



MAYOR AND COUNCIL COMMUNICATION

DATE: 1/19/2016
REGULAR #16

MOTION

AGENDA ITEM: High Pointe Sign Variance – IRET Properties, 8650 Hudson Blvd
SUBMITTED BY: Stephen Wensman, Planning Director
THROUGH: Clark Schroeder, Interim City Administrator
REVIEWED BY: Joan Ziertman

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/PresentationStaff
- 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:

Staff and the Planning Commission are recommending the City Council to approve a variance request from IRET properties for a 5 foot height and 4 foot width variance from the Eagle Point Business Park Exterior Sign Design Agreement to allow a 35-foot high, 16-foot wide pylon sign with the following motion:

“Move to adopt Resolution 2016-05 approving the 5 foot height and 4 foot width variance request at 8650 Hudson Blvd. to allow for a 35-foot high, 16-foot wide pylon sign at the High Pointe Medical Campus.

BACKGROUND AND STAFF REPORT:

The Eagle Point Business Park Planned Unit Development was platted in 1999 with the Eagle Point Business Park Exterior Sign Design Agreement which identified the zoning standards for the development, including signage. Based on the Agreement, pylon signs are allowed and can have a width of 12’ and a height of 25’, or 30’ depending on the interpretation. To complicate matters, sometime in the past Planning Staff prepared a written summary of the Eagle Point standards and determined that sign height was to be determined on a case-by-case basis. The applicant is seeking the sign to improve visibility for its multiple medical tenants.

In order to approve a variance, 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.

PLANNING COMMISSION REPORT:

The Planning Commission held a public hearing and reviewed the proposed variance on January 11, 2016. During the public hearing, no testimony was received and no other written comments were submitted to staff. The Planning Commission discussed the need for the sign, issues related to wayfinding, sign lighting, potential future driveway and site development, and the sign's potential effect on cut-through traffic in Park Dental's parking lot. After discussion of the proposed pylon sign and the requested variance, the Planning Commission recommended approval of the variance request (Vote: ___) based on the findings in the staff report for this item. Further detail of the Planning Commission discussion can be found in the draft Planning Commission minutes.

RECOMMENDATION:

Staff and the Planning Commission are recommending the City Council to approve a variance request from IRET properties for a 5 foot height and 4 foot width variance from the Eagle Point Business Park Exterior Sign Design Agreement to allow a 35-foot high, 16-foot wide pylon sign with the following motion:

***“Move to adopt Resolution 2016-05 approving the 5 foot height and 4 foot width variance request at 8650 Hudson Blvd. to allow for a 35-foot high, 16-foot wide pylon sign at the High Pointe Medical Campus.*”**

ATTACHMENT(S):

- Resolution 2016-__
- Draft Planning Commission Minutes 1/11/16
- Planning Commission Staff Report 1/11/16
- Applicant's Written Statement
- Exhibits C–H to Written Statement
- Site Survey
- Adjacent Pylon photos
- Letters of Support
- Eagle Point Development Standards

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

RESOLUTION NO 2016-05

A RESOLUTION APPROVING A 5 FOOT HEIGHT AND 4 FOOT WIDTH VARIANCE TO ALLOW FOR THE CONSTRUCTION OF A 35-FOOT TALL 16-FOOT WIDE PYLON SIGN AT 8650 HUDSON BLVD.

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

WHEREAS, IRET Properties, on behalf of High Pointe Health Campus has submitted an application to the City of Lake Elmo (the "City") for a 5 foot height and 4 foot width variance to allow for a permanent 35 foot high, 16 foot wide pylon sign at the High Pointe Health Campus, 8650 Hudson Boulevard,

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 January 11, 2016; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated January 19, 2016; and

WHEREAS, the City Council considered said matter at its January 19, 2016 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 5 foot height and 4 foot width variance to allow for a permanent 35 foot high, 16 foot wide pylon sign at the High Pointe Health Campus, 8650 Hudson Boulevard.
- 4) That the Variance will be located on property at 8650 Hudson Boulevard, Washington County, Minnesota with the following PID: 33.029.21.44.0007.
- 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. *Specific Findings: Increasing the allowed height from 30-foot to 35-foot and the width from 12-foot to 16-foot for a pylon sign represents a reasonable use of the property. The property is zoned Business Park and is surrounded by other commercial uses. A larger nonconforming pylon sign exists adjacent to the site. Visibility to the site is difficult and identification of the multiple tenants is also reasonable. The variance is in keeping with the intent of the City's sign ordinance: to foster high quality commercial and industrial development and to enhance economic development of existing businesses and industries by promoting reasonable, orderly, attractive and effective signs that meet the need for business identification, advertising and communication. Staff determines that this criterion is met.*

- 6) The plight of the landowner is due to circumstances unique to the property not created by the landowner. *Specific Findings: The site, lot layout, and the poor visibility from Hudson Boulevard and Interstate 94 are unique and not circumstances created by the landowner. The Crossroads Collision and Park Dental buildings sit in front of the High Point Health facility limiting visibility. The facility sits to the rear of the site, the flat buildable area, leaving little physical presence on the Hudson Boulevard frontage. The restrictive sign design guidelines were created by the developer and approved by the City of Lake Elmo, not the current land owner/applicant. Staff determines that this criterion is met.*

- 7) 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 property and surrounding properties are within the Business Park, or are Commercial zoning. There exists one other pylon sign within the locality, and others beyond that are larger and are noncompliant with the City's sign ordinance. The Eagle Point Business Park Agreement does allow a pylon sign. Staff determines that this criterion is met.*

- 8) 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 proposed pylon sign site. The proposed pylon sign is located on an undeveloped portion of the applicant's lot. The presence of the sign will not present additional congestion on public streets, or substantially diminish or impair property values within the neighborhood. Staff determines that this criterion is met.*

CONCLUSIONS AND DECISION

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

Passed and duly adopted this 19th day of January, 2016 by the City Council of the City of Lake Elmo, Minnesota.

Mayor Mike Pearson

ATTEST:

Julie Johnson
City Clerk



December 1, 2015

Mr. Stephen Wensman
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

Re: Land Use Application – Variance; High Pointe Medical Campus

Dear Mr. Wensman:

Enclosed please find the following:

1. Land Use Application – Variance
 - a. Exhibit A to application – property location and legal description
 - b. Exhibit B to application – detailed reason for request, with Exhibits
 - c. Exhibit C to application – practical difficulties related to application
2. Non-refundable fee in the amount of \$750.00 for processing the application
3. Written Statements (a-i as defined in the application) with the Exhibits A-H attached
4. Verification of ownership; title insurance commitment from Stewart Title
5. Certified list of property owners located within 350' of the property and certified by a licensed abstractor; provided by Commercial Partners Title
6. Property survey:
 - a. Ten (10) 11x17 copies
 - b. One (1) full size copy

Please contact me if you have any questions about this application.

Sincerely,

A handwritten signature in black ink that reads "Dawn Grant".

Dawn Grant, CCIM, CPM, RPA
Director of Commercial Asset Management

Enclosures

Cc: Mayor Pearson

Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

LAND USE APPLICATION

- Comprehensive Plan Zoning District Amend Zoning Text Amend Variance*(see below) Zoning Appeal
- Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.) Excavating/Grading
- Lot Line Adjustment Minor Subdivision Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan PUD Preliminary Plan PUD Final Plan

Applicant: IRET Properties, a North Dakota Limited Partnership
Address: 10050 Crosstown Circle, Suite 105, Eden Prairie, MN 55344
Phone #: 952-401-4831
Email Address: dgrant@iret.com

Fee Owner: IRET Properties, a North Dakota Limited Partnership
Address: 140031st Avenue Southwest, Suite 60, Minot, ND 58702
Phone #: 952-401-4831
Email Address: dgrant@iret.com

Property Location (Address and Complete (long) Legal Description: See attached Exhibit A)

Detailed Reason for Request: See attached Exhibit B

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:
See attached Exhibit C

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: Dawn M. Grant Date: 12/1/15
Dawn M. Grant
Director of Commercial Asset Management

Signature of fee owner: Charles A. Greenberg Date: 12/1/15
Charles A. Greenberg
Senior Vice President

VARIANCE PROCEDURE¹ FOR THE CITY OF LAKE ELMO

The Lake Elmo City Code was established to protect both current and future residents from the negative impacts of improper development and to ensure a positive future for the city. A variance request is the mechanism that allows the City Council to determine whether a project deviating from code should be permitted. In order to successfully receive a variance, there are a number of steps that must be followed:

1. Contact city staff to discuss your proposed variance and obtain a land use application form from City Hall.
2. Put together an informational packet (described herein) that outlines your request and outlines all reasons as to why the variance should be granted.
3. Submit your completed packet to staff by the applicable due date for review. Staff will examine your information to determine if the application is complete, and contact you if additional information is required or was omitted. It is to your advantage to submit your materials as early as possible so staff can assist you in meeting all requirements. Applications found to be incomplete will be returned to the applicant.²
4. Staff will address completed applications by requesting comments from partnering agencies, scheduling meetings, writing reports, and noticing a public hearing.
5. The Planning Commission will hold the scheduled public hearing (2nd or 4th Monday of the month³); and will forward recommendations to the City Council for consideration (1st or 3rd Tuesday of the month³). Applicants are advised to attend both the commission and Council meetings and be open to questions regarding the request.
6. The City Council will consider the request and either grant or deny the variance.

Above all else, it is imperative that an applicant begin preparations as early as possible to ensure the application is submitted by the due date in any given month. Please anticipate that review by the Planning Commission will not occur until at least one month has passed from the date of submittal.

The City Council has established a non-refundable fee⁴ for processing variance applications. Please consult the fee schedule on the City website for current fee.

Please note that it is the responsibility of the applicant to provide all required information and to illustrate all reasons why the requested variance should be granted. City staff is not authorized,

¹ The information provided in this document is intended to be a correct statement of the law as set forth in the Lake Elmo City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

² Minnesota State Statute 15.99 requires local governments to review an application within 15 business days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

³ Staff will determine when applications are reviewed based on the time needed to review the application and the number of items already scheduled on future agendas. Please note that meeting dates are subject to change due to holidays, lack of quorum, etc. Please contact City Hall to confirm all dates and times.

⁴ Applicant is also responsible for any additional fees incurred by the City (i.e. engineering, planning, postage, legal expenses, et cetera).

nor permitted, to prepare applications since the “burden of proof” rests with the applicant to justify the specific request.

At a minimum, the following materials must be submitted prior to deeming an application complete.

- | <u>Sub:</u> | <u>Req:</u> | <u>Item:</u> |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. A completed land use application form signed by all property owners and applicants along with payment of the proper filing fee. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Written statements providing information regarding your proposal. <u>Please provide a separate answer for each of the lettered items listed below</u> (answers must be submitted in both hard copy and electronic form--pdf files or MS Word format): <ul style="list-style-type: none">a. A list of all current property owners (if individually owned), all general and limited partners (if a partnership), all managers and directors (if a limited liability company), and/or officers and directors (if a corporation) involved as either applicants or owners.b. A listing of the following site data: legal description of the property, parcel identification number(s), parcel size (in acres and square feet), existing use of land, and current zoning.c. State the provision(s) of the Lake Elmo City Code for which you seek a variance. <i>(For example, Section 300.07 Zoning Districts, Subd (4b3) – Minimum District Requirements)</i>d. A <u>specific written description of the proposal</u> and how it varies from the applicable provisions of Lake Elmo Code.e. A narrative regarding any pre-application discussions with staff, and an explanation of how the issue was addressed leading up to the application for a variance.f. Explain why the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration.g. Explain why the plight of the landowner is due to circumstances unique to the property and not created by the landowner.h. Justify that the granting of the variance would not alter the essential character of the neighborhoodi. Justify that the granting of the variance will not impair adequate light and air to adjacent properties and that it will not substantially increase the congestion of public streets or substantially diminish or impair property values in the neighborhood. |

3. **Verification of ownership** (a copy of a current title report, purchase agreement, etc.)

