

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

RESOLUTION NO. PZ99-48

**A RESOLUTION REGARDING A SIGN ORDINANCE VARIANCE
FARMER'S UNION CO-OP OIL ASSOCIATION**

WHEREAS, the Lake Elmo Planning Commission has reviewed and heard testimony regarding the application of Farmer's Union Co-Op Oil Association to vary from the standards of Section 535 of the Lake Elmo City Code with respect to the property described as follows:

All that part of Southeast Quarter of Southeast Quarter (SE ¼ of SE ¼) of Section Twelve (12), Township Twenty-nine (29) North, Range Twenty-one (21) West, East Oakdale Township, Washington County, Minnesota, described as follows:

Commence at the Southeast Corner of Section Twelve (12), Township Twenty-nine (29) North of Range Twenty-one (21) West, East Oakdale Township, Washington County, Minnesota; thence North along the East line of said Section Twelve (12) for Three Hundred fifty-six and five tenths (356.5) feet to its intersection with the Northerly right-of-way line of County Highway No. 14, said intersection being the point of beginning of this description; thence continuing North along said East line of Section Twelve (12) for Six hundred thirty-three and five tenths (633.5) feet; thence deflected to the left for 26 degrees 30' (bearing of North 26 degrees 30' West) for Two hundred ninety-nine and four tenths (299.4) feet to its intersection with the Southerly right of way line of Minnesota Highway No. 212; thence Southwesterly along said Southerly right-of-way line of Minnesota Highway No. 212 for One hundred eighty-seven and eight tenths (187.8) feet; thence Southerly along said right-of-way line of Minnesota Highway No. 212; for One hundred sixty-five and eight tenths (165.8) feet to its intersection with the Easterly right-of-way of County Highway No. 14; thence Southeasterly along said Easterly right-of-way of County Highway No. 14 for Six hundred eighty (680.0) feet more or less to the point of beginning and is commonly known as 4201 Manning Avenue N., (Geo Code 12.029.21.44.0005).

WHEREAS, said variance are described as follows:

Variance from Section 535 of the City Code (Signs) to permit a pylon sign at the northeast corner of the site to be 19 feet in height and with 96 square feet per side sign surface area; and a monument at the southeast corner of the site 9 feet high and 11 feet wide, with a sign surface area of 55 square feet. The Code standards varied from are: a single freestanding ground sign of not more than 6 feet in height; and, 30 square feet of surface area per side.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo Planning Commission does hereby make the following findings concerning said variance:

1. The variances contribute to the public safety of Highway 5 and Manning Avenue by allowing motorists better visibility of information than code standard signage would allow in a high speed area.
2. The variances contribute to an effort by the current property owner to correct serious environmental and cosmetic site deficiencies created by others.
3. The exceptional circumstances that justify this request for variance include a mature tree line along the northeast corner of the property, these trees severely restrict vision. The proposed 19 foot high with 70 square feet per side sign surface area pylon sign is the minimum height that will be visible to fast moving traffic coming from Stillwater on Highway 5.

Another circumstance that creates a need for the second sign is the state's decision to move the applicant's Manning Avenue driveway more than a block to the south. This was due to the stop light and long median installed after the applicant purchased the property. Visible signage that clearly marks the southern driveway and helps slow down traffic in a timely manner will help create a safe turn opportunity.

4. The variance in signage would allow the applicant to enjoy some of the same rights commonly enjoyed by other Lake Elmo properties and provide the applicant equal protection under the law. The ability to effectively relay brand and price information is a right commonly shared by all in this type of zoning.
5. Neither of the circumstances mentioned in #3 about are due to our actions. In addition to the pre-existing tree line Farmer's Union lost two curb cuts, one each on Hwy 5 and Manning Avenue. The state and county removed the remaining curb cuts further away from the intersection where speeds would be slower. They had no voice in this matter and received no compensation because of these mandates. The loss of curb cuts and the relocation of entrances are a special circumstance not endured by others in the same zoning district.
6. The variances do not provide the applicant a special privilege. To the contrary, they help partially correct special negative characteristics of the property.
7. The variance is not detrimental due to the circumstances dictated by the special characteristics of this unique property. To the contrary, it would help this contaminated site to be built upon.

BE IT FURTHER RESOLVED, that the Lake Elmo Planning Commission hereby approves the variances and issues this Order.

ADOPTED, by the Lake Elmo Planning Commission this 9th day of August, 1999.

Thomas Armstrong, Chairman
Lake Elmo Planning Commission

ATTEST:



Mary Kueffner, City Administrator