications of the metal exterior finish material manufacturer.							
5	Identify the potential for and nature of any impacts on either the metal exterior finish material or abutting and interfacing materials due to location and exposure to weathering, corrosion, routine cleaning, or maintenance of any of the materials. Explain whether any identified impacts on either the metal exterior finish material or abutting and interfacing materials are superficial, aesthetic and planned, or structural, and appropriate prevention or correction procedures.							
6	Provide details of attachment, sealing, and other relevant mechanical and structural processes.							
7	Describe and document how the installation will react to or be affected by local weather conditions, particularly snow, ice and low temperatures.							
8	Document expected life of metal exterior finish material, required or anticipated maintenance and/or replacement of the material, and any other requirements affecting its uses or life.							

	REQUIREMENTS	ALUMINUM	CAST METAL	COMPOSITE ALUMINUM	COPPER	COPPER (COATED)	COR-TEN STEEL	GAVALUME
ENVIRONMENTAL & SAFETY								
1	Document whether the production (if on-site), use, removal, or disposal of the metal exterior finish material and any coatings pose any short or long term environmental concerns for local air, soil or water and if so, include a mitigation plan.							
2	Document whether the use or disposal of any finishes, sealants, or other materials used in the installation of the metal exterior finish material pose any short or long term environmental concerns for local air, soil or water, and if so, include a mitigation plan.							
3	Document whether any protective coatings, washes, or reapplication methods that are a part of a recommended or required maintenance program pose any short or long term environmental concerns for local air, soil or water and are non-injurious to abutting materials, and if not, provide a viable mitigation plan.							
4	Document that the weathering, corrosion, oxidation, and runoff from metal exterior finish material, any coating, sealants, and related materials do not pose any short or long term environmental concerns for local air, soil or water and are non-injurious to abutting materials							
5	Identify whether the use of the metal exterior finish material, its location, or method of installation create any potential safety hazards for other building elements, people, or vehicles, particularly with regard to snow or ice build-up or storm runoff, and if so, a plan to mitigate the hazard(s).							
OPERATIONAL								
1	Document whether or not the character and/or appearance of the metal exterior finish material is expected to change over time, and if so, whether it is induced or natural, controllable, requires a specific program of action and applications, and can be affected or influenced by deliberate or accidental actions that are man-made or natural.							

	REQUIREMENTS	ALUMINUM	CAST METAL	COMPOSITE ALUMINUM	COPPER	COPPER (COATED)	COR-TEN STEEL	GAVALUME
OPERATIONAL (Cont.)								
2	Document the potential impact of any change to the metal exterior finish material on the appearance, stability, strength, or structural integrity of the structure or abutting or adjacent materials, and if so, describe how these can be avoided, minimized, or corrected.							
3	Provide warranty information, details on required or recommended maintenance program, functional life-span of the material, and availability of replacement metal exterior finish material components.							
4	Describe whether the metal exterior finish material will develop differences in color and/or texture simply due to age (fading for example) and how those differences can dealt with during maintenance or be accommodated with replacement components.							
5	Describe the vulnerability of the metal exterior finish material to damage or defacing from vandalism or other sources and whether the material can be cleaned or restored, or must be replaced.							

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	REQUIREMENTS	STEEL	STEEL (ENAMELED)	STEEL (PREFINISHED	TERNE METAL	TITANIUM	ZINC
MATERIAL PROPERTIES & SPECIFICATIONS							
1	The applicant shall document the **gauge** of the proposed material, that it is **the proper gauge** to render the intended effect, and that it is the **correct gauge** relative to the manufacturer's recommendations for application and purpose.						
2	Material **composition** shall be provided and documented as to proper use.						
3	Material **configuration** or **shape** shall be described, to include stock or custom made, factory or on-site fabrication, and consistency with manufacturer's recommendations for application and use.						
4	Document whether material does not or does require **reinforcement** when used as proposed, the nature and method of reinforcement, and consistency with manufacturer's recommendations.						
5	Describe the **method of attachment** to the underlying surface, framework, or structure for which it is the exterior finish.						
6	Descriptions and specifications of the **finish**, **color**, **surface texture**, and **appearance** at time of application and **stability** and **durability** of each.						
7	Describe the nature of any planned or expected changes to the appearance of the material, how it is accomplished, the extent of change, impact on the material, and consistency with manufacturer's specifications.						
8	Provide metal exterior finish material warranty information and certify that the proposed application and use will not invalidate the warranty.						
APPLICATION & INSTALLATION							
1	Documentation on application and installation of the metal exterior finish material to recognize and reflect that the metal exterior finish material and the supporting structure to which it is applied, attached, or fastened, shall be considered a single system and evaluated as such.						

	REQUIREMENTS	STEEL	STEEL (ENAMELED)	STEEL (PREFINISHED	TERNE METAL	TITANIUM	ZINC
APPLICATION & INSTALLATION (Cont.)							
2	The metal exterior finish material manufacturer shall review and certify that all components of the proposed support system including but not limited to walls, fasteners, structural members, seals and caulks are in compliance with specifications for proper installation of the exterior material.						
3	Identify any and all special certification or training required to properly install the metal exterior finish material, and provide proof that installer has that training or certification.						
4	Explain the potential impacts of and treatment for moisture, vapor, expansion and contraction relative to the metal exterior finish material, the support structure, and abutting materials and document that the solutions are in compliance with the specifications of the metal exterior finish material manufacturer.						
5	Identify the potential for and nature of any impacts on either the metal exterior finish material or abutting and interfacing materials due to location and exposure to weathering, corrosion, routine cleaning, or maintenance of any of the materials. Explain whether any identified impacts on either the metal exterior finish material or abutting and interfacing materials are superficial, aesthetic and planned, or structural, and appropriate prevention or correction procedures.						
6	Provide details of attachment, sealing, and other relevant mechanical and structural processes.						
7	Describe and document how the installation will react to or be affected by local weather conditions, particularly snow, ice and low temperatures.						
8	Document expected life of metal exterior finish material, required or anticipated maintenance and/or replacement of the material, and any other requirements affecting its use or life.						

	REQUIREMENTS	STEEL	STEEL (ENAMELED)	STEEL (PREFINISHED	TERNE METAL	TITANIUM	ZINC
ENVIRONMENTAL & SAFETY							
1	Document whether the production (if on-site), use, removal, or disposal of the metal exterior finish material and any coatings pose any short or long term environmental concerns for local air, soil or water and if so, include a mitigation plan.						
2	Document whether the use or disposal of any finishes, sealants, or other materials used in the installation of the metal exterior finish material pose any short or long term environmental concerns for local air, soil or water, and if so, include a mitigation plan.						
3	Document whether any protective coatings, washes, or reapplication methods that are a part of a recommended or required maintenance program pose any short or long term environmental concerns for local air, soil or water and are non-injurious to abutting materials, and if not, provide a viable mitigation plan.						
4	Document that the weathering, corrosion, oxidation, and runoff from metal exterior finish material, any coating, sealants, and related materials do not pose any short or long term environmental concerns for local air, soil or water and are non-injurious to abutting materials						
5	Identify whether the use of the metal exterior finish material, its location, or method of installation create any potential safety hazards for other building elements, people, or vehicles, particularly with regard to snow or ice build-up or storm runoff, and if so, a plan to mitigate the hazard(s).						
OPERATIONAL							
1	Document whether or not the character and/or appearance of the metal exterior finish material is expected to change over time, and if so, whether it is induced or natural, controllable, requires a specific program of action and applications, and can be affected or influenced by deliberate or accidental actions that are man-made or natural.						