Sub: Req: Item:

4. **Address labels:** A certified list of property owners located within three hundred fifty (350') feet of the subject property obtained from and certified by a licensed abstractor.
5. **Ten (10) plan size copies (11x17 or larger), and one (1) electronic copy of a certified survey** depicting the lot upon which a variance is requested. The survey shall be at a readable and measurable engineering scale⁵, be pre-folded for distribution, and include the following information⁶:
- Location, Floor Area, and Building Envelope of Existing & Proposed Structures
 - Lot Lines
 - Parcel Size in Acres & Square Feet
 - Building Setbacks (Front/Rear/Side/Lake): closest point of building to each property line
 - Actual elevations for Garage Floor, Basement Floor, Foundation Top, & Building Height
 - Lowest Floor Elevation if any part of property is in flood plain
 - All Water Features: Floodplain, Floodway Delineations, Ordinary High Water Mark Elevations, Wetlands, Watercourses, Reservoirs, Ponds, & Other Bodies of Water
 - Existing topographic character of land showing contours at 2' intervals
 - Proposed topographic character at 2' intervals
 - Flow arrows indicating direction of drainage
 - General location of wooded or heavily vegetated areas
 - All Adjacent Structures Within 100 Feet of Property
 - All Easements (Road, Utility, Drainage, etc.)
 - Public Right-of-Way Name (street name)
 - Proposed driveway location and proposed driveway grades
 - Wells & Neighboring Wells if New Drainfield is Installed
 - Septic System & Drainfield, or Sanitary Sewer Connection
 - Percolation Test & Soil Boring Holes (if applicable)
 - Hardcover Calculations--% and square footage of:

⁵ If your survey must be larger than 11x17 to be fully legible and to scale, we ask that four (4) copies be in the large format.

⁶ Please consult with staff on exactly what to include on your survey. Every application is unique and may require more or less information than what is listed in this handout. Staff reserves the right to require additional information.

- Building coverage
- Driveway and parking
- Public street right-of-way
- Open space and/or landscaped area
- Proposed Treatment of the Perimeter, including Screens, Fences, Walls, & Landscaping
- Location of adjacent Municipal boundaries

Survey requirements continued:

- Shoreline and/or tops of bluffs (if applicable)
- Administrative Information:
 - Scale
 - North Point
 - Signature of Surveyor
 - Date of Preparation (THE REVISION BOX MUST BE CONTINUALLY UPDATED AS CHANGES OCCUR!!!)
 - PID Number
 - Site Address
 - Legal Description
 - Subdivision Name (if applicable)
 - Zoning Classification

7. Any **other information** required by city staff, commissioners, or council members necessary to provide a complete review of the variance request. Information deemed critical to the review process not listed in this handout may be requested⁷. Staff will list other requirements below:

If you have any further questions that are not covered by this handout, please contact the Planning Department at Lake Elmo City Hall: (651) 747-3912. We look forward to assisting you!

⁷ Number of copies, size, and other such administrative details may also be imposed when requiring additional information.

Exhibit A to Land Use Application/Variance
High Pointe Health Campus
IRET Properties, a North Dakota Limited Partnership

Address:

8650 Hudson Boulevard, Lake Elmo, Minnesota 55042

PID:

33.029.21.44.0007

Legal Description:

All that part of the Southeast Quarter of the Southeast Quarter of Section 33, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commence at the Southeast corner of said Southeast Quarter; thence North 00 degrees 00 minutes 40 seconds West, along the East line of said Southeast Quarter, a distance of 435.61 feet to the POINT OF BEGINNING; continue thence North 00 degrees 00 minutes 40 seconds West, along said East line, a distance of 483.26 feet, thence North 90 degrees 00 minutes 00 seconds West a distance of 683.24 feet; thence South 00 degrees 00 minutes 00 seconds East a distance of 423.69 feet; thence Westerly 123.88 feet along the arc of a non-tangential curve concave to the South whose radius is 230.00 feet and whose chord bears South 83 degrees 51 minutes 07 seconds West; thence South 68 degrees 24 minutes 49 seconds West a distance of 102.81 feet to a point on the Northerly right of way line of Hudson Blvd.; thence Southeasterly, along said Northerly right of way a distance of 421.73 feet along the arc of a non-tangential curve concave to the Northeast whose radius is 768.51 feet and whose chord bears South 52 degrees 53 minutes 56 seconds East; thence North 00 degrees 00 minutes 40 seconds West a distance of 176.36 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 175.00 feet; thence South 00 degrees 00 minutes 40 seconds East a distance of 223.25 feet to a point on the Northerly right of way line of Hudson Blvd.; thence Southeasterly, along said Northerly right of way line a distance of 53.13 feet along the arc of a non-tangential curve concave to the North, whose radius is 768.51 feet and whose chord bears South 84 degrees 06 minutes 58 seconds East; continue thence South 86 degrees 05 minutes 47 seconds East a distance of 141.01 feet; thence North 00 degrees 00 minutes 40 seconds West a distance of 301.88 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 200.00 feet to the POINT OF BEGINNING and there terminating.

Exhibit B to Land Use Application/Variance
High Pointe Health Campus
IRET Properties, a North Dakota Limited Partnership

Detailed Reason for Request:

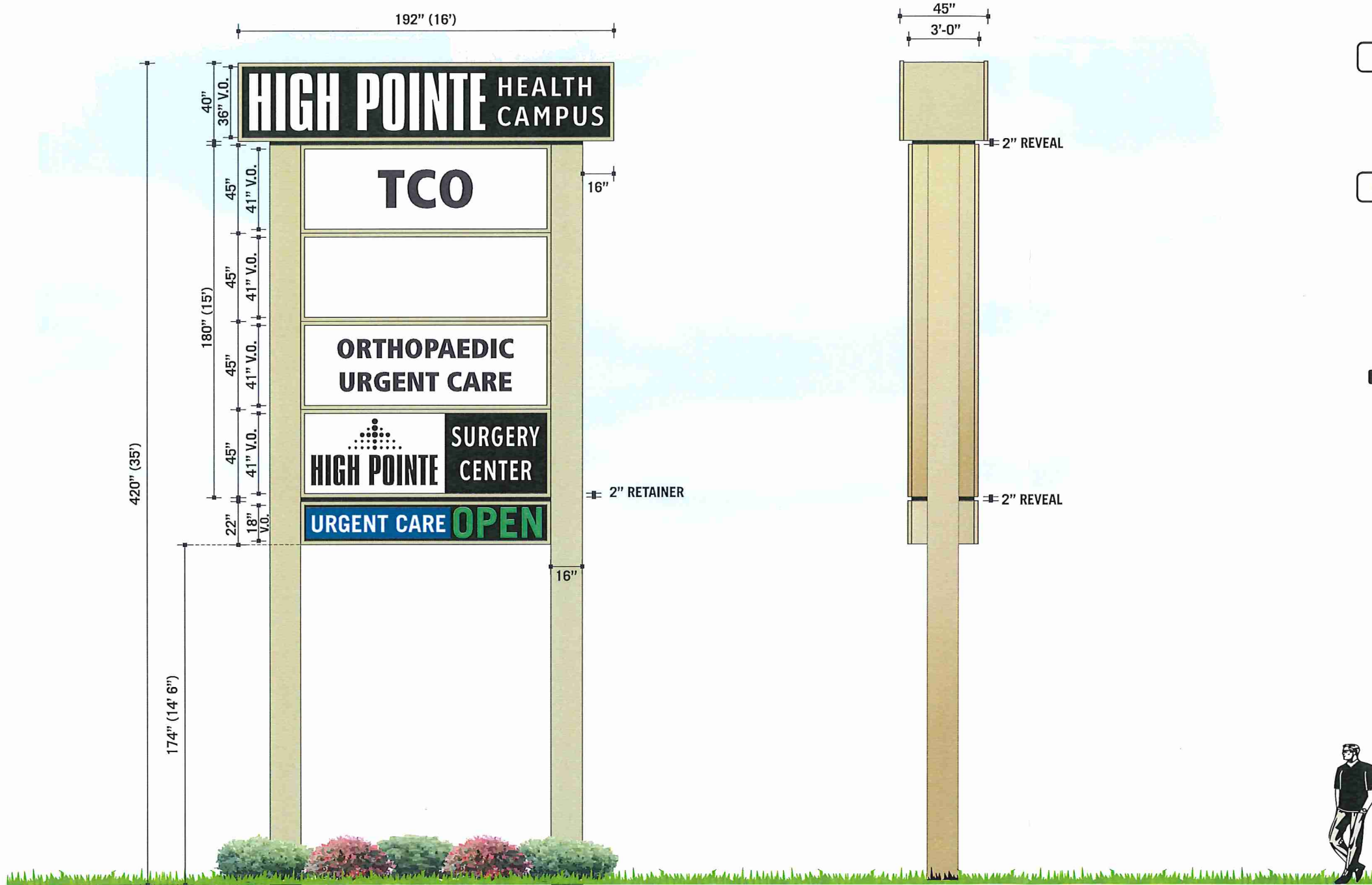
Applicant is making this application for a variance to allow for the installation of a pylon sign at the southernmost portion of the property previously described, along Hudson Boulevard, approximately as shown on **Exhibit B-1** attached hereto.

High Pointe Medical Campus is part of the Eagle Point Business Park PUD exterior sign design which provides for a pylon sign of *approximately* 30' in height and 12' in width. Applicant is requesting a variance from this approximate height and width requirement to a pylon sign of 35' in height and 16' in width, at a value of approximately \$100,450.00. A drawing is attached as **Exhibit B-2** and a photograph depicting the proposed location is attached as **Exhibit B-3**.

Exhibit B-2: Drawing of sign

LAKE ELMO, MN

OPTION: A



1 DOUBLE FACE ILLUMINATED PYLON - ELEVATION VIEW
SCALE: 3/16"=1'-0"

2 DOUBLE FACE ILLUMINATED PYLON - SIDE VIEW
SCALE: 3/16"=1'-0"

DESCRIPTION

- A** — ALUMINUM CABINET
 - ALUM. CABINET PAINTED P1
 - 2" ALUM. RETAINERS / DIVIDER BAR PAINTED P1
- B** — TENANT PANELS
 - (4) 6'-0" x 9'-0" FLAT WHITE LEXAN TENANT PANELS WITH HANGER BARSS
 - 3M TRANSLUCENT VINYL GRAPHICS
 - WHITE LED ILLUMINATION
- C** — POLE WRAPPER
 - 16" FABRICATED ALUMINUM POLE WRAPPER
 - PAINTED TO MATCH CABINET

FINISH SCHEDULE

P1



MP12257 CABAT TRAIL LRV 28.5

- 1 CHANGE COPY
- 2 CHANGE COPY



www.nordquistsign.com

945 Pierce Butler Route, St. Paul, MN 55104
612.823.7291 877.823.7291

CLIENT: 
HIGH POINTE
HEALTH CAMPUS

8650 Hudson Blvd. N.
Lake Elmo, MN 55042

SIGN TYPE:
D/F ILLUMINATED PYLON

CUSTOMER APPROVAL

NAME: _____
DATE: _____

REV 1: 01.29.15 JS
REV 2: 02.11.15 JS
REV 3: 07.20.15 RR

SALES: SH PR:
DESIGN: JS
DATE: 01.29.15
DWG: 5807

These plans are the exclusive property of Walker Sign Holdings Inc. dba Nordquist Sign and are the result of the original work of its employees. They are submitted to your company for the sole purpose of your consideration of whether to purchase these plans or to purchase from Walker Sign Holdings Inc. dba Nordquist Sign A sign manufactured according to these plans, distribution or exhibition of these plans to anyone other than employees of your company, or use of these plans to construct a sign similar to the one embodied herein, is expressly prohibited and will render the user liable for damages. Copyright 2014 © Walker Sign Holdings Inc. All rights reserved.



Exhibit B-3: photoshop location of sign

LAKE ELMO, MN



www.nordquistsign.com

945 Pierce Butler Route, St. Paul, MN 55104
612.823.7291 877.823.7291

CLIENT: 
HIGH POINTE
HEALTH CAMPUS

8650 Hudson Blvd. N.
Lake Elmo, MN 55042

SIGN TYPE:
D/F ILLUMINATED PYLON

CUSTOMER APPROVAL

NAME: _____

DATE: _____

REV 1: 01.29.15 JS
REV 2: 02.11.15 JS
REV 3: 07.20.15 RR

SALES: **SH** PR:
DESIGN: **JS**
DATE: 01.29.15
DWG: 5807

These plans are the exclusive property of Walker Sign Holdings Inc. dba Nordquist Sign and are the result of the original work of its employees. They are submitted to your company for the sole purpose of your consideration of whether to purchase these plans or to purchase from Walker Sign Holdings Inc. dba Nordquist Sign A sign manufactured according to these plans, distribution or exhibition of these plans to anyone other than employees of your company, or use of these plans to construct a sign similar to the one embodied herein, is expressly prohibited and will render the user liable for damages. Copyright 2014 © Walker Sign Holdings Inc. All rights reserved.



Exhibit C to Land Use Application/Variance
High Pointe Health Campus
IRET Properties, a North Dakota Limited Partnership

Practical Difficulties related to this application

High Pointe Medical Campus was developed originally as part of a larger health care campus. The current building is the initial medical building completed without other properties having been developed as originally proposed. It has poor visibility and access. The patients of the clinics/surgery center in the building have difficulty locating the building. Further, the lack of visibility of the building from the frontage road and I-94 provides for no marketing opportunity for the clinics/surgery center. These factors have also impeded leasing of the vacancies in the building while trying to compete with the locations in the City of Woodbury just across the freeway. Signage is being proposed in order to provide visibility to compete in the current marketplace.

The current sign design plan for the Eagle Point Business Park PUD Agreement provides for a pylon sign of approximately 30' in height and 12' in width. This is not feasible given the topography of the site and would not achieve the kind of height required to be visible from the frontage road, but more importantly from I-94. In order to accommodate the existing tenants and an additional prospective tenant, the width also needs to increase so that the names are appropriately legible from a distance.

Therefore a variance is being requested to increase the height by 16.5% to 35' and the width by 33% to 16'.

Written Statements to Land Use Application/Variance

High Pointe Health Campus

IRET Properties, a North Dakota Limited Partnership

- a) A list of all current property owners
IRET Properties, a North Dakota Limited Partnership, a limited partnership under the laws of North Dakota
- b) A listing of following site data: legal description of property, parcel identification number(s), parcel size (in acres and square feet), existing use of land and current zoning
- Legal description: see attached **Exhibit A to Written Statements**
 - Parcel identification number(s): 33.029.21.44.0007
 - Parcel size (acres and square feet): 10.464 acres and 455,831 square feet
 - Existing use of land: 3-story brick medical office building with parking lot and vacant land
 - Current zoning district: BP – Business Park/Light Manufacturing per City of Lake Elmo Zoning Map; see attached **Exhibit B to Written Statements**
- c) State the provisions(s) of the Lake Elmo City Code for which you seek a variance
Variance being considered according to the provisions of §154.017. Variance from the approved Eagle Pointe Business Park PUD, which is in essence the zoning district. A variance is from the negotiated sign regulations in the PUD Agreement. Please refer to a letter from the City of Lake Elmo (Mr. Kyle Klatt) attached to **Exhibit C to Written Statements**.
- d) A specific written description of the proposal and how it varies from the applicable provisions of Lake Elmo Code
The Eagle Point Business Park PUD exterior sign design provides for a tenant pylon sign, at *approximately 30'* in height and 12' in width. Due to topography of the site and to achieve the amount of panels needed for High Pointe Medical Campus, a pylon sign of 35' in height and 16' in width is being proposed. Please refer to *Exhibits B-2 and B-3* attached *detailed reason for request* as part of this land use application.
- e) A narrative regarding any pre-application discussions with staff, and an explanation of how the issue was addressed leading up to the application for a variance
Dawn Grant of IRET Properties and Steve Hirtz of Nordquist Signs met with Nick Johnson of the City of Lake Elmo Planning Department on January 14, 2015 to discuss the possibility of increasing the size of a pylon sign along Hudson Boulevard, which would be a variance from the negotiated sign regulations in the Eagle Point Business Park PUD Agreement that governs the High Pointe Medical Campus (HPMC). In meeting with Mr. Johnson was provided a proposed sign drawing (at 35' in height and 18' in width) and Dawn Grant discussed hardship of visibility and competition of the City of Woodbury's more visible properties for patients of the HPMC tenants. Mr. Johnson agreed to take it under advisement. On January 15, 2015, Mr. Johnson stated that our initial request was a 16% variance in height, but more than a 50% variance in width and requested a revision to our initial drawing. We provided a revised drawing on January

30, 2015, attempting to work within the PUD's *approximate* approved height and width of 30' and 12' respectively, while trying to achieve what the property needs, and therefore created a revised drawing of 38' in height and 16' wide, a 27% and 33% variance respectively. Mr. Johnson asked that a lower height sign was considered and a revised drawing was submitted for 35' in height. On February 9, 2015, Mr. Johnson indicated that he would meet with other staff and provide feedback. On February 20, 2015, after meeting with other staff members, Mr. Johnson provided in an e-mail that *"the 35' feet in height will work. In addition, the proposed width should also work. Please note that this interpretation is based on the approved Eagle Point Business Park Sign Plan which allows for approximately 30 feet in heights and approximately 12 feet in width"*. In response to this e-mail, Dawn Grant indicated that IRET would meet with the tenants of the building and inquired if a permit application was the next step. Mr. Johnson responded by e-mail that applying for a permit application would be the next step. This sequence of e-mails is attached as **Exhibit D to Written Statements**. In light of this approval from Mr. Johnson through mid-July, IRET worked with existing and prospective tenants to ascertain locations on the proposed sign. On July 23, 2015, Nordquist Sign (Steve Hirtz) applied for the permit application as was documented in the February 20, 2015 e-mail from Mr. Johnson. After not hearing a response (both e-mail and voice mail) for several days, Steve Hirtz contacted the City of Lake Elmo on August 3, 2015 and was notified that Mr. Johnson was no longer employed there and Steve Hirtz was assigned to Kyle Klatt as the new planning department representative. Steve Hirtz resent the permit application, along with the e-mail correspondence from Mr. Johnson that provided approval subject to the permit application, and after waiting for several weeks, Dawn Grant contacted Mr. Klatt as to the status on August 25, 2015 of the permit application. On September 2, 2015, Mr. Klatt denied the sign permit application and provided a formal letter (attached as **Exhibit E to Written Statements**) and an e-mail correspondence with options for pursuing alternative signage options (attached as **Exhibit F to Written Statements**). Dawn Grant contacted Mayor Pearson to discuss the situation of the length of time for responses and asked the City of Lake Elmo to honor the original approval by Mr. Johnson. Apparently after internal discussions, the denial was not going to change and September 23, 2015, Mr. Klatt again denied the permit application and required that either a variance application or zoning appeal should be applied for. In several e-mail and voice mails following this e-mail from Mr. Klatt, Dawn Grant asked Mr. Klatt for guidance on which of the applications was more applicable. After no response, sometime in October, Dawn Grant contacted Mayor Pearson again as to not being able to get a response from Mr. Klatt and was informed that Mr. Klatt was leaving the City of Lake Elmo in early November. Dawn Grant was then given the name of Ben Gozola, a temporary planning staff member to work with on the process. Mr. Gozola deferred the question to Steve Wensman, a new planner who would start on November 2, 2015. Mr. Gozola and Mr. Wensman discussed the issue and on November 6, 2015, Mr. Wensman answered the question of which application process was more applicable and asked that a variance application be filed.

- f) Explain why the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration

The property was developed originally as part of a larger health care campus. The current building is the initial medical building completed without other properties developed and therefore has poor visibility and access. The patients of the clinics/surgery center in the building have difficulty locating the building. Further, the lack of visibility of the building from the

frontage road and more importantly from I-94, provides for no marketing opportunity for the clinics/surgery center. These factors have also impeded leasing of the vacancies in the building, with the 45,721 square foot building standing at 24.5% vacant which is far under the market for medical office buildings in the surrounding market. The signage proposed would provide the visibility that is necessary in order to compete effectively. A minimum of four panels is required for current tenants, leaving one available for prospective tenant of the remaining vacancy. In order to provide identity of the campus, as well as readable sign panels for each tenant while being able to see the sign visibly from both the frontage road and I-94, the 35' proposed is necessary. In preparing for the initial meeting, both Dawn Grant and Steve Hirtz spent a great deal of time ascertaining the right height in order to achieve the level of visibility necessary (otherwise the sign at a lower height would simply not achieve what is necessary). It is the opinion of the applicant that the viability of the building and tenant's future success in the City of Lake Elmo depends in part on the pylon sign approval. Two of the major tenants in the building (High Pointe Surgery Center and Twin Cities Orthopedics) have provided letters of support and justification for the pylon sign. Please find these letters attached **Exhibit G and H to the Written Statements**.

g) Explain why the plight of the landowner is due to circumstances unique to the property and not created by the landowner

High Pointe Medical Campus (HPMC) is not in the heart of the local medical community; which is located mostly in Woodbury. The City of Woodbury has been and continues to be the strongest competition to the City of Lake Elmo. Many prospective tenants have not considered HPMC because it has a Lake Elmo address. Even though less than a mile from Woodbury and as accessible from I-94, tenants such as an independent pediatrics clinic were in the market for space and chose not to consider HPMC because it was not in the City of Woodbury. To further exacerbate the current market conditions, there are new medical office buildings and two new surgery centers announced in the City of Woodbury (Tria Orthopedics and Summit Orthopedics). One of HPMC's major tenants is St. Croix Orthopaedics, a division of Twin Cities Orthopedics, who want to grow their presence and compete head on, are planning on providing urgent care services in 2016, but feel strongly that without signage visibility, they cannot effectively compete. HPMC's largest tenant, High Pointe Surgery Center serves not just the local community but throughout the Twin Cities and greater Minnesota. One of the main issues facing their continued success is visibility and patient access. IRET Properties currently has two prospects to lease the remaining vacancy and increase the viability of HPMC, who have both indicated they will not consider HPMC without the approved pylon sign.

h) Justify that granting of the variance would not alter the essential character of the neighborhood

The proposed sign is tasteful and the only thing in question is the height and width of the sign. Given the proposed location, it provides visibility from I-94 and the frontage road without impeding the neighborhood. The installation of the proposed sign has no different affect than an existing pylon sign on the neighboring property to the west. Please refer to the proposed location photo attached to the *detailed reason for request* exhibit of this land use application.

- i) Justify that granting of the variance will not impair adequate light and air to adjacent properties and that it will not substantially increase the congestion of public streets or substantially diminish or impair property values in the neighborhood

The proposed sign at 35' in height and 16' in width will not cause any impairment to light and air, and will not cause congestion. Please refer to the proposed location photo attached to the *detailed reason for request* exhibit of this land use application. The property values of the neighboring properties with existing signage available on the frontage road, will not be diminished in value; it cannot have an affect on what already exists. The only probably affect on property values would be an increase in value of HPMC when fully occupied and the possibility of an addition to the existing building if additional tenants are achieved or existing tenants expand.

Exhibit A to Written Statements – Legal Description

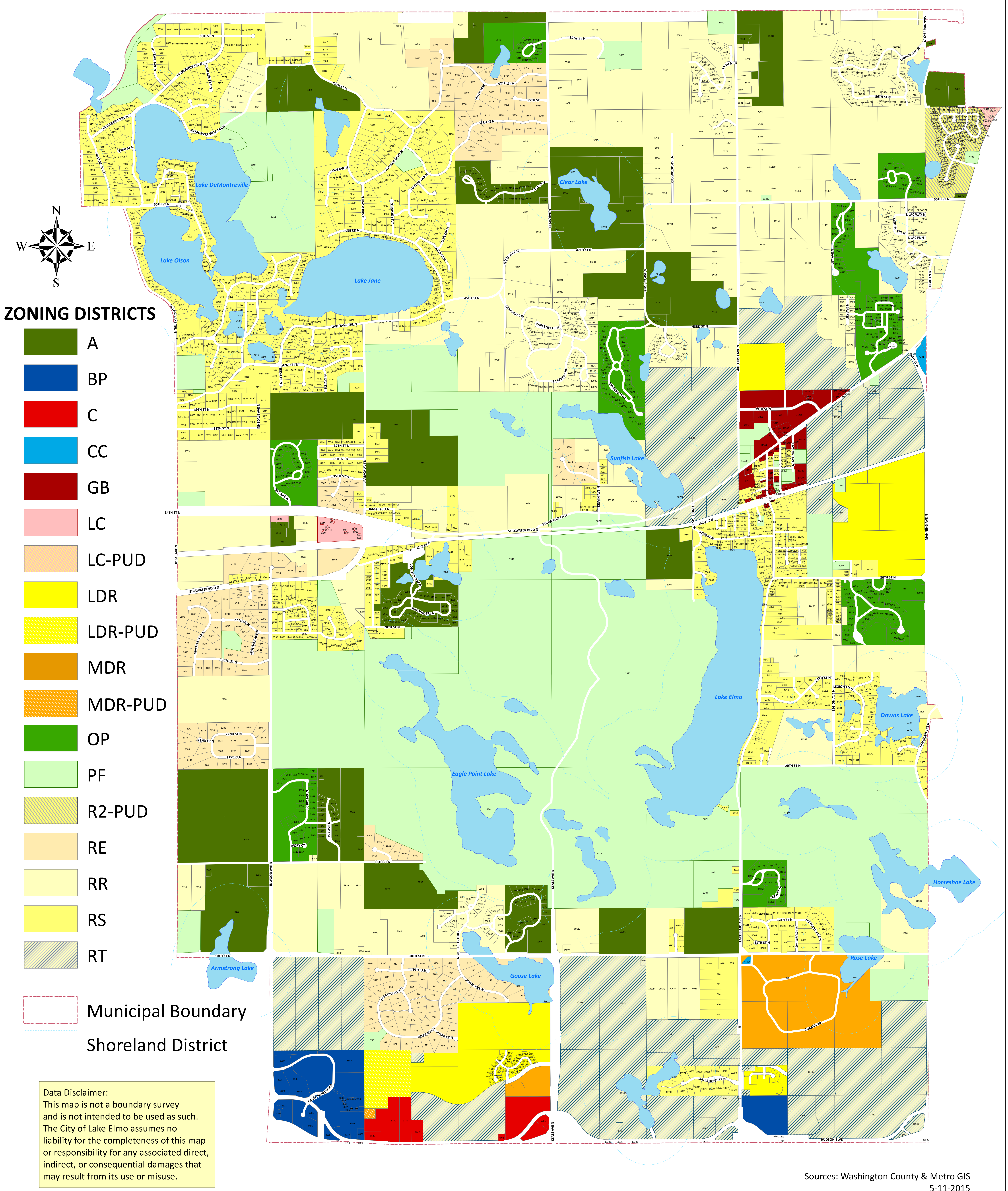
Land Use Application/Variance

High Pointe Health Campus

IRET Properties, a North Dakota Limited Partnership

All that part of the Southeast Quarter of the Southeast Quarter of Section 33, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commence at the Southeast corner of said Southeast Quarter; thence North 00 degrees 00 minutes 40 seconds West, along the East line of said Southeast Quarter, a distance of 435.61 feet to the POINT OF BEGINNING; continue thence North 00 degrees 00 minutes 40 seconds West, along said East line, a distance of 483.26 feet, thence North 90 degrees 00 minutes 00 seconds West a distance of 683.24 feet; thence South 00 degrees 00 minutes 00 seconds East a distance of 423.69 feet; thence Westerly 123.88 feet along the arc of a non-tangential curve concave to the South whose radius is 230.00 feet and whose chord bears South 83 degrees 51 minutes 07 seconds West; thence South 68 degrees 24 minutes 49 seconds West a distance of 102.81 feet to a point on the Northerly right of way line of Hudson Blvd.; thence Southeasterly, along said Northerly right of way a distance of 421.73 feet along the arc of a non-tangential curve concave to the Northeast whose radius is 768.51 feet and whose chord bears South 52 degrees 53 minutes 56 seconds East; thence North 00 degrees 00 minutes 40 seconds West a distance of 176.36 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 175.00 feet; thence South 00 degrees 00 minutes 40 seconds East a distance of 223.25 feet to a point on the Northerly right of way line of Hudson Blvd.; thence Southeasterly, along said Northerly right of way line a distance of 53.13 feet along the arc of a non-tangential curve concave to the North, whose radius is 768.51 feet and whose chord bears South 84 degrees 06 minutes 58 seconds East; continue thence South 86 degrees 05 minutes 47 seconds East a distance of 141.01 feet; thence North 00 degrees 00 minutes 40 seconds West a distance of 301.88 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 200.00 feet to the POINT OF BEGINNING and there terminating.



Official Zoning Map





Exhibit C to Written Statement
Land Use Variance
Application
IRET Properties

September 2, 2015

Steven M. Hirtz
Nordquist Sign Company
945 Pierce Butler Route
St. Paul, MN 55104

Re: Sign Permit Application – High Point Health Campus

Mr. Hirtz,

I am writing to inform you that the City of Lake Elmo is hereby denying your request for a sign permit for 8650 Hudson Boulevard North. The reasons for the denial are as follows:

- The sign permit application specifies that the sign will be 35 feet in height and is taller than the maximum height specified in the development standards for the Eagle Point Business Park Planned Unit Development (PUD) as approved by the City of Lake Elmo.

Although the Eagle Point PUD Standards include an exterior sign design plan and location plan that depicts an approximate height for pylon signs within the park, the written standards contain specific requirements for signs in two locations as follows:

Proposed Standard: Monument and pylon signs (25' maximum height) may be constructed within 20' of the street right-of-way.

Proposed Standard (Revised): The City is concerned about the pylon sign height, specifically our reference to attracting traffic off the freeway, and the number of pylons that might exist. We propose that businesses can have signage on the building and a monument sign at the property's entrance, and that a pylon sign must be approved on a case-by-case basis by the City, however the size of the sign will match what we have proposed in our signage plan. The size, 12' X 6' signface and 25' height is designed primarily for Inwood traffic, not freeway.

In this case, it is our staff's interpretation that the more restrict provisions in the PUD development standards will apply to individual sites. This is consistent with the administration of the City's Zoning Ordinance which states that: *where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, chapter, statute, resolutions or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.*

Please contact me if you have any questions about the City's review of this permit or the interpretation of the sign requirements for the Eagle Point Business Park as described above

Sincerely,

Kyle Klatt

Community Development Director

Exhibit D to Written Statements
Land Use Application
IRET Properties

Dawn Grant - IRET

From: Nick Johnson <NJohnson@lakeelmo.org>
Sent: Friday, February 20, 2015 1:45 PM
To: Dawn Grant - IRET
Cc: Steve M. Hirtz; Kyle Klatt; Dean Zuleger; Rick Chase
Subject: RE: High Pointe Medical Campus - pylon sign
Attachments: Sign_permit app 10.7.13.pdf; BuildingPermitApplication 3.19.14.pdf

Dawn,

That's correct. If you want to proceed, you can apply for a sign permit through me. Attached is the sign permit application. In addition, given the size of the sign, you will also need a building permit (attached). The building permit will need to include all the necessary engineering due to the size of the sign. If you have questions about what will need to be submitted with regards to the building permit, contact Rick Chase, the Building Official. Generally speaking, the plans will need to be signed/stamped by a certified engineer. An electrical permit will also be required. Rick Chase is a good resource to navigate that process.

Let us know if you have additional questions.

Take care,

Nick M. Johnson | City Planner
City of Lake Elmo, Minnesota
njohnson@lakeelmo.org
(w) 651-747-3912 | (f) 651-747-3901
www.lakeelmo.org

-----Original Message-----

From: Dawn Grant - IRET [mailto:DGrant@iret.com]
Sent: Friday, February 20, 2015 1:38 PM
To: Nick Johnson
Cc: Steve M. Hirtz; Kyle Klatt; Dean Zuleger
Subject: RE: High Pointe Medical Campus - pylon sign

Thank you so much! We will discuss with our tenants and then apply for a permit if that's our next step with you?

Dawn M. Grant, CCIM, CPM, RPA
Director of Commercial Asset Management
IRET Properties
10050 Crosstown Circle
Suite 105
Eden Prairie, MN 55344
952.401.4831 (phone) | 952.401.7058 (fax) dgrant@iret.com www.iret.com | NYSE Symbol: IRET a subsidiary of
Investors Real Estate Trust

-----Original Message-----

From: Nick Johnson [mailto:NJohnson@lakeelmo.org]

Sent: Friday, February 20, 2015 8:53 AM
To: Dawn Grant - IRET
Cc: Steve M. Hirtz; Kyle Klatt; Dean Zuleger
Subject: RE: High Pointe Medical Campus - pylon sign

Dawn,

I apologize, I thought I responded earlier. The 35' feet in height will work. In addition, the proposed width should also work. Please note that this interpretation is based on the approved Eagle Point Business Park Sign Plan which allows for approximately 30 feet in heights and approximately 12 feet in width.

Let us know if you have any questions.

Take care,

Nick M. Johnson | City Planner
City of Lake Elmo, Minnesota
njohnson@lakeelmo.org
(w) 651-747-3912 | (f) 651-747-3901
www.lakeelmo.org

-----Original Message-----

From: Dawn Grant - IRET [mailto:DGrant@iret.com]
Sent: Friday, February 20, 2015 6:48 AM
To: Nick Johnson
Cc: Steve M. Hirtz; Kyle Klatt; Dean Zuleger
Subject: Re: High Pointe Medical Campus - pylon sign

Hi Nick. I hope you are well. I was wondering what you thought of our latest version? I have a meeting with one of our major tenants on Tuesday and would love to give an update if I could. Thanks and have a great weekend. Dawn

Dawn Grant, CCIM, CPM, RPA

C 612-940-8499 <tel:612-940-8499>

Sent from my iPhone

On Feb 13, 2015, at 3:26 PM, "Dawn Grant - IRET" <DGrant@iret.com <mailto:DGrant@iret.com> > wrote:

Hi Nick:

We took another stab at this and like the attached that lessens the overall height to 35' and using only 3 tenant names (we would like to go to four which is also shown on the attached, but we feel the last name may be lost in the sight line from the freeway). What do you think?

Thanks and have a great weekend!

Dawn

Dawn M. Grant, CCIM, CPM, RPA
Director of Commercial Asset Management
IRET Properties

-----Original Message-----

From: Nick Johnson [mailto:NJohnson@lakeelmo.org]
Sent: Monday, February 09, 2015 12:43 PM
To: Dawn Grant - IRET
Cc: Steve M. Hirtz; Kyle Klatt; Dean Zuleger
Subject: RE: High Pointe Medical Campus - pylon sign

Dawn,

In discussing the updated version of the sign with the Community Development Director, I think the updated sign is a bit too high. In working within the constraints of "approximately" 30 feet in height and 12 feet in width, 38 feet is too high from our perspective to be defensible. In working in the realm of "approximately", I believe that the width of the updated sign (16 feet) is acceptable. In addition, the previous sign had a height of 35 feet, which was within a range that we were comfortable. 38 feet in height, however, is too great a deviation. We would like to be within 5 feet if possible. Could the proposed sign be reduced to 35 feet in height and keep the width as is? The "approximately" language does give us a little bit of latitude, but we need to be in the ball park for it to be defensible.

I would mention that there are a few other sign requests out there that may drive an ordinance amendment to our sign code. However, I don't know what direction that may go, and it may take longer than your desired time period. There still is the option of the variance, although less desirable due to process, cost and timing.

Let me know what you think about our review. I am happy to answer any questions you may have. At the end of the day, we want to assist you as best we can while still being able to defend our decisions as being in the reasonable range of "approximately".

Take care,

Nick M. Johnson | City Planner
City of Lake Elmo, Minnesota
njohnson@lakeelmo.org <mailto:njohnson@lakeelmo.org>
(w) 651-747-3912 | (f) 651-747-3901
www.lakeelmo.org <http://www.lakeelmo.org>

-----Original Message-----

From: Dawn Grant - IRET [mailto:DGrant@iret.com]
Sent: Friday, January 30, 2015 11:46 AM
To: Nick Johnson
Cc: Steve M. Hirtz
Subject: High Pointe Medical Campus - pylon sign

Nick:

Thanks again for your time a couple of weeks ago to discuss the proposed pylon sign for High Pointe Medical Campus. We recognized the issue of allowing too much of a variance. As you mentioned, our last drawing was a 16% variance in height, but more than a 50% variance in width.

Trying to work within the "approximate" approved height and width of 30' and 12' respectively, while trying to achieve what we need, we created the attached which is 38' high and 16' wide, a 27% and 33% variance respectively.

What do you think of this revision? I'll be out next week on brief medical leave, not checking e-mail the first few days, but will be back in e-mail world mid-late in the week.

My husband and I did come to Lake Elmo that Saturday after we met for lunch at the Lake Elmo Inn. You are right - the bar area is a nice quiet area to be. Thanks for the tip. It was fun.

Dawn

Dawn M. Grant, CCIM, CPM, RPA

Director of Commercial Asset Management

IRET Properties

10050 Crosstown Circle

Suite 105

Eden Prairie, MN 55344

952.401.4831 (phone) | 952.401.7058 (fax)

dgrant@iret.com <mailto:dgrant@iret.com> <mailto:dgrant@iret.com>

www.iret.com <http://www.iret.com> <http://www.iret.com> | NYSE Symbol: IRET

IRET is a subsidiary of Investors Real Estate Trust

<5807 HIGH POINTE HEALTH CAMPUS Lake Elmo pylon_02 11 15.pdf>

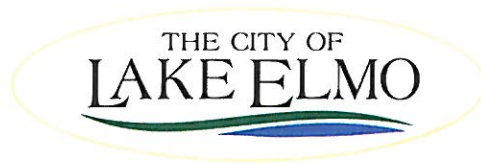


Exhibit E to Written Statement
Land Use Variance
Application
IRET Properties

September 2, 2015

Steven M. Hirtz
Nordquist Sign Company
945 Pierce Butler Route
St. Paul, MN 55104

Re: Sign Permit Application – High Point Health Campus

Mr. Hirtz,

I am writing to inform you that the City of Lake Elmo is hereby denying your request for a sign permit for 8650 Hudson Boulevard North. The reasons for the denial are as follows:

- The sign permit application specifies that the sign will be 35 feet in height and is taller than the maximum height specified in the development standards for the Eagle Point Business Park Planned Unit Development (PUD) as approved by the City of Lake Elmo.

