

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION NO 2015-28

*A RESOLUTION APPROVING A VARIANCE TO ALLOW FOR THE CONSTRUCTION OF A
16-FOOT TALL PERMANENT GROUND SIGN AT 8515 EAGLE POINT BOULEVARD*

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, BDH + Young, 7001 France Ave. S., Suite 200, Edina, MN (the “Applicant”), on behalf of Eagle Point Medical, LLC, has submitted an application to the City of Lake Elmo (the “City”) for a variance to allow for a permanent ground sign at the Eagle Point Medical Center, 8515 Eagle Point Blvd. N., that exceed the maximum permitted height by four feet.

WHEREAS, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.109; and

WHEREAS, the Lake Elmo Planning Commission held a public hearing on said matter on April 13, 2015; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated April 21, 2015; and

WHEREAS, the City Council considered said matter at its April 21, 2015 meeting.

NOW, THEREFORE, based on the testimony elicited and information received, the City Council makes the following:

FINDINGS

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.109.
- 2) That all the submission requirements of said Section 154.109 have been met by the Applicant.
- 3) That the proposed variance includes the following components:
 - a) A variance to allow for the construction of a 16-foot tall permanent ground sign at 8515 Eagle Point Blvd. N., exceeding the maximum height allowed by 4 feet.
- 4) That the Variance will be located on property legally described as follows: Lot 1, Block 1 of Eagle Point Business Park 7th Addition, Washington County, Minnesota. PID: 33.029.21.42.0014.
- 5) That the strict enforcement of Zoning Ordinance would cause practical difficulties and that the property owner proposes to use the property in a reasonable manner not permitted

by an official control. ***Specific findings: Increasing the height of a proposed ground sign from 12 feet to 16 feet represents a reasonable use of the property. The property is zoned Business Park and is surrounded by other commercial uses. The variance to allow a taller ground sign in this location does not present an unreasonable use.***

- 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner. ***Specific findings: The existence of a 40-foot drainage and utility easement along the west property boundary and Inwood Ave. represents a unique circumstance not created by the landowner. The easement causes the ground sign to be setback much further than would ordinarily be required by the City's Zoning Code. In addition, the existing topography of the site is at a lower elevation than Inwood Ave., creating additional challenges of visibility. The topography of the site represents an additional unique circumstance not created by the landowner.***
- 7) That the proposed variance will not alter the essential character of the locality in which the property in question is located. ***Specific findings: The location of the Eagle Point Medical building is in an area that is predominantly comprised of commercial uses. Ground signs and other types of signage are common along the Inwood Ave. corridor near the subject property. Increasing the height of the ground sign from 12 feet to 16 feet will not alter the essential character of the locality.***
- 8) That the proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood. ***Specific findings: The proposed variance will not impair an adequate supply of light and air to any properties adjacent to the Eagle Point Medical site. The proposed ground sign will not present additional congestion on public streets, or substantially diminish or impair property values within the neighborhood.***

CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Variance is granted.

Passed and duly adopted this 21st day of April 2015 by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk