

City of Lake Elmo

777-5510

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

The Lake Elmo Planning Commission will meet at 6:00 p.m. on Monday, August 9, 1999 in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota.

PLEASE NOTE: 6:00 p.m. – 7:00 p.m. continued discussion – Comprehensive Plan.

AGENDA: 7:00 p.m. meeting

1. Agenda
2. Minutes - July 26, 1999
3. Farmers Union Co-op Oil Association – dba Cenex, application
Site Plan and Variances
(Continued from the July 26, 1999 meeting)
4. Site Plan Amendment
Creative Office Garden Steve Erban, applicant
11550 Stillwater Blvd.
5. Other
6. Adjourn



Approved

**Lake Elmo
Planning Commission**

**Meeting Minutes
Monday, August 9, 1999**

Chairman Armstrong called the meeting to order at 7:00 p.m. in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota. Present: Commissioners Brass, Helwig, Lipman, Ptacek, Sedro and Sessing. Absent: Commissioners Berg, Gerard, Herber, Mandel. Also present: Planner Dillerud.

1. AGENDA

**M/S/P Lipman/Sessing – to approve the agenda as presented.
(Motion Passed 7-0).**

2. MINUTES

**M/S/P Sessing/Lipman – to accept the Minutes from the July 26, 1999 meeting, as presented.
(Motion Passed 6-0-1). Abstain: Brass.**

**3. Farmer's Union Co-op, dba Cenex
Variances and Site Plan Review
Manning & Trunk Highway 5**

Planner Dillerud said he had received NO new information regarding this proposal before meeting time.

Kevin Sexton

Farmer's Union Co-op

Mr. Sexton presented and reviewed with the Planning Commissioners a memo (attached) that addressed the 6 required criteria regarding the variance procedure. He also said he would be willing to work with the City Planner regarding the lighting plan and the parking.

**M/S/P Lipman/Ptacek – to adopt Resolution No. 99-48 granting a variance for a 19' high pylon sign with no greater area than the Lake Elmo Oil pylon sign and a 5' x 11', 9 foot high monument sign, per the drawing dated August 9, 1999, and initialed by the City Planner.
(Motion Passed 7-0).**

Planner Dillerud asked the Commissioners if their intent was to accept the site plan as presented which indicates the canopy as equipment and not a structure. **M/2SP Armstrong/Sessing – to recommend approval of the proposed site plan for Farmer's Union Co-op to include the following conditions:**

- 1. Compliance with requirements of the City Engineer.**
- 2. Compliance with storm drainage policies/erosion control policies and permitting of the City and the Valley Branch Watershed District.**
- 3. Certification by a landscape architect that the value of the landscape materials proposed to be installed is at least 2% of the total project cost; and, compliance with City Code requirements regarding landscape installation and survival security to be posted with the City.**
- 4. Modification of the site plan to provide at least 23 off street parking spaces, not including at the pump islands.**

5. **Modification of the site plan to remove references to "future uses."**
6. **Modification of the site plan and related submissions to insure that under canopy lighting is in compliance with Chapter 1350 of the Code by total horizontal cut off and 100% horizontal shielding of the light source; and, to relocate lighting sources at both public street access points to reduce foot-candle illumination at those access points to 3 or below.**

(Motion Passed 7-0).

Commissioner Lipman noted that his decision to support this variance and site plan was based upon public safety rationale and the obvious "clean-up" of the site.

Commissioner Helwig noted that he supports this sign variance based upon the previously approved signage height and size at Lake Elmo Oil.

**8. Site Plan Amendment
Creative Office Garden
11550 Stillwater Blvd.**

Planner Dillerud reported that in early July, 1999, staff was advised that the applicant was installing wood shingles on the south side of Creative Office Garden instead of the stone approved for this portion of the exterior of the building. The plans submitted with the building permit indicate a partial stone façade facing Highway 5 with shingle siding the remainder of the structure. He said he advised the applicant to cease installing shingles and make application to the City for an amendment to site plan. He observed that the departure from the code requirements of the General Business Zoning District was already substantial and the proposed substitution would increase that departure even more.

Commissioner Lipman asked if there had been a finding of equivalency of the shingles at the original site plan approval stage.

Planner Dillerud said he could find no evidence of an equivalency finding, but maybe it was implied. He said staff finds that the applicant's proposed site plan amendment to substitute wood shingling for the previously approved stone exterior for a portion of this structure will constitute an unreasonable departure from the Code requirements for exterior surfacing materials and recommends denial of the site plan amendment, with no reference to relative appearance or other aesthetic considerations, simple Code compliance only.

**Steve Erban
Creative Office Garden, Owner/Architect**

Mr. Erban said he currently has 9 owners within the office building. The original choice for a partial stone façade was made because his family is in the "stone" business. He said the revision to the site plan was because the stone veneer was not as architecturally attractive as the shingles. On a drawing that indicated shingles, he sketched the appearance of stone, after which, he said the "lines" of the shingles were more pleasing than those of the stone.

Commissioner Lipman asked the applicant if there was a functional or structural reason for choosing the shingles over the stone.

Mr. Erban said, "No, the choice to make the change was completely based upon creating a more pleasing entrance to the City." He reminded the Commissioners that two recently approved projects in the Old Village area have been allowed to use wood as the exterior surface coverage.

M/F Lipman – to allow the applicant to continue the application of the wood shingles. (no second)

M/S/P Armstrong/Ptacek – to recommend denial of the site plan amendment finding that wood shingles is NOT an equivalent to Code required wood, glass or stone exterior surface cover.

(Motion Passed 5-2).

Opposed: Lipman; He is not opposed to allowing the applicant to continue usage of the shingle as 85% of the exterior surface is wood. Helwig; recalls a totally wood exterior surface all the way around the building was previously approved.

M/S/P Armstrong/Sessing – to recommend the City Council amend the Code regarding exterior surface materials in the General Business section zones in the Old Village Area with special consideration given permitting wood shingles as an exterior surface.

(Motion Passed 7-0).

Chairman Armstrong adjourned the meeting at 8:15 p.m.

Respectfully submitted, Cynthia Young, Planning Secretary

Farmers Union Co-op request for sign variance

1. 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 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 states decision to move our Manning Avenue driveway more than a block to the south. This was due to the stop light and long median installed after we 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 for our customers.

2. The variance in signage would allow us to enjoy some of the same rights commonly enjoyed by other Lake Elmo properties and provide us 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. As gasoline sales are very price sensitive, there is a definite need for price signs that are visible by speeding motorists as they approach the intersection.

3. Neither of the circumstances mentioned in #1 above are due to our actions. In addition to the pre-existing tree line we 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. We had no voice in this matter and received no compensation because of these mandates. The loss of curb cuts and the relocation of entrances is a special circumstance not endured by others in the same zoning district.

4. These variances do not provide us a special privilege, to the contrary they help partially correct special negative characteristics of the property.

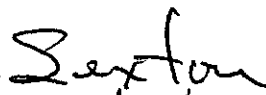
5. It seems that one sign per road to designate our remaining curb cuts would be a minimal and reasonable solution to address these circumstances. Our signage plan was previously approved by the Planning Commission, thus they must have deemed it satisfactory.

6. 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.

Thank you for your kind consideration in reviewing this request.

Sincerely,

Kevin Sexton


8/9/99