Although the Eagle Point PUD Standards include an exterior sign design plan and location plan that depicts an approximate height for pylon signs within the park, the written standards contain specific requirements for signs in two locations as follows:

Proposed Standard: Monument and pylon signs (25' maximum height) may be constructed within 20' of the street right-of-way.

Proposed Standard (Revised): The City is concerned about the pylon sign height, specifically our reference to attracting traffic off the freeway, and the number of pylons that might exist. We propose that businesses can have signage on the building and a monument sign at the property's entrance, and that a pylon sign must be approved on a case-by-case basis by the City, however the size of the sign will match what we have proposed in our signage plan. The size, 12' X 6' signface and 25' height is designed primarily for Inwood traffic, not freeway.

In this case, it is our staff's interpretation that the more restrict provisions in the PUD development standards will apply to individual sites. This is consistent with the administration of the City's Zoning Ordinance which states that: *where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, chapter, statute, resolutions or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.*

Please contact me if you have any questions about the City's review of this permit or the interpretation of the sign requirements for the Eagle Point Business Park as described above

Sincerely,

Kyle Klatt

Community Development Director

**Exhibit F to Written Statements
Land Use Variance Application
IRET Properties**

From: [Kyle Klatt](#)
To: [Steve M. Hirtz](#)
Cc: [Dawn Grant - IRET](#); mikepearson1965@yahoo.com; [Clark Schroeder](#)
Subject: RE: High Pointe Medical Campus - pylon sign
Date: Wednesday, September 02, 2015 4:08:26 PM
Attachments: [SKMBT_C25315090214530.pdf](#)
[Eagle Point Development Standards - Reduced.pdf](#)

Steve:

Attached is the City's formal response letter to the sign permit application for High Pointe Medical Campus. I am also attaching the full set of development standards for the Eagle Point Business Park that are on file in our office for your consideration.

I was able to contact Nick Johnson to discuss his previous correspondence with you concerning this matter. While he and I were in agreement on the potential interpretation and application of the illustrative drawing included in the Eagle Point Business Park Development Standards, neither of us caught the written standards specific to signs when this initial review was performed. I apologize for the earlier direction you were given, but at this point, I need to take into account all pertinent information as part of our formal sign permit review. The attached letter documents the specific reasons for the denial of the permit request.

Based on the City's decision regarding this matter, you have the following options in order to continue perusing alternative signage options for this site:

- Revise the plans to conform to the sign height standard of 25 feet.
- Appeal the interpretation of the Eagle Point Business Park Development Standards to the City's Board of Adjustment and Appeals (which is the City Council)
- Request a variance to allow a higher sign than allowed under the City's Zoning Ordinance; or
- Apply for an amendment to the Eagle Point Business Park PUD to allow a sign that is higher than allowed under the development standards or to change the maximum sign height throughout the business park.

If you wish to pursue any of these options or if you have any general questions about the City's review, please contact me.

Kyle Klatt
Community Development Director
City of Lake Elmo
(651) 747-3911

-----Original Message-----

From: Steve M. Hirtz [<mailto:SteveH@nordquistsign.com>]
Sent: Friday, August 21, 2015 9:07 AM
To: Kyle Klatt <KKlatt@lakeelmo.org>
Cc: 'Dawn Grant - IRET' <DGrant@iret.com>
Subject: RE: High Pointe Medical Campus - pylon sign

Hello Kyle -

I am checking in to see if there is need for additional information from us and if there is an updated on our submittal.

Thanks,

Steve

Exhibit G to Written Statements
Land Use Application
IRET Properties



8650 Hudson Blvd. N., Suite 235 Lake Elmo, MN 55042
651-702-7400 866-328-4490

www.hpsurgery.com

November 23, 2015

Mayor Mike Pearson
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Dear Mike,

Hope you are doing well. I was going to connect with you today after the boys' basketball tournament but didn't want to burden you with Lake Elmo City business at that time. I am writing on behalf of High Pointe Surgery Center. Our surgery center was formed in 1998 and has been a vibrant, successful business in the City of Lake Elmo. Our patients not only come from Lake Elmo but from as far away as the Iron Range and the surrounding Twin Cities' metropolitan area. As health care continues to evolve, we are also seeing patients from all over the United States and even so far as other countries. We believe we offer Lake Elmo something that otherwise wouldn't be available – local, high quality, cost-effective health care. The campus also provides many other high quality health care services (e.g. Twin Cities Orthopedics, OSI Therapy, and Pediatric & Young Adult Medicine).

One of the main issues facing us today is visibility and patient access. Our location is not in the heart of the local medical community; therefore, we must find ways to enhance our signage and visibility. Very soon, we will have a competing surgery center across I-94 in Woodbury. Prior to this happening we are hopeful the City of Lake Elmo will allow our building owners, IRET, the ability to move ahead with driveway monument signage. It is my understanding that IRET has gone through all necessary protocols for us to place new signage. However, the Lake Elmo city administration and council challenges have created roadblocks for us to move forward. Our monument signs have not been updated since opening in 1998; therefore, IRET's request is not unreasonable or made in haste.

I'm hopeful you can help us move this forward and have it resolved by the end of this year. It would be great if we could count on new signage in early January 2016. I appreciate your help Mike. If you would like to visit with me and/or if there is anything I can do to help move this forward, please don't hesitate to let me know.

Take care,

Traci Albers

Digitally signed by Traci Albers
DN: cn=Traci Albers, o, ou,
email=talbers@nmascmg.com, c=US
Date: 2015.11.22 13:47:54 -06'00'

Traci Albers, Executive Director

Exhibit H to Written
Statements Land Use Variance
Application IRET Properties



Part of Twin Cities Orthopedics

PHYSICIANS

Jaclyn M. Bailey, M.D.
Bruce J. Bartie, D.O.
Melanie L. Berg, D.P.M.
Glenn W. Ciegler, M.D., Ph.D.
Benjamin L. Clair, D.P.M.
Thomas K. Comfort, M.D.
Jason P. Dieterle, D.O., M.S.
Jessica M. Downes, M.D.
Christian M. DuBois, M.D.
Paul D. Hartleben, M.D., M.B.A.
Nancy A. Henry-Socha, M.D., MEd
Nicholas N. Holmes, M.D.
Ryan R. Karlstad, M.D.
Eric E. Kirksson, M.D.
Robert V. Knowlan, M.D.
Kevin E. Lindgren, M.D.
Michael R. Meisterling, M.D.
Steven W. Meisterling, M.D.
Steven D. Meletliou, M.D.
Nicholas J. Meyer, M.D.
David H. Palmer, M.D.
Timothy J. Panek, M.D.
Erik J. Peterson, M.D.
Andrea M. Saterbak, M.D.
William T. Schneider, M.D.
Troy A. Vargas, D.P.M.
Nicholas G. Weiss, M.D.

EMERITUS

Robert C. Meisterling, M.D.

5803 Neal Avenue North
Oak Park Heights, MN 55082-2177
Tel: 651/439-8807
Toll free: 800/423-1088
Fax: 651/439-0232

October 23, 2015

Mayor Mike Pearson
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

RE: High Pointe Building Signage

Dear Mayor Pearson,

Twin Cities Orthopedics (TCO) (previously St. Croix Orthopaedics) is a long time and consistent tenant in the High Pointe Health Campus building, located at 8650 Hudson Boulevard in Lake Elmo. The landlords, IRET, have consistently heard my concerns related to the visibility of the campus, the signage on the building and the monument sign located at the entrance of the facility. We have grown our presence on this campus with increased services, expanded hours and additional volumes, all without the support of this critical component for our patients.

IRET has been diligent, professional and supportive of addressing these concerns by working with the sign vendor to modify the existing signage. They worked directly with the City of Lake Elmo, receiving a written approval subject to a permit application and went through all the appropriate channels. After months and months of delays, due to staffing changes and internal issues with the City of Lake Elmo government, I was informed that there are even further delays in moving forward with the signage that was previously approved. We understand they will be filing a variance application or appeal, which TCO will unanimously support.

TCO has 34 locations throughout the metro area and in Western Wisconsin. The signage process with other city entities is typically straight forward, easy and streamlined. In every instance of my dealings with the City of Lake Elmo related to this campus, I am always extremely disappointment and frustrated by the responsiveness to your business owners within your city.

We are planning on further expanding our business in January 2016 by providing urgent care services 7 days per week from 8 a.m. to 8 p.m. The visibility and signage is an important element in that overall business strategy to ensure success. I am requesting an expedited approval process on the previously agreed upon signage so that we can complete installation as soon as possible.

Sincerely,

Melanie (Mel) Sullivan, Ed.D., MBA
CEO – East Metro

Cc: Dawn Grant, IRET

**Verification of Ownership
Land Use Application
IRET Properties**

INFORMATION

The Title Insurance Commitment is a legal contract between you and the Company. It is issued to show the basis on which we will issue a Title Insurance Policy to you. The Policy will insure you against certain risks to the land title, subject to the limitations shown in the Policy.

The Company will give you a sample of the Policy form, if you ask.

The Policy contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or you as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <<http://www.alta.org/>>.

The Commitment is based on the land title as of the Commitment Date. Any changes in the land title or the transaction may affect the Commitment and the Policy.

The Commitment is subject to its Requirements, Exceptions and Conditions.

THIS INFORMATION IS NOT PART OF THE TITLE INSURANCE COMMITMENT. YOU SHOULD READ THE COMMITMENT VERY CAREFULLY.

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2029, Houston, Texas 77252.

TITLE INSURANCE COMMITMENT
Issued by



AGREEMENT TO ISSUE POLICY

We agree to issue policy to you according to the terms of the Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

The Provisions in Schedule A.

The Requirements in Schedule B-I.


The Exceptions in Schedule B-II.

The Conditions on Page 2.

This Commitment is not valid without SCHEDULE A and Sections I and II of SCHEDULE B.

This Commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

IN WITNESS WHEREOF, Stewart Title Guaranty Company has caused its corporate name and seal to be hereunto affixed by its duly authorized officers on the date shown in Schedule A.


Chairman of the Board




President

Countersigned:

Authorized Countersignature

Stewart Title of Minnesota, Inc.
Company

Bloomington, Minnesota
City, State

CONDITIONS

1. DEFINITIONS

(a) "Mortgage" means mortgage, deed of trust or other security instrument. (b) "Public Records" means title records that give constructive notice of matters affecting your title according to the state statutes where your land is located.

2. LATER DEFECTS

The Exceptions in Schedule B – Section II may be amended to show any defects, liens or encumbrances that appear for the first time in the public records or are created or attach between the Commitment Date and the date on which all of the Requirements (a) and (c) of Schedule B – Section I are met. We shall have no liability to you because of this amendment.

3. EXISTING DEFECTS

If any defects, liens or encumbrances existing at Commitment date are not shown in Schedule B, we may amend Schedule B to show them. If we do amend Schedule B to show these defects, liens or encumbrances, we shall be liable to you according to Paragraph 4 below unless you knew of this information and did not tell us about it in writing.

4. LIMITATION OF OUR LIABILITY

Our only obligation is to issue to you the Policy referred to in this Commitment, when you have met its Requirements. If we have any liability to you for any loss you incur because of an error in this Commitment, our liability will be limited to your actual loss caused by your relying on this Commitment when you acted in good faith to:

Comply with the Requirements shown in Schedule B – Section I

or

Eliminate with our written consent any Exceptions shown in Schedule B – Section II.

We shall not be liable for more than the Policy Amount shown in Schedule A of this Commitment and our liability is subject to the terms of the Policy form to be issued to you.

5. CLAIMS MUST BE BASED ON THIS COMMITMENT

Any claim, whether or not based on negligence, which you may have against us concerning the title to the land must be based on this Commitment and is subject to its terms.



