



MAYOR AND COUNCIL COMMUNICATION

DATE: 9/03/2013

CONSENT

ITEM #: 5

AGENDA ITEM: Variance – 3712 Layton Avenue North

SUBMITTED BY: Nick Johnson, City Planner

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
 Kyle Klatt, Planning Director
 Mike Bouthilet, Public Works Superintendent
 MnDOT

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/Presentation.....Staff
- Questions from Council to Staff.....Mayor Facilitates
- Public Input, if Appropriate.....Mayor Facilitates
- Call for Motion.....Mayor & City Council
- Discussion.....Mayor & City Council
- Action on Motion.....Mayor Facilitates

SUMMARY AND ACTION REQUESTED:

The City Council is asked to consider a Variance submitted by Elmo Inn Enterprises, Inc. to allow for the construction of a ground sign at 3712 Layton Ave. N. that exceeds the maximum height and area allowed under the City’s Sign Ordinance. The applicants intend to erect a new ground sign to advertise the Lake Elmo Inn Event Center. The Planning Commission held a Public Hearing on August 26, 2013, at which time only the applicants spoke to answer questions raised by the Planning Commission. The Planning Commission recommended the Variance for approval with the condition that the sign be consistent with the Lake Elmo Branding and Theming Study produced by Damon Farber and Associates. **As part of the Consent Agenda, no formal motion is needed.** If the Council wishes to further discuss the topic, they can remove this item from the Consent Agenda and approve the variance by taking the following action or amending as necessary:

“Move to approve Resolution No. 2013-67, approving the Variance requested at 3712 Layton Avenue North to allow for the construction of a ground sign that exceeds the maximum height and area allowed under the City’s Sign Ordinance.”

BACKGROUND AND STAFF REPORT:

The City of Lake Elmo received an application for a Variance from Elmo Inn Enterprises, Inc. The Variance would allow the construction of a ground sign that would exceed the maximum height allowed by 3 feet and the maximum area allowed by approximately 18 square feet. Per the City’s Sign Ordinance, the height and area allowed for ground signs are determined by the number of travel lanes and travel speeds on the adjacent roadway. Under the ordinance, the maximum height and area allowed would be 10 feet and 50 square feet respectively. The applicant is proposing to erect a sign that is 13 feet in height and approximately 68 square feet in area. The main reason behind the request is that due to a lack of an

adequate area to store snow that accumulates next to Trunk Highway 5 (TH-5), the visibility of the lower portions of the sign is reduced. The applicants have stated that the accumulation of snow banks along this property represent a unique circumstance that calls for a sign of increase height. In addition, the applicants have argued that due to the other circumstances along TH-5, such as travel speeds, and the need to keep the commercial message visible and not distorted, greater sign areas is required for effective visibility. The applicant's narrative can be found in Attachment #3.

In order to approve a variance under the new State Statute, the applicant must demonstrate compliance with 4 required findings:

1. Practical Difficulties
2. Unique Circumstances
3. Character of the Locality
4. Adjacent Properties and Traffic

Staff reviewed the application and determined that the variance request met the 4 required findings. Additional detail about this review can be found in the Staff Report to the Planning Commission, Attachment #2.

The Planning Commission reviewed the proposed Variance at the meeting on 8/26/13. As part of the review, the Planning Commission recommended approval of the variance with a vote of 6-1, with Williams voting no. Commissioner Williams stated that he was comfortable with the variance to allow greater height for the sign, but not greater area. In addition to recommending the Variance for approval, the Planning Commission added a condition that the proposed ground sign be consistent with the Lake Elmo Branding and Theming Study. Staff has reviewed the proposed sign and found it to be consistent with the work completed by Damon Farber and Associates. Further detail regarding the discussion by the Planning Commission can be found in Attachment #6.

Finally, in order to verify the accumulation of snow banks during an average winter, Staff consulted with the Public Works Superintendent, Mike Bouthilet, who is familiar with the average accumulation along TH-5. He noted that during periods of heavy accumulation, snow banks can exceed 6 feet in height. The review letter from the Public Works superintendent can be found in Attachment #5. It should also be noted that representatives from the Minnesota Department of Transportation contacted Staff by telephone to report no concern about the proposed Variance.

RECOMMENDATION:

The Planning Commission recommends the City Council approve the Variance by taking the following action:

“Move to approve Resolution No. 2013-67, approving the Variance requested at 3712 Layton Avenue North to allow for the construction of a ground sign that exceeds the maximum height and area allowed under the City’s Sign Ordinance.”

ATTACHMENT(S):

1. Resolution No. 2013-67
2. Staff Report to the Planning Commission, 8-26-13
3. Variance Application w/Narrative
4. Location Map
5. Photos from Site Visit
6. Review Letter from Public Works Superintendent
7. Excerpt from Draft Planning Commission Minutes, 8-26-13