

Cument #  
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RESOLUTION 91-29

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO SECTION 505.020 AND 301.060 OF THE LAKE ELMO MUNICIPAL CODE, AND VARIANCES TO THE FOLLOWING SECTIONS OF THE LAKE ELMO MUNICIPAL CODE: SECTION 505.260 ALLOWING FOR THE CONSTRUCTION OF AN ADVERTISING SIGN AT A DISTANCE LESS THAN 3,000 FEET FROM THE ADJACENT SIGNS; SECTION 505.090 ALLOWING SIGN TO BE ILLUMINATED BEYOND NORMAL BUSINESS HOURS; SECTION 301.070 D.7.c. TO ALLOW CONSTRUCTION OF THE ADVERTISING SIGN ON LESS THAN ONE AND ONE-HALF ACRES; TO JAMIE LYNN OLSON, TODD JAMES OLSON AND WENDY MICHELLE OLSON FOR THE CONSTRUCTION OF A 200 SQUARE FOOT ILLUMINATED ADVERTISING SIGN.

WHEREAS, Jamie Lynn Olson, d/b/a Ad Venture Media, Inc., and Wendy Michelle Olson and Todd James Olson (applicants) made application to the City of Lake Elmo on November 11, 1988 for a Conditional Use Permit for an advertising sign in the General Business Zoning District; and

WHEREAS, this Conditional Use Permit application also included variance requests for the distance between signs, the hours the sign could be illuminated, and the size of the lot on which the sign was to be placed; and

WHEREAS, the Lake Elmo City Council denied the applicants' request for the Conditional Use Permit and variances at a meeting held on January 17, 1989; and

WHEREAS, applicants filed a Petition for Writ of Mandamus with the Washington County Court on June 7, 1989; and

WHEREAS, on August 12, 1991 Gary Schurrer, Judge of District Court, Washington County, Minnesota issued the following order:

THAT a Writ of Mandamus shall issue commanding the City of Lake Elmo, Defendant-Respondent herein, to:

- a. grant Plaintiffs a variance from Lake Elmo Ordinance 505.260, allowing for the construction of an advertising sign at a distance less than 3,000 feet from the adjacent signs.
- b. grant Plaintiffs a variance from Lake Elmo Ordinance 505.090, allowing Plaintiffs to erect an advertising sign which will be illuminated beyond normal business hours:
- c. grant Plaintiffs a variance from the Lake Elmo lot size requirement, allowing Plaintiffs the opportunity to construct the advertising sign; and

- d. issue to Plaintiffs a conditional use permit pursuant to Lake Elmo City Ordinance Section 505.020 and 301.060, allowing Plaintiffs to construct an advertising sign on the subject property.


NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby grants Plaintiffs a Conditional Use Permit for an advertising sign in the General Business zoning district on the parcel legally described as Part of the S1/2 of the SW1/4 commencing at the Southwest corner of Section 36 thence East along south line of said Section 1510.7 feet to point of beginning thence North 00 degrees 03 minutes East 219.5 feet, Twp 29, Range 21. Based on the following conditions:

1. That no later than September 23, 1991, the applicants provide the City with a site plan showing where the 200 square foot sign will be placed on property.
2. That no later than September 23, 1991, the applicants provide the City with the lighting plan for the sign noting that the court has recognized that the applicants will take the necessary steps to ensure that the illumination of the sign does not interfere with the use of neighboring properties.
3. That the applicants will provide proof to the City that they have obtained a State Electrical Permit for the illuminated sign.
4. That applicants will provide proof to the City that all persons doing work on subject property will obtain the required licenses and provide the required insurance certificates.
5. That the supporting structure of the sign shall not increase the perimeter of the sign by more than two (2) feet in any direction.
6. That applicants will obtain all necessary building permits from the City of Lake Elmo as pursuant to Section 502.010 of the Lake Elmo Municipal Code.

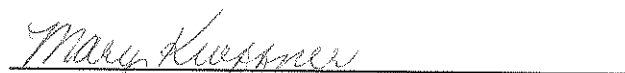
BE IT FURTHER RESOLVED, that in granting this Conditional Use Permit, the City of Lake Elmo also grants the following variances necessary for the construction of this 200 square foot sign:

1. Section 505.260 allowing sign to be constructed at a distance less than 3,000 feet from adjacent signs.
2. Section 505.090 allowing sign to be illuminated beyond normal business hours.
3. Section 301.070 D.7.c. allowing construction of the 200 square foot advertising sign on less than one and one-half (1-1/2) acres.

**ADOPTED BY THE CITY OF LAKE ELMO THIS 17TH DAY OF SEPTEMBER,  
1991 IN ACCORDANCE WITH THE ORDER OF THE COURT OF  
WASHINGTON COUNTY, MINNESOTA.**

  
\_\_\_\_\_  
David Johnson, Mayor

Attest:

  
\_\_\_\_\_  
Mary Kueffner, City Administrator

DRAFTED BY THE CITY OF LAKE ELMO

CERTIFICATION

STATE OF MINNESOTA  
COUNTY OF WASHINGTON  
CITY OF LAKE ELMO

I hereby certify that Resolution 91-29 is a true and correct copy of a resolution presented to and adopted by the City Council of the City of Lake Elmo at a meeting thereof held in the City of Lake Elmo, Washington County on the 17th day of September, 1991.

A handwritten signature in cursive script, appearing to read "Kathy Weeks", with a long horizontal flourish extending to the right.

Kathy Weeks  
Secretary