

**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