ESTABLISHED 1893

INCORPORATED 1908

A NAME

RECOGNIZED NATIONALLY

AS BEING

SYNONYMOUS WITH

QUALITY



P.O. Box 2029
Houston, Texas 77252

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AGREEMENT TO ISSUE POLICY	1
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3. Interest in the Land and Owner	
4. Description of the Land	
SCHEDULE B-I – REQUIREMENTS	
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SCHEDULE A

Customer Reference #: 955743

Order Number: 153273

1. Effective Date: **January 4, 2012** at 7:00 A.M.
2. Policy or Policies to be issued: Amount of Insurance
 - (a) ALTA Owner's **2006**
Proposed Insured: **NONE**
 - (b) ALTA Loan **2006** \$5,400,000.00
Proposed Insured: **TCF Bank**, its successors and/or assigns
3. The estate or interest in the land described or referred to in this Commitment and covered herein is fee simple and is at the effective date hereof vested in:

[IRET Properties, a North Dakota Limited Partnership, a limited partnership under the laws of North Dakota](#)
4. The land referred to in this Commitment is located in the County of **Washington**, State of **Minnesota**, and described as follows:

SEE ATTACHED EXHIBIT A

**STEWART TITLE
GUARANTY COMPANY**

SCHEDULE A

EXHIBIT A

All that part of the Southeast Quarter of the Southeast Quarter of Section 33, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commence at the Southeast corner of said Southeast Quarter; thence North 00 degrees 00 minutes 40 seconds West, along the East line of said Southeast Quarter, a distance of 435.61 feet to the POINT OF BEGINNING; continue thence North 00 degrees 00 minutes 40 seconds West, along said East line, a distance of 483.26 feet, thence North 90 degrees 00 minutes 00 seconds West a distance of 683.24 feet; thence South 00 degrees 00 minutes 00 seconds East a distance of 423.69 feet; thence Westerly 123.88 feet along the arc of a non-tangential curve concave to the South whose radius is 230.00 feet and whose chord bears South 83 degrees 51 minutes 07 seconds West; thence South 68 degrees 24 minutes 49 seconds West a distance of 102.81 feet to a point on the Northerly right of way line of Hudson Blvd.; thence Southeasterly, along said Northerly right of way a distance of 421.73 feet along the arc of a non-tangential curve concave to the Northeast whose radius is 768.51 feet and whose chord bears South 52 degrees 53 minutes 56 seconds East; thence North 00 degrees 00 minutes 40 seconds West a distance of 176.36 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 175.00 feet; thence South 00 degrees 00 minutes 40 seconds East a distance of 223.25 feet to a point on the Northerly right of way line of Hudson Blvd.; thence Southeasterly, along said Northerly right of way line a distance of 53.13 feet along the arc of a non-tangential curve concave to the North, whose radius is 768.51 feet and whose chord bears South 84 degrees 06 minutes 58 seconds East; continue thence South 86 degrees 05 minutes 47 seconds East a distance of 141.01 feet; thence North 00 degrees 00 minutes 40 seconds West a distance of 301.88 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 200.00 feet to the POINT OF BEGINNING and there terminating.

Being Torrens property. [Certificate No.: 60591](#)

**STEWART TITLE
GUARANTY COMPANY**

SCHEDULE B – Section I

Requirements

Order Number: 153273

THIS COMMITMENT IS NOT AN ABSTRACT, EXAMINATION, REPORT, OR REPRESENTATION OF FACT OR TITLE AND DOES NOT CREATE AND SHALL NOT BE THE BASIS OF ANY CLAIM FOR NEGLIGENCE, NEGLIGENT MISREPRESENTATION OR OTHER TORT CLAIM OR ACTION. THE SOLE LIABILITY OF COMPANY AND ITS TITLE INSURANCE AGENT SHALL ARISE UNDER AND BE GOVERNED BY PARAGRAPH THREE (3) OF THE CONDITIONS.

The following are the requirements to be complied with:

1. A properly executed and recordable mortgage from IRET Properties, a North Dakota Limited Partnership, a limited partnership under the laws of North Dakota, to TCF Bank.
2. Affidavit Regarding Borrower(s) executed by IRET Properties, a North Dakota Limited Partnership, a limited partnership under the laws of North Dakota.
3. The company requires the following to be satisfied, subordinated or partially released:
Mortgage, Security Agreement and Fixture Financing Statement in the original principal amount of \$8,100,000.00, dated 11-8-1998, filed 12-17-1998, as [Document No. 1075768](#), between East Metro Medical Building, LLC, a Minnesota limited liability company, mortgagor, and The Variable Annuity Life Insurance Company, a Texas corporation, mortgagee.
Amended by Consent, Assumption, Loan Modification, Amendment to Mortgage, Security Agreement and Fixture Financing Statement and Indemnification Agreement dated 7-30-2004, filed 10-5-2004, as [Document No. 1150298](#); mortgage assumed by IRET Properties, a North Dakota Limited Partnership, a limited partnership under the laws of North Dakota.
4. The company requires the following to be satisfied, subordinated or partially released:
Absolute Assignment of Leases and Rents dated 12-8-1998, filed 12-17-1998, as [Document No. 1075769](#), between East Metro Medical Building, LLC, a Minnesota limited liability company, assignor, and The Variable Annuity Life Insurance Company, a Texas corporation, assignee.
Amended by Consent, Assumption, Loan Modification, Amendment to Mortgage, Security Agreement and Fixture Financing Statement and Indemnification Agreement dated 7-30-2004, filed 10-5-2004, as [Document No. 1150298](#); assignment assumed by IRET Properties, a North Dakota Limited Partnership, a limited partnership under the laws of North Dakota.

**STEWART TITLE
GUARANTY COMPANY**

SCHEDULE B – Section II

Exceptions

Order Number: 153273

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof, but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.
2. Rights or claims of parties in possession, not shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
5. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Rights or claims of tenants, as tenants only, in possession under unrecorded leases.
7. Taxes for the year 2011 in the amount of \$346,110.00. They are paid in full. Base Tax amount \$343,323.63.
PIN: 33.029.21.44.0007. Non-Homestead
There are no delinquent taxes of record.
8. Special and pending assessments, if any.
Note: An assessment search has been requested and the results of that search will follow by revision.
9. Minnesota Department of Transportation Right of Way Plat No. 82-31, filed 9-29-1981, as [Document No. 58129](#).
10. Terms and conditions of Partial Final Certificate dated 10-9-1987, filed 11-12-1987, as [Document No. 85987](#).
11. Terms and conditions of Declaration of Protective Covenants dated 12-1-1997, filed 12-19-1997, as [Document No. 1065503](#).
12. Terms and conditions of Easement Agreement dated 12-10-1997, filed 12-31-1997, as [Document No. 1065505](#).

**STEWART TITLE
GUARANTY COMPANY**

SCHEDULE B – Section II

Exceptions

13. Terms and conditions of East Metro Healthcare Center Cooperation Agreement dated 12-2-1997, filed 12-31-1997, as [Document No. 1065506](#).
14. Terms and conditions of Memorandum of Cooperation Agreement dated 12-10-1997, filed 12-31-1997, as [Document No. 1065507](#).
15. Terms and conditions of Grant of Permanent Easement dated 12-10-1997, filed 12-31-1997, as [Document No. 1065509](#).
16. Terms and conditions of Easement and Agreement dated 8-30-2004, filed 10-6-2004, as [Document No. 1150352](#).

**STEWART TITLE
GUARANTY COMPANY**

Parcel Search: October 20, 2015 at 9:13 a.m. by SURVPUB
350 feet surrounding 3302921440007. 49 parcels, 29 labels.

0402821110006
3302921440003
3302921440005
3302921440006
3302921440007
3302921440009
3302921440010
3302921440012
3302921440013
3302921440014
3302921440015
3302921440016
3302921440017
3302921440018
3302921440019
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3302921440039
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3302921440041
3402921330003
3402921330010
3402921330011
3402921330012
3402921330013
3402921330014
3402921330015
3402921330022
3402921330023
3402921330024
3402921330025
3402921330027

S A MILLER LLC
or Current Resident
16845 108TH ST N
STILLWATER MN 55082

HANCOCK DAVE & JEAN M
or Current Resident
7574 185TH ST
CHIPPEWA FALLS WI 54729

CJ BLOSSOM LLC
or Current Resident
8631 EAGLE POINT BLVD
LAKE ELMO MN 55042

GIGUERE ROBIN M
or Current Resident
1101 PARIS AVE N
WEST LAKELAND MN 55082

IRET PROPERTIES
or Current Resident
1400 31ST AVE SW # 60
MINOT ND 58702-1988

SCHNY ZONE LLC
or Current Resident
8625 EAGLE POINT BLVD
LAKE ELMO MN 55042

CASEY LEE E
or Current Resident
8617 EAGLE POINT BLVD
LAKE ELMO MN 55042

EJM PROPERTIES LLC
or Current Resident
8653 EAGLE POINT BLVD
LAKE ELMO MN 55042

JTAAA PROPERTIES LLC
or Current Resident
8649 EAGLE POINT BLVD
LAKE ELMO MN 55042

JTZ LLC & TMZ LLC
or Current Resident
8615 EAGLE POINT BLVD
LAKE ELMO MN 55042

CITY OF LAKE ELMO
or Current Resident
3800 LAVERNE AVE N
LAKE ELMO MN 55042

UNITED LAND LLC
or Current Resident
3600 AMERICAN BLVD W # 750
BLOOMINGTON MN 55431-1079

EAGLE POINT TOWNOFFICE PARK ASSN INC
or Current Resident
2970 CHASKA BLVD
CHASKA MN 55318

ZYWIEC JOSEPH J & DEBORAH A
or Current Resident
7980 113TH ST S
COTTAGE GROVE MN 55016

CITY OF WOODBURY
or Current Resident
8301 VALLEY CREEK RD
WOODBURY MN 55125

OP4 BOULDER PONDS LLC
or Current Resident
11455 VIKING DR # 350
EDEN PRAIRIE MN 55344

BACHMANN CLINIC PROPERTY LLC
or Current Resident
8669 EAGLE POINT BLVD
LAKE ELMO MN 55042

BRI MAR CO INC ETAL
or Current Resident
7450 FRANCE AVE S # 260
EDINA MN 55435

LEGACY ASSET PROPERTIES LLC
or Current Resident
8623 EAGLE POINT BLVD
LAKE ELMO MN 55042

D GETSCH LLC
or Current Resident
11711 ASTER WAY
WOODBURY MN 55129

CREATIVE HOMES INC
or Current Resident
707 COMMERCE DR #410
WOODBURY MN 55125

P & R PROP GROUP LLP
or Current Resident
8661 EAGLE POINT BLVD
LAKE ELMO MN 55042

LAW SPACE LLC
or Current Resident
8681 EAGLE POINT BLVD
LAKE ELMO MN 55042

NORMAN JAMES LLC
or Current Resident
8362 TAMARACK VILLAGE #119-160
WOODBURY MN 55125-3392

HLI PROP LLC
or Current Resident
7202 NEWBURY RD
WOODBURY MN 55125

ZYWIEC JOSEPH J
or Current Resident
9471 JEFFERY AVE S
COTTAGE GROVE MN 55016

GOSS PROPERTIES LLP
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LAKE ELMO MN 55042

STATE OF MN-DOT
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ROSEVILLE MN 55113

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MILES LLC
or Current Resident
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LAKE ELMO MN 55042

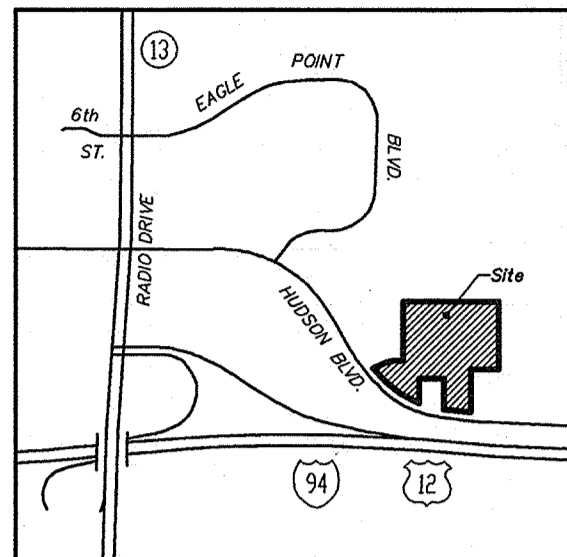
EAGLE POINT TOWNOFFICE PARK

EAGLE POINT BUSINESS PARK 2ND ADDITION

OWNER EAGLE POINT TOWNOFFICE PARK
PID 33-029-21-44-0036

OWNER CITY OF LAKE ELMO
PID 33-029-21-44-0010

Vicinity Map
Not To Scale



RECORD LEGAL DESCRIPTION PER TITLE COMMITMENT

All that part of the Southeast Quarter of the Southeast Quarter of Section 33, Township 29 North, Range 21 West, Washington County, Minnesota, described as follows:

Commence at the Southeast corner of said Southeast Quarter; thence North 00 degrees 00 minutes 40 seconds West, along the East line of said Southeast Quarter, a distance of 435.61 feet to the POINT OF BEGINNING; continue thence North 00 degrees 00 minutes 40 seconds West, along said East line, a distance of 483.26 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 483.24 feet; thence South 00 degrees 00 minutes 00 seconds East a distance of 423.69 feet; thence West 123.88 feet along the arc of a non-tangential curve concave to the South whose radius is 230.00 feet and whose chord bears South 83 degrees 51 minutes 07 seconds West; thence South 68 degrees 24 minutes 49 seconds West a distance of 176.36 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 175.00 feet; thence South 00 degrees 00 minutes 40 seconds East a distance of 223.25 feet to a point on the Northerly right of way line of Hudson Blvd.; thence Southeast, along said Northerly right of way line a distance of 421.73 feet along the arc of a non-tangential curve concave to the Northeast whose radius is 768.51 feet and whose chord bears South 52 degrees 53 minutes 56 seconds East; thence North 00 degrees 00 minutes 40 seconds West a distance of 141.01 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 301.88 feet; thence North 89 degrees 35 minutes 53 seconds East a distance of 200.00 feet to the POINT OF BEGINNING and there terminating.

