

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

**RESOLUTION 2016-100**

*A RESOLUTION APPROVING A VARIANCE FROM THE MAXIMUM SURFACE AREA  
REQUIREMENTS OF WALL AND CANOPY SIGNS*

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

**WHEREAS**, River Country Cooperative, 9072 Cahill Avenue, Inver Grove Height, MN 55076, (the “Applicant”) has submitted an application to the City of Lake Elmo (the “City”) for a variance from the maximum surface area requirements of wall and canopy signs.; and

**WHEREAS**, notice has been published, mailed and posted pursuant to the Lake Elmo Zoning Ordinance, Section 154.102; and

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing on said matter on October 24, 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 November 1, 2016; and

**WHEREAS**, the City Council considered said matter at its November 1, 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 is from the maximum surface area requirements of wall and canopy signs.

- 4) That the Variance will be located on property legally described as follows: PT SE1/4-SE1/4 COM AT SE COR OF SEC 12 THEN N ALONG E LINE SD SEC 12 FOR 356.5 FT TO ITS INTSEC WITH NLY R/W LINE OF COUNTY HWY 14 SD INTSEC BEING PT OF BEG THIS DES THEN CONTINUE N ALONG SD E LINE OF SEC 12 FOR 633.5 FT THEN DEFLECTED TO LEFT FOR 26 DEG30' FOR 299.4FT TO ITS INTSEC WITH SLY R/W LINE OF MINN HWY 212 THEN SWLY ALONG SD SLY R/W LINE SD HWY 212 FOR 187.8 FT THEN SLY A- LONG SD R/W LINE OF HWY 212 FOR 165.8 FT TO ITS INTSEC WITH ELY R/W LINE OF COUNTY HWY 14 THEN SELY ALONG SD ELY R/W OF SD COUNTY HWY FOR 680 FT M/L TO PT OF BEG EXCEPT TO HWY Section 12 Township 029 Range 021. PID # 12.029.21.44.0005.
  
- 5) That the strict enforcement of Zoning Ordinance would cause practical difficulties and that the property owner proposes to use the property in a reasonable manner not permitted by an official control.  
*The Applicant claims that the strict enforcement of the City's sign regulations as it pertains to maximum canopy and wall sign surface area would cause practical difficulties, as Manning Avenue has been reconfigured and will abut the back side of the building and shorter sides of the canopies. The Applicant would like to retain visibility with this new configuration. The Applicant is not changing the current use of the property.*
  
- 6) That the plight of the landowner is due to circumstances unique to the property not created by the landowner.  
*The reconfiguration of Manning Avenue was not created by the landowner.*
  
- 7) That the proposed variance will not alter the essential character of the locality in which the property in question is located.  
*The proposed elements should not diminish or negatively affect the essential character of the neighborhood. The new or adjusted signage is intended to update and refresh the facility while solving visibility issues associated with pending road and access changes.*
  
- 8) That the proposed variance will not impair an adequate supply of light and air to property adjacent to the property in question or substantially increase the congestion of the public streets or substantially diminish or impair property values within the neighborhood.  
*Exceeding the maximum-allowed sign surface area of the canopy and wall will not impair an adequate supply of light and air to adjacent properties, increase congestion, or impair property values but will help the business remain viable.*

### CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's application for a Variance is granted, subject to the following conditions:

- 1) The new locations of the ground sign and pylon sign shall be approved by the City and must adhere to all setback and other Code requirements.
- 2) All lighting must adhere to City's Lighting, Glare Control, and Exterior Lighting Standards.

- 3) The erected signs shall not exceed the proposed square footage described in the Council Memorandum dated November 1, 2016.

Passed and duly adopted this 1<sup>st</sup> day of November, 2016 by the City Council of the City of Lake Elmo, Minnesota.

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Michael Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk