

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

RESOLUTION NO 2018-027

*A RESOLUTION APPROVING A VARIANCE TO ALLOW A THIRD WALL SIGN AT THE
PROPERTY LOCATED AT
8980 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, PDG, PA Jan Tiffany, 2200 County Road C-West, Roseville MN 55113 (Applicant), has submitted an application to the City of Lake Elmo (the "City") for variance to allow the addition of a third wall sign for a multitenant building, which would exceed the number of allowed signs for the building.

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 March 12, 2018; and

WHEREAS, the Lake Elmo Planning Commission has submitted its report and recommendation to the City Council as part of a Staff Memorandum dated March 12, 2018; and

WHEREAS, the City Council considered said matter at its March 12, 2018 meeting.

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

FINDINGS

- 1) That the procedures for obtaining said Variance are found in the Lake Elmo Zoning Ordinance, Section 154.109.
- 2) That all the submission requirements of said Section 154.109 have been met by the Applicant.
- 3) That the proposed variance includes the following components:
 - a) A variance to allow for the addition of a third wall sign to be installed at 8980 Hudson Blvd, exceeding the number of allowed signs per building based on City code requirements.
- 4) That the Variance will be located on property legally described as follows: E 200FT OF S 435.6FT E1/2- SE1/4 EXC PARCL 29K MNDOT R/W PLT 82-31 SUBJ TO EASE SECTION 33 TOWNSHIP 029 RANGE 021, Washington County, Minnesota with the following PID: 33.029.21.44.0005.

- 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. *Specific Finding: The applicant does not propose to use the property in an unreasonable manner by requesting an additional sign, as the tenants are hindered by the configuration of the building. The building was built in 2001, prior to the current sign code. It can be argued that if the tenants would have known that signage is limited by frontage it would have been reconfigured so that visibility of the building would not hinder the occupants by limiting the allowed signage area to only the west (entrance) or south (street frontage) side of the building.*
- 6) The plight of the landowner is due to circumstances unique to the property not created by the landowner. *Specific Findings: Staff finds aspects of the applicant's property to be different than other properties within the same zoning classification as it is long and narrow, thus providing limited surface area for appropriate signage. The business park properties have a variety of conforming and nonconforming signs and variable visibility from streets. With a tree line from the west and possible future development from the east, it would be reasonable to assume visibility will become even more limited for their location. Noting the side entrance staff continues to believe the building was not designed with today's standards in mind which continues to hinder the occupants relating to signage.*
- 7) The proposed variance will not alter the essential character of the locality in which the property in question is located. *Specific Findings: Park Dental is in the Business Park and in an area that is predominantly comprised of commercial uses. Wall signs and other types of signage are common along Hudson Boulevard near the subject property. The additional sign will not alter the essential character of the locality.*
- 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 sign will not impair an adequate supply of light and air to any properties adjacent to the Park Dental site. The proposed wall sign will not present additional congestion on public streets, or substantially diminish or impair property values within the neighborhood. Arguably, additional signage could assist drivers to more quickly locate the building. Also the lighting of the additional sign will not incur or impact light pollution in that location.*

CONCLUSIONS AND DECISION

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


1. A comprehensive sign plan be submitted and approved for the building
2. A sign permit application be submitted, approved and issued prior to installation.

Passed and duly adopted this 20th day of March, 2018 by the City Council of the City of Lake Elmo, Minnesota.



Mayor Mike Pearson

ATTEST:



Julie Johnson, City Clerk