GENERAL SURVEY NOTES:

- The Basis of Bearings for this survey is Washington County Coordinate System
- Utility Note: The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities. No Gopher One Call done for this survey.
- This survey was made in accordance with laws and/or Minimum Standards of the State of Minnesota.
- The property described herein is the same as the property described in Stewart Title Guaranty Company Order No. 15327 with an effective date of January 4, 2012, at 7:00 A.M. and all easements, covenants and restrictions referenced in said title commitment or apparent from a physical inspection of the site or otherwise known to me have been plotted hereon or otherwise noted as to their effect on the subject property.
- Said described property is located within an area having a Zone Designation X and Zone A by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 27163C0335E, with a date of Identification of February 3, 2010, for Community No. 270505, in Washington County, State of Minnesota, which is the current Flood Insurance Rate Map for the community in which said premises is situated.
- The Property has direct access to Hudson Boulevard, a dedicated public street or highway.
- The total number of completed striped parking spaces on the subject property is Two Hundred and Forty(240), including Fourteen (14) designated handicap spaces.
- There is no observed evidence of current earth moving work, building construction or building additions.
- There are no proposed changes in street right of way lines per City of Lake Elmo 2009-2013 Street Capital Improvement Plan, Map dated January 2009.
- There is no observed evidence of site use as a solid waste dump, sump or sanitary landfill.
- Total land area: 455,831 Squ. Ft. 10.464 Acres.

SCHEDULE B-2 EASEMENT

Property is subject to items listed in Schedule B - Section 2 of Title Commitment Order No. 153273. Items are listed as they appear in said Schedule B - Section 2

- Minnesota Department of Transportation Right of Way Plat No. 82-31, filed 9-29-1981, as Document No. 58129. Appears to affect the subject property, as shown hereon.
- Terms and conditions of Partial Final Certificate dated 10-9-1987, filed 11-12-1987, as Document No. 85987. Appears to affect the subject property, as shown hereon.
- Terms and conditions of Declaration of Protective Covenants dated 12-1-1997, filed 12-19-1997, as Document No. 1065503. Appears to affect the subject property, not graphically shown on survey as it is blanket in nature.
- Terms and conditions of Easement Agreement dated 12-10-1997, filed 12-31-1997, as Document No. 1065505. Appears to have affected the subject property, Easement to be in effect no more than 18 months from date of agreement, not graphically shown on survey.
- Terms and conditions of East Metro Healthcare Center Cooperation Agreement dated 12-2-1997, filed 12-31-1997, as Document No. 1065506. Appears to affect the subject property, not graphically shown on survey as it is blanket in nature.
- Terms and conditions of Memorandum of Cooperation Agreement dated 12-10-1997, filed 12-31-1997, as Document No. 1065507. Appears to affect the subject property, not graphically shown on survey.
- Terms and conditions of Grant of Permanent Easement dated 12-1-1997, filed 12-31-1997, as Document No. 1065509. Appears to affect the subject property, as shown hereon.
- Terms and conditions of Easement and Agreement dated 8-30-2004, filed 10-6-2004, as Document No. 1150352. Document also appears to benefit the subject property over the driveways and parking areas, not specifically shown on survey.

ZONING INFORMATION

See Schedule B - Section 2 of Title Commitment Order No. 153273, Exception 11, Document No. 1065503

LIST OF POSSIBLE ENCROACHMENTS

- Fence along east property line
- Pond in northwest corner of property

SURVEYOR'S CERTIFICATE

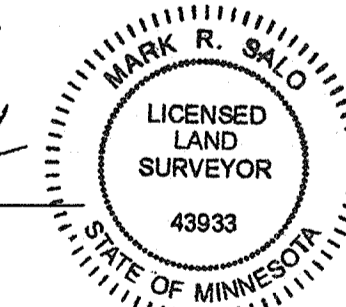
To IRET Properties, a North Dakota Limited Partnership, TCF Bank and Stewart Title Guaranty Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6b, 7(a)(1)(c), 8, 9, 11(e), 13, 16, 17 and 18 of Table A hereof.

The field work was completed on January 18, 2012

Date of Plat or Map January 20, 2012

Mark R. Sals
Mark R. Sals, PLS
Minnesota License No. 43933



Legend

- BUSH/SHRUB
- CONIFEROUS TREE
- DECIDUOUS TREE
- WETLAND
- STEEL/WOOD POST
- SIGN-TRAFFIC/OTHER
- MAIL BOX
- HANDICAPPED STALL
- PERC TEST
- MONITORING WELL
- CABLE TV BOX
- GAS METER
- STORM MANHOLE
- TELEPHONE BOX
- TELEPHONE MANHOLE
- TRAFFIC CONTROL BOX
- HAND HOLE
- TRAFFIC LIGHT
- GATE VALVE
- HYDRANT
- WATER METER
- CURB STOP BOX
- WELL MANHOLE
- WATER
- CABLE TV
- STREET LIGHT
- GUY WIRE
- POWER POLE
- ELECTRIC BOX
- ELECTRIC METER
- ELECTRIC MANHOLE
- ELECTRIC TOWER
- SANITARY MANHOLE
- SEWER CLEANOUT
- BEEHIVE CATCH BASIN
- CATCH BASIN
- FLARED END SECTION
- GAS LINE
- POWER OVERHEAD
- POWER UNDERGROUND
- SANITARY SEWER
- STORM SEWER
- TELEPHONE OVERHEAD
- TELEPHONE UNDERGROUND
- WATERMAIN
- FENCE LINE
- DECIDUOUS TREE LINE
- CURB & GUTTER
- BITUMINOUS SURFACE
- LANDSCAPED AREA
- CONCRETE SURFACE

- Denotes Found Iron Monument
- Denotes Set Iron Monument

COORDINATED BY:
SMITH-ROBERTS
NATIONAL CORPORATION
100 NE 6th Street
OKLAHOMA CITY, OK 73104
800.411.2010
www.smith-roberts.com

ALTA/ACSM LAND TITLE SURVEY
High Pointe Health Campus
8650 Hudson Boulevard
Lake Elmo, Washington County, Minnesota

REVISIONS	Date

Westwood Professional Services, Inc.
7699 Anagrain Drive
Eden Prairie, MN 55344
PHONE 952-937-5150
FAX 952-937-5822
TOLL FREE 1-888-937-5150
www.westwoodsps.com



Lake Elmo City Hall
651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

Development Standards for Eagle Point Business Park

300.12 subd. (1)(B) and 300.12(2). No Business Park structure shall exceed 60' in height. Parapet walls shall not exceed more than 4' above the height permitted of the building.

300.13 subd (6)(A)(3) Parking spaces shall be 9' X 18' at the developments north of Hudson Blvd and 10' X 20' South of Hudson Blvd, with the exception of the hotel and restaurant which needs to be 9' X 18' spacing. Parking spaces for the handicapped shall be minimum of 12' X 20'. 20% of the spaces in an office development can be compact car size 8' X 16". The size of parking space may be altered upon approval of Zoning Administrator.

300.13 subd. (6)(B)(6)(D) The primary landscaping materials shall be shade trees with shrubs, hedges, etc., used only to complement trees, not as the sole means of landscaping. Landscaping and irrigation will be done on a project by project basis. If landscaping within the NSP easement is disturbed, it needs to be replaced by NSP, or the property owner. Berming and landscaping must be approved within one year of City Council approval.

Permitted Uses: Banks, medical clinics, offices, schools (business, professional and private trade), office showrooms.

Conditional Uses: Business services, conference centers, health clubs, hotels and motels, day care centers, limited retail, medical, dental and research labs, recording studios, restaurants and cafeterias, theaters, teleconferencing transmission facilities, veterinary clinics, and hotel.

Minimum Lot Area: 2.0 acres. Lots less than 2.0 acres might be approved on a project by project basis through a conditional use permit.

Minimum Lot Frontage: 200' with the exception of 50' pm a cul-de-sac.

Lot Width/Depth Ratio: 1/3.5

Minimum Building Setbacks: 50' for the front and street frontage, and 10' for side and rear frontage. When abutting residential uses, the current ordinance requirement will apply.

Minimum Parking Setbacks: Front: 20', Side: 10', Side(street): 20', Rear: 10'

Minimum Building Foundation Size: 10,000 s.f.

Parking Ratio: One space for each 250 s.f. of office building area or one space per two employees, whichever is greater. One space per 2,000 s.f. of storage, warehouse and 1 space per 1,000 s.f. of showroom.

Pathways: 8' wide pathways as part of the City's trail system and the City will maintain.

Storm Water Control: Storm water management requirements should be averaged over the PUD area as a whole. The tributary setback will be 30' from the tributary setback, and the parking setback will be 10' from the tributary setback.

Lighting Height: 30' maximum

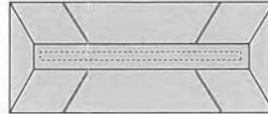
Sign Height: Businesses can have signage on the building and a monument sign at the property's entrance, and that a pylon sign must be approved on a case by case basis by the City.

Pond Maintenance: Recommend the creation of a District to take care of pond maintenance.

ORDINANCE REQUIREMENTS	PROPOSED DEVELOPMENT STANDARDS (5/28/99)	PLANNING COMMISSION'S COMMENTS (6/14/99)	PROPOSED DEVELOPMENT STANDARDS REVISED (6/23/99)	PLANNING COMMISSION RESPONSE (6/28/99)	City Council Response (7/13/99)
	space.		to approved R&D/Office/showroom uses, for those cases that are approved by the City as a conditional use.	showroom. Approved.	
Pathways:	5' wide bituminous	Would like to see 8'.	No Change. Pathways will be 8' wide. We propose giving the City R.O.W. for pathways. The City will install and maintain at their cost.	Recommend we install 8' wide pathways as part of City's trail system and the City will maintain. This was passed on to Park Commission.	Refer to Park Commission. <i>Paul D. Recommendation Accepted</i>
Storm Water Control	To new holding ponds.	Incorporate into green corridor and innovative storm water control procedures.	Storm water management requirements should be averaged over the PUD area as a whole. The creation of ponds provide innovative storm water management solutions for water quality treatment and rate control. The tributary setback will be 25' from ordinary high water mark. The building setback will be 30' from the tributary setback, and the parking setback will be 10' from the tributary setback.	Approved.	Approved.
Lighting Height: 30'	Variable; maximum permitted height to be 35'.	Show that there would be no spillover.	No change. We accept the City's current standard of 30' maximum.	Approved with reference to Chapter 1350.	Approved.
Sign Height: Per Section 535	Variable heights; to be reviewed with City on an individual site basis.	Pylon sign only.	<u>Sign Heights/Signage Plan</u> The City is concerned about the pylon sign height, specifically our reference to attracting traffic off the freeway, and the number of pylons that might exist. We propose that businesses can have signage on the building and a monument sign at the property's entrance, and that a pylon sign must be approved on a case-by-case basis by the City, however the size of the sign will match what we have proposed in our signage plan. The size, 12' X 6' signface and 25' height is designed primarily for Inwood traffic, not freeway.	No recommendation or approval made.	Approved.
Pond Maintenance			<u>Pond Maintenance</u> We prefer that the City be required to maintain ponds and assess each property owner for their fair share, of the cost to do so.	Not an issue for Planning Commission's approval. Recommend the creation of a District to take care of pond maintenance.	Approved.
M:\TONY\DEV\STANDARDS714.DOC					



TOP VIEW



TOP VIEW



PRIMARY PROJECT IDENTIFICATION: Stone base, painted aluminum cabinet with cut through letters. Black letters during day; white illuminated letters at night. Approximately 15' high X 25' wide



SECONDARY PROJECT IDENTIFICATION: Painted cement base, painted aluminum cabinet with cut through letters. Black letters during day; white illuminated letters at night. Approximately 7' high X 12' wide




TENANT PYLON SIGNAGE: Painted aluminum base, painted aluminum cabinet with cut through letters. Top panel may be corporate colors and logo. **Approximately 30' high X 12' wide**


United Properties
 3500 West 80th Street
 Minneapolis, MN

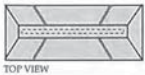
Eagle Point Business Park
 Lake Elmo, MN

Exterior Sign Design

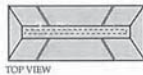

VISUAL Communications
 475 Cleveland Avenue North
 Suite 223
 Ivy League Place
 Saint Paul Minnesota
 55104
 651-644-4494
 Fax 644-4289

Project: 81007
 Date: 5/25/99

Page: **1**



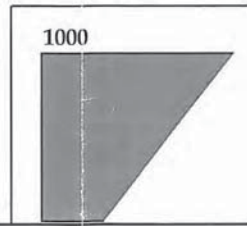
TOP VIEW



TOP VIEW



TOP VIEW



DIRECTIONAL: Painted cement base, non-illuminated aluminum cabinet with reflective black letters. Approximately 8' high X 6' wide

PRIMARY TENANT IDENTIFICATION: Painted cement base, painted aluminum cabinet with cut through letters. Black letters during day; white illuminated letters at night. Approximately 8' high X 6' wide (Option post and panel construction; white graphic background)

REGULATORY SIGNAGE: Painted 2 X 2 aluminum poles with standard DOT signage or custom regulatory signage as shown. Also includes Trail signage identification and direction.