	REQUIREMENTS	STEEL	STEEL (ENAMELED)	STEEL (PREFINISHED	TERNE METAL	TITANIUM	ZINC
OPERATIONAL (Cont.)							
2	Document the potential impact of any change to the metal exterior finish material on the appearance, stability, strength, or structural integrity of the structure or abutting or adjacent materials, and if so, describe how these can be avoided, minimized, or corrected.						
3	Provide warranty information, details on required or recommended maintenance program, functional life-span of the material, and availability of replacement metal exterior finish material components.						
4	Describe whether the metal exterior finish material will develop differences in color and/or texture simply due to age (fading for example) and how those differences can dealt with during maintenance or be accommodated with replacement components.						
5	Describe the vulnerability of the metal exterior finish material to damage or defacing from vandalism or other sources and whether the material can be cleaned or restored, or must be replaced.						

Revised: 10/06/03
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CITY OF BLOOMINGTON MINNESOTA

2004

Planning Commission

January

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	R 8	9	10
11	12	13	14	S 15	16	17
18	19	20	21	R 22	23	24
25	26	27	28	29	30	31

February

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	R 5	6	7
8	9	10	11	S 12	13	14
15	16	17	18	R 19	20	21
22	23	24	25	26	27	28
29						

March

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	R 4	5	6
7	8	9	10	S 11	12	13
14	15	16	17	18	19	20
21	22	23	24	R 25	26	27
28	29	30	31			

April

APA Washington, D.C.

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	R 8	9	10
11	12	13	14	S 15	16	17
18	19	20	21	R 22	23	24
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May

SUN	MON	TUE	WED	THU	FRI	SAT
2	3	4	5	R 6	7	1/8
9	10	11	12	S 13	14	15
16	17	18	19	20	21	22
23	24	25	26	R 27	28	29
30	31					

June

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	R 10	11	12
13	14	15	16	S 17	18	19
20	21	22	23	R 24	25	26
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July

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	R 8	9	10
11	12	13	14	S 15	16	17
18	19	20	21	R 22	23	24
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August

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	R 5	6	7
8	9	10	11	S 12	13	14
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September

SUN	MON	TUE	WED	THU	FRI	SAT
			1	R 2	3	4
5	6	7	8	9	10	11
12	13	14	15	R 16	17	18
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October

SUN	MON	TUE	WED	THU	FRI	SAT
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3	4	5	6	R 7	8	9
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17	18	19	20	R 21	22	23
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November

SUN	MON	TUE	WED	THU	FRI	SAT
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December

SUN	MON	TUE	WED	THU	FRI	SAT
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R Regular Meeting S Study/Work Session 7 Holiday - No Meeting Conferences, Special Meetings

CITY OF BLOOMINGTON MINNESOTA

2004

City Council

January

SUN	MON	TUE	WED	THU	FRI	SAT
				1	R 2	3
4	R 5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	R 20	21	22	23	24
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February

SUN	MON	TUE	WED	THU	FRI	SAT
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March

SUN	MON	TUE	WED	THU	FRI	SAT
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28	29	30	31	NLC Washington, D.C.		

April

SUN	MON	TUE	WED	THU	FRI	SAT
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4	R 5	6	7	8	9	10
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18	R 19	20	21	22	23	24
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May

SUN	MON	TUE	WED	THU	FRI	SAT
2	R 3	4	5	6	7	1/8
9	10	11	12	13	14	15
16	R 17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

June

SUN	MON	TUE	WED	THU	FRI	SAT
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6	R 7	8	9	10	11	12
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20	R 21	22	23	24	25	26
27	28	29	30			

July

SUN	MON	TUE	WED	THU	FRI	SAT
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4	5	R 6	7	8	9	10
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18	R 19	20	21	22	23	24
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August

SUN	MON	TUE	WED	THU	FRI	SAT
1	R 2	3	4	5	6	7
8	9	10	11	12	13	14
15	R 16	17	18	19	20	21
22	23	24	25	26	27	28
29	R 30	31				

September

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	R 13	14	15	16	17	18
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26	R 27	28	29	30		

October

SUN	MON	TUE	WED	THU	FRI	SAT
LMC					1	2
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10	11	12	13	14	15	16
17	R 18	19	20	21	22	23
24/31	25	26	27	28	29	30

November

SUN	MON	TUE	WED	THU	FRI	SAT
	R 1	2	3	4	5	6
7	8	9	10	11	12	13
14	R 15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December

SUN	MON	TUE	WED	THU	FRI	SAT
NLC Indianapolis, IN			1	2	3	4
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R Regular Meeting S Study/Work Session 7 Holiday - No Meeting Conferences, Special Meetings

CITY OF
BLOOMINGTON
MINNESOTA

PLANNING AND ECONOMIC DEVELOPMENT DIVISION
1800 W. OLD SHAKOPEE ROAD, BLOOMINGTON MN 55431-3027
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PLANNING COMMISSION STUDY MEETING

STAFF REPORT

March 18, 2004

Item 1	Case 10000A-00 6:00 p.m.	City of Bloomington	Ordinance reorganizing and clarifying regulations concerning exterior wall surface materials, the use of exterior coatings, and architecture trim.
Item 2		Organizational Meeting A) Election of Officers B) Review Rules of Procedures	

Item 1

GENERAL INFORMATION

Applicant: City of Bloomington

Location: City-wide

Request: Ordinance reorganizing and clarifying regulations concerning exterior wall surface materials, the use of exterior coatings and architectural trim

PROPOSAL

A revised draft of the exterior materials ordinance is being returned to the Commission for a scheduled public hearing. As the Commission may recall, the previous version of the ordinance received a recommendation of approval on March 1, 2001 (see handout packet for previous agendas, staff reports, minutes, and ordinance drafts). The revised draft ordinance was informally reviewed at the Planning Commission study meeting of October 16, 2003 and was the subject of an Administrative Hearing on December 15, 2003. It is in the same format as the March 1, 2001 draft and the character and intent of the coating prohibition, affiliated regulations, and related processes have not changed in any significant manner. However, additions and modifications made to other elements of the ordinance include the following:

- Inclusion of the *administrative appeal* language as recommended by the Planning Commission;
- Added a new section establishing the coating prohibition for non-residential primary and accessory buildings and their additions in the R-1 through RM-24 Zoning Districts;
- Clarification on no material or coating limits for architectural trim on non-residential primary and accessory buildings and their additions in the R-1 through RM-24 Zoning Districts and application of appeal or variance procedures;
- Placing the RM-50 Zoning District in a section with exterior materials and coating controls for all primary and accessory buildings;
- Replacing "Construction" with "Finish" in the heading for Section 19.63.08;
- Removal of the proposed Building Type control language from the definitions and body of proposed Section 19.63.08, and replacement of the existing language on construction and Building Type in the existing Code zoning districts with references to Section 19.63.08; and
- Inclusion of allowed metals language as acceptable exterior wall surface materials in accordance with the *Policies and Procedures Guide* in Section 19.63.08.

Section 19.63.08(f) now contains the *administrative appeal* process as directed by the Commission at the March 1, 2001 hearing.

The coating prohibition, affiliated regulations, and related processes have been applied to those non-residential primary and accessory buildings in the R-1 through RM-24 residential districts in order to maintain consistency with similar buildings in non-residential districts. This approach also involved relocating the RM-50 Zoning District to Section 19.63.08(c), where the exterior materials and coating controls will apply to all of the primary and accessory buildings.

The latter two changes – removal of Building Type language and allowance for metal(s) to be considered as a complying exterior wall surface finish - are potentially the most significant in impact of the ordinance.

Since that Commission recommendation, discussions with the State Building Official and additional legal review determined that the City could not be more restrictive than the State Building Code by limiting non-residential building construction to the specific Types I and II in the various non-residential zoning districts. On the recommendation of the City Attorney, the Building Type language that had been included in the draft ordinance approved in March of 2001 was removed.

Also subsequent to the Commission action on March 1, 2001, staff was made aware of the City Council interest in possibly allowing the use of at least certain metals as complying exterior wall surface finishes beyond the currently allowed and proposed 15 percent as architectural trim. It was necessary to develop and establish a method and rationale, outside of the existing variance or Planned Development procedures, that would provide a process through which a metal could be proposed, considered, and perhaps approved as an exterior wall surface finish. After working with a consultant, staff has developed a review methodology utilizing a *Policies and Procedures Guide* that can be applied to the review of any metal that might be proposed for exterior wall surface finish use beyond the expressed trim and percentage constraints.

ANALYSIS

The format, general orientation, and bulk of the proposed ordinance content, as reviewed and approved by the Planning Commission on March 1, 2001, remains substantially intact, albeit subject to some minor wordsmithing and continuity corrections. However, as staff has noted, the revised draft ordinance does incorporate recommended adjustments, clarifications, deletions and additions as explained in the following sections.

Administrative Appeal – At the Planning /commission hearing of March 1, 2001, staff presented recommended language for a Commission-requested administrative appeal process for the use of coatings. Following review and discussion the Commission directed that the Administrative Appeal process be incorporated into the proposed ordinance which then received a recommendation of approval. That process is now established in Section 19.63.08(f) of the ordinance.

Coating In Residential Districts – A new Section 19.63.08(b) was added to expand the coating controls for exterior wall finish material to all nonresidential primary and secondary buildings and their additions in the R-1 through RM-24 zoning districts, consistent with those controls established for those nonresidential zoning districts in Sections 19.63.08(c),(d) and (e).

During staff discussions on Building Type considerations, the issue of equitability was raised regarding no application of the exterior wall finish material coating regulations to nonresidential primary and accessory buildings in the residential zoning districts verses application to typically the same nonresidential primary and accessory buildings in the nonresidential districts. Staff can not find any substantial basis on which to assume that the negative impact potential of a coating on the exterior wall finish material of a non-residential building in these districts would be any different or less than on the same exterior wall finish material in a B-1, FD-1, CS-1, or IP Zoning District. The same concerns exist

and should be given equitable consideration and treatment. Therefore, it was determined that the intent and purpose of the proposed ordinance establishing those coating regulations would best be met by the consistent application to the nonresidential primary and accessory buildings in the residential zoning districts as well.

The language in the section allows the coating or sealing of all architectural trim which is not subject to the 15 percent non-complying material limitation of the nonresidential zoning districts also allows the continued maintenance of previously coated or sealed exterior wall surfaces. The proposed coating relief procedures from the nonresidential districts are also included to maintain consistency across the board with nonresidential development. These include allowing coating as part of City Council development approval process, the Administrative Appeal process, and the variance process. These will allow the flexibility to approve and use certain exterior wall finish materials and coatings where a stronger "residential character" is desired for the nonresidential development.

RM-50 Zoning District – Following further consideration and discussion at staff level regarding issues of equitability and consistency, the RM-50 Multiple-family Residential Zoning District was added to Section 19.63.08(c), where all primary and accessory buildings are covered by the proposed exterior wall surface material, coating, and architectural trim regulations. This relocation was based on the scale and character of those residential and non-residential buildings that could reasonably be expected in a high-density development of 50 units per acre, the locations where that zoning district would be appropriately located, the anticipated relationships to existing and future land uses at those locations, and the nature and character of those adjacent land uses themselves.

Development within the RM-50 Zoning District can be expected to be very intense by comparison to existing residential development levels in the City. Therefore, such development would most likely have a more urbanized and less residential form and with a finish of other than the traditional materials that often characterize the primary buildings for lower intensity residential development. Such residential density is guided to be located either adjacent to or even as part of the changing existing and future commercial and employment centers of the City, not out in the midst of residential neighborhoods. At those locations, the RM-50 development should more properly reflect a consistency of exterior wall surface materials, finish, and character with that of those commercial and employment developments of which they will share synergy in order to maximize integration.

Staff could not find any substantial basis on which to assume that the negative impact potential of a coating on the exterior wall surface material of a residential building in the RM-50 would be any different or less than on the same exterior wall finish material on a nonresidential building in a FD-1, CS-1, CO-1 or RO-50 Zoning District. The same concerns exist and should be given equitable consideration and treatment. Therefore, it was determined that the intent and purpose of the proposed ordinance establishing both the exterior wall finish and coating regulations would best be met by the consistent application to the residential primary and accessory buildings in the RM-50 Zoning District. The placement was with that group of nonresidential zoning districts deemed to be the most comparable in scale and character. The City Council development approval, Administrative Appeal, and the variance procedure would be available for relief from the applicable regulations.

Building Type – As noted, subsequent to the Planning Commission meeting of March 1, 2001 there were a number of discussions between the City Attorney's staff and State Building officials regarding the ability of the City to control the Building Type by zoning district regulation. Ultimately it was determined that the 2003 Minnesota State Building Code controls and the City can not be more

restrictive. Therefore, all proposed language relating to Building Type was removed from Section 19.63.08 in the proposed ordinance as well as all existing language relating to construction or building type in the affected zoning districts. As a result, "Construction" was removed from the heading for Section 19.63.08 and replaced with "Finish".

While the intent of that language was to simply have the Code clearly reflect what was actually being done, it is not possible to do so. In the real world, the inability to regulate Building Type is not expected to result in any discernable future change in the actual type of construction used in those non-residential districts from what has been very consistently used over more than the past three decades.

Metals –The inclusion of a methodology for considering metals as complying exterior wall surface materials beyond the architectural trim limits is the most significant and important change to the proposed ordinance. Subsequent to the Commission meeting of March 1,2001, the City Council made staff aware that it was desirable to have a means by which at least certain metals could be proposed and reviewed as complying exterior wall surface materials. Staff first looked at using a typical Code standards and language approach to specify selected metals as being acceptable, starting with those commonly thought of as "semi-precious". This approach soon proved full of extensive difficulties and conflicts ranging from existing inconsistent definitions and the need to develop new definitions to the selection of those metals to include and those to exclude from an extremely broad range of metals while establishing a defensible rationale for those decisions. After further work, that application proved to be too cumbersome, contained many weak elements, and did not provide sufficient flexibility to address the broad spectrum of metals that have the potential to be considered for exterior wall surface finishes.

Staff pursued an alternative approach, resulting in the development of a "*Policies and Procedures Guide*" that sets forth the issues and concerns that, if satisfactorily addressed, would allow the metal to be accepted and approved as a complying exterior wall surface material in that specific application. With this methodology, a specific list of "pre-approved" metals does not have to be established, defended, and amended on a continuing basis. Instead each proposed metal would be reviewed for each proposed use in order to determine its acceptability in that particular application as part of the appropriate City development approval process. Thus, while frequency of application and approval over time might establish reasonably stable and reliable credentials for certain metals, each would still have to continue providing documentation of its acceptability for any give application. The goal of the documentation process is have what is essentially an extensive information requirement menu of concerns, issues, questions, and certification requirements from which applicable selections can be tailored to address specific proposals and situations rather than a stock "one-size-fits-all" standard that doesn't fit any.

The "*Guide*" consists of a written section and an attached menu of specific information requirements from which selections would be applied as appropriate to a specific proposal. The main body of the document establishes five broad areas under which the informational requirements are grouped:

- Design Intent and Purpose;
- Materials properties and Specifications;
- Application and Installation;
- Environmental and Safety; and
- Operational issues.

The proposed informational requirements involve both quantitative and qualitative responses, but are not of a performance standard nature with a right/wrong or comply/doesn't comply orientation. The sum of the information submitted as a mandatory part of a proposal is intended to be sufficient to allow a determination to be made regarding the appropriateness of the proposed metal and its application. The "*Guide*" would be adopted by resolution, identified as such in the proposed ordinance, and developed as a handout for use in those applications to which it would apply. The appropriate informational requirements would be identified and the responses would be included in the application documentation that will be used to evaluate acceptability of the proposed metal(s). Staff would point out that the recent Holiday Inn application (Case 5891AB-03) made use of this process as a test case in terms of document and information submission by the applicant and evaluation by staff.