ADDRESS SIGNAGE: All building addresses will be consistent letter style and sizing. Placement will be in upper corner but will be determined specific to site. Approximately 12" high.



PLANNING COMMISSION
DATE: 1/11/15
AGENDA ITEM: 5b – PUBLIC HEARING
CASE # 2015-40

ITEM: Sign Variance – IRET Properties, 8650 Hudson Blvd
SUBMITTED BY: Stephen Wensman, City Planner
REVIEWED BY: Joan Ziertman

SUMMARY AND ACTION REQUESTED:

The Planning Commission is being asked to hold a public hearing to consider a request from IRET properties for a variance to allow a 35-foot high, 16-foot wide pylon sign. The maximum pylon sign height for the subject property according to the Eagle Point Business Park Exterior Sign Design Agreement is 30-foot high and 12-foot wide. Staff is recommending that the Planning Commission recommend approval of the variance request based on the findings listed in the Staff Report with the following motion:

“Move to recommend approval of the 5 foot height and 4 foot width variance request at 8650 Hudson Blvd. to allow for a 35-foot high, 16-foot wide pylon sign at the High Pointe Medical Campus based on the findings identified in the Staff Report.”

GENERAL INFORMATION

Applicant: IRET Properties, 10050 Crosstown Circle, Suite 105, Eden Prairie, MN 55344
Property Owners: IRET Properties, 1400 31st Ave SW, Suite 60, Minot ND 58702
Location: 8650 Hudson Blvd, Lake Elmo
PID Number: 33.029.21.44.0007
Request: Variance – 5’ height and 4’ width variance from the pylon sign regulations of the Eagle Point Business Park Exterior Sign Design Agreement
Existing Land Use: Medical Facilities
Existing Zoning: BP – Business Park
Surrounding Land Use: Medical Offices, Auto Body Repair, Offices
Surrounding Zoning: BP – Business Park
Comprehensive Plan: Business Park
Proposed Zoning: No Change
History: The subject property was platted as part of the Eagle Point Business Park Planned Unit Development.

Deadline for Action: Application Complete – 12/1/15
 60 Day Deadline – 1/30/16
 Extension Letter Mailed – No
 120 Day Deadline – 3/30/16

Applicable Regulations: Eagle Park Business Park PUD Agreement
 154.109 – Variances (Administration and Enforcement)

REQUEST DETAILS

The City of Lake Elmo has received a request from IRET Properties for a variance to allow a pylon sign that exceeds the maximum height and width allowed under the Eagle Park Business Park PUD Agreement. Under the Agreement, the maximum height and width for a pylon sign in this location would be 30-foot high and 12 foot wide feet. The applicant is requesting a 5-foot height and 4-foot width variance from the PUD Agreement to allow a 35-foot high and 16-foot wide pylon.

The applicant has provided a written statement to the City indicating the reason for the variance request. The written statement includes a narrative addressing how the proposed variance meets the four required findings to grant a variance under the City’s Zoning Code and State Statute.

BACKGROUND

The subject property is located in the southeastern corner of the Eagle Point Business Park, east of Inwood Avenue (CSAH 13) and Eagle Point Boulevard. The attached Exhibit B highlights the location of the parcel and its proposed pylon sign location. The parcel was platted as part of the Eagle Point Business Park and is 10.46 acres in size. The subject property and surrounding properties are zoned BP – Business Park. In terms of land use, the surrounding properties are mostly comprised of offices and other commercial uses with the exception of a collision shop.

In terms of the physical characteristics of the property, the site is irregularly shaped with frontage on Hudson Boulevard, but with two other businesses, the Park Dental and Crossroads Collision carved into their Hudson Boulevard frontage. The High Point Health building is a 3-story brick building that sits up high toward the rear of the lot with the parking to its east side and entrance at the southeast corner of the building. The entrance drive curves behind the Crossroads Collision to Hudson Boulevard. The proposed pylon locations is on a vacant/undeveloped portion of the frontage between the Crossroads Collision and Park Dental. The location is the best location for providing visibility from Interstate 94, as it is the portion of the site where Hudson Boulevard runs parallel to the Interstate. Other signs for the High Point Medical Facility include a large wall sign that faces south and a small monument sign where the entrance drive meets Hudson Boulevard. The building is a multi-tenant building and site lacks signs depicting building tenants.

PLANNING AND ZONING ISSUES

In reviewing the applicable codes and planning considerations that apply to the subject property, Staff would like the Planning Commission to consider the following as it reviews this request:

- **The Eagle Point Business PUD Agreement.** According to the sign design regulations in the agreement, the text references a 25-foot height, whereas the text below the graphic depiction

of the pylon sign states, “approximately 30’ high x 12’ wide. Furthermore, the staff prepared summary of the Eagle Point Development Standards states:

“Sign Height: Businesses can have signage on the building and a monument sign at the property’s entrance, and that a pylon sign must be approved on a case by case basis by the City.”

- The only other pylon sign in the “locality” is a non-conforming pylon sign for Crossroads Collision. Further down the road to the east is one other pylon signs for Lamperts Lumber which is a much larger non-conforming sign.
- **Site Topography/Visibility.** As noted in the application, the building was one of the first to be constructed in the Eagle Point Business Park, and as other buildings have been constructed, some along the frontage, it has become increasingly difficult to find the businesses in the facility. Visibility is poor from Hudson Road and even more so from Interstate 94.
- **Regulatory Ambiguity.** As noted earlier, the Eagle Park Business Park PUD Agreement is somewhat ambiguous. The written text associated with the signs references a 25-foot height, whereas the graphic uses the term, “approximately 30-foot”. To further complicate the matter, a staff’s summary of the agreement states, “case by case” for pylon signs. This ambiguity has caused internal interpretation issues. When first presented with this proposal, Nick Johnson, the City Planner, stated that in an email to the applicant that the 35-foot pylon sign height, “will work”. Later, when Nick left the city, Kyle Klatt, the Development Director, denied the application. Based on the denial, present staff requested that applicant apply for a variance.
- **Regulatory Delays.** This process started on January 14, 2015 with an initial discussion with Nick Johnson the former City Planner. A formal sign permit application was made on July 23, 2015 which was denied by the Development Director on September 2, 2015. On November 6, 2015, the applicant discussed the process with the new City Planner and a variance application was submitted on December 1, 2015.

REVIEW AND ANALYSIS

An applicant must establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.017 before an exception or modification to city code requirements can be granted. These criteria are listed below, along with comments from Staff regarding applicability of these criteria to the applicant’s request.

- 1) **Practical Difficulties.** A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - “Practical difficulties” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control.

Under this standard, the City would need to find that the placement of the proposed accessory structure in the proposed location is a reasonable use of the property.

FINDINGS: Increasing the allowed height from 30-foot to 35-foot and the width from 12-foot to 16-foot for a pylon sign represents a reasonable use of the property. The property is zoned Business Park and is surrounded by other commercial uses. A larger nonconforming pylon sign exists adjacent to the site. Visibility to the site is difficult and identification of the multiple tenants is also reasonable. The variance is in keeping with the intent of the City's sign ordinance: to foster high quality commercial and industrial development and to enhance economic development of existing businesses and industries by promoting reasonable, orderly, attractive and effective signs that meet the need for business identification, advertising and communication. Staff determines that this criterion is met.

- 2) **Unique Circumstances.** The plight of the landowner is due to circumstances unique to the property not created by the landowner.

In order to demonstrate compliance with this standard, the Planning Commission would need to identify those aspects of the applicant's property that would not pertain to other properties within the same zoning classification.

FINDINGS: The site, lot layout, and the poor visibility from Hudson Boulevard and Interstate 94 are unique and not circumstances created by the landowner. The Crossroads Collision and Park Dental buildings sit in front of the High Point Health facility limiting visibility. The facility sits to the rear of the site, the flat buildable area, leaving little physical presence on the Hudson Boulevard frontage. The restrictive sign design guidelines were created by the developer and approved by the City of Lake Elmo, not the current land owner/applicant. Staff determines that this criterion is met.

- 3) **Character of locality.** The proposed variance will not alter the essential character of the locality in which the property in question is located.

Propose findings for this criterion are as follows:

FINDINGS. The location of the property and surrounding properties are within the Business Park, or are Commercial zoning. There exists one other pylon sign within the locality, and others beyond that are larger and are noncompliant with the City's sign ordinance. The Eagle Point Business Park Agreement does allow a pylon sign. Staff determines that this criterion is met.

- 4) **Adjacent Properties and Traffic.** 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.

Propose findings for this criterion are as follows:

FINDINGS. The proposed variance will not impair an adequate supply of light and air to any properties adjacent to the proposed pylon sign site. The proposed pylon sign is located on an undeveloped portion of the applicant's lot. The presence of the sign will not present additional congestion on public streets, or substantially diminish or impair property values within the neighborhood. Staff determines that this criterion is met.

Please note that the applicant has also provided a set of findings as part of the attached narrative and supporting documentation included with the application.

Considering the potential findings of fact as suggested in the preceding section, Staff is recommending that the Planning Commission recommend approval of the variance request based on the findings noted in items 1-4 above.

RECCOMENDATION:

Staff recommends that the Planning Commission recommend approval of the variance request submitted by IRET Properties given that the request meets the four criteria for a variance.

The suggested motion for taking action on the Staff recommendation is as follows:

“Move to recommend approval of the 5 foot height and 4 foot width variance request at 8650 Hudson Blvd. to allow for a 35-foot high, 16-foot wide pylon sign at the High Pointe Medical Campus based on the findings identified in the Staff Report.”

ATTACHMENTS:

1. Written Statement
2. Exhibits C–H to Written Statement
3. Site Survey
4. Adjacent Pylon photos
5. Letters of Support
6. Eagle Point Development Standards

ORDER OF BUSINESS:

- IntroductionCommunity Development Director
- Report by Staff City Planner
- Questions from the Commission Chair & Commission Members
- Open the Public HearingChair
- Close the Public Hearing.....Chair
- Discussion by the Commission Chair & Commission Members
- Action by the Commission..... Chair & Commission Members

Mayor Mike Pearson
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Mn 55042

Re: High Pointe Health Campus Signage

Dear Mayor Pearson:

The Dental Specialists and Park Dental High Pointe have been located on the High Pointe Health Campus since 1998. We have consistently had concerns relating to the visibility of both practices on the campus and have had patients comment that it is difficult to find our practices. The Dental Specialists and Park Dental have both grown by increasing our services, increasing our patient base and our hours. All without the support of critical signage either lit or un-lit.

We have worked tirelessly directly with the City of Lake Elmo, receiving verbal approval for additional signage. However, after months of delay due to staffing changes and internal issues, we were informed that no further signage would be approved.

Park Dental and The Dental Specialists have over 40 locations throughout the Twin Cities and Western Wisconsin and the signage process has been easily moved along and approved. We are disappointed that further signage on the campus has not been allowed. Park Dental High Pointe has one lit sign on the west side of the building (only allowed one sign) which cannot be seen in driving from the East along the frontage road. With the new development going in to the East of our practice, we were looking for more signage on the building to easily identify the practice. Park Dental is open 7 a.m. – to 9 p.m. daily except for Friday which is 7 a.m – 4:00 p.m. And Saturdays for children. It is particularly difficult to locate the practice early in the morning or later in the day during Fall and Winter. Visibility is also critical for our emergency patients. The Dental Specialists are open 7:00 a.m. – 5:00 p.m. as well. Lighted monument signage would be helpful in the effort to locate the practice.

Visibility and signage are an important element in the overall service to our patients and potential patients. We are asking for approved signage on the campus for both The Dental Specialists and for Park Dental High Pointe. We thank you in advance for your attention to this matter.

Sincerely,



Dr. Alan Law
President, The Dental Specialists



Peter Swenson
Chief Administrator
Park Dental & The Dental Specialists