Staff also anticipates that the submitted documentation can be complied into a data base for use by City staff and others in evaluating both other applications and the reviewal process itself.

RECOMMENDATION

Staff recommends approval of the proposed ordinance and a recommendation for adoption of the "*Policies and Procedures Guide*" by resolution.

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September 26, 2016

City of Bloomington Minnesota
Planning and Economic Development
1800 W. Old Shakopee Road
Bloomington, MN 55431-3027
Re: Acrylic Finishes on Stucco

To Whom It May Concern,

Elness Swenson Graham Architects Inc. supports the effort of the Minnesota Lath and Plaster Bureau and the Minnesota Drywall and Plaster Association to amend the Bloomington City Zoning Code Section 19.63.08; to change, in part, existing code language as it relates to Portland cement plaster (stucco). We ask the City Council to specifically approve acrylic finish coating as part of developmental approval process as an acceptable alternative to Portland cement plaster finish coat for the installation of stucco in zoning districts 19.24(a). The use of an acrylic finish coat instead of a traditional Portland cement based finish coat improves finish coat and color consistency, durability, and longevity which we understand to be goals of the City of Bloomington.

Sincerely,

ELNESS SWENSON GRAHAM ARCHITECTS, INC.

Craig A. Hess

Craig A. Hess, AIA, CSI, CCS, LEED AP
Vice President and Quality Assurance Director

File: U/Projects-Promotion/160926Bloomington-AcrylicFinishSupport.docx

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss

Charlene Vold being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

SC Bloomington

with the known office of issue being located in the county of:

HENNEPIN

with additional circulation in the counties of:

HENNEPIN

and has full knowledge of the facts stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.

(B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 10/20/2016 and the last insertion being on 10/20/2016.

MORTGAGE FORECLOSURE NOTICES Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Charlene Vold
Designated Agent

Subscribed and sworn to or affirmed before me on 10/20/2016 by Charlene Vold.

Darlene M MacPherson
Notary Public

DARLENE MARIE MACPHERSON
Notary Public-Minnesota
My Commission Expires Jan 31, 2019

Rate Information:
(1) Lowest classified rate paid by commercial users for comparable space:
$34.45 per column inch

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CITY OF BLOOMINGTON
NOTICE OF
PUBLIC HEARING
BY THE PLANNING
COMMISSION

CASE FILE NUMBER:
PL2016-169

APPLICANT: Steven Pedracine, Minnesota Lath & Plaster Bureau

PROPOSAL: Privately initiated City Code amendment to Section 19.63.08 to allow acrylic-based finish coatings to stucco exterior materials

DATE, LOCATION, AND TIME OF HEARING:
November 03, 2016, 6:00 p.m.
City Council Chambers -
Bloomington City Hall
1800 West Old Shakopee Road
Bloomington, MN 55431

HOW YOU CAN PARTICIPATE:
(Please include Case File number above when corresponding)

1. Review supplemental information online at blm.mn/updates or in the Community Development Department at Blominton Civic Plaza, 1800 West Old Shakopee Road, Bloomington, MN 55431-3027;

2. Submit a letter to the address below expressing your views;

3. Attend the hearing and give testimony about the proposal; and/or

4. Contact the Planning Division using the information below.

FURTHER INFORMATION:
A full copy of the Case File is available for public review during regular business hours in the Community Development Department at Bloomington Civic Plaza, 1800 West Old Shakopee Road, Bloomington, MN 55431

OR contact:
Mike Centinario, Planner
City of Bloomington
1800 West Old Shakopee Road
Bloomington, MN 55431-3027
(952) 563-8921
Email:
mcentinario@BloomingtonMN.gov

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