



# City of Lake Elmo

777-5510

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

**The Lake Elmo Planning Commission will meet Monday, November 8, 1999 at 6:00 p.m. in the Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo, Minnesota.**

**(6:00 p.m. the Planning Commission will continue the discussion of the Comprehensive Plan)**

## 7:00 AGENDA

1. Agenda
2. Minutes – October 25, 1999
3. **PUBLIC HEARING: Variance to the Sign Ordinance**  
**William Hagberg/Hagbergs Market, applicant**  
**11325 Stillwater Blvd.**
4. **PUBLIC HEARING: Variance to setback requirements in PF & GB Zoning District**  
**Minor Subdivision**  
**Site & Building Plan Review**  
**Stephen Johnson, applicant**  
**Upper 33<sup>rd</sup> Street & Lake Elmo Avenue**
5. Other
6. Adjourn

CITY OF LAKE ELMO  
REQUEST TO APPEAR BEFORE THE CITY COUNCIL  
OR  
PLANNING COMMISSION

If you wish to address the City Council or Planning Commission, please follow the suggestions listed below:  
(PLEASE PRINT)

Name: WARREN HAFFLEY Phone: 770 5104

Address: 3817 FURBER AVE. RD

Agenda Item or Subject you wish to address: AMENDMENT TO CONDITIONAL USE

PERMIT BRITISH TANKS - GEORGE BRINK

Company of Individual Representing (if applicable) \_\_\_\_\_

Notes: Please complete this form so that you may be recognized at the appropriate time on the Agenda. You are under no obligation to speak if you decide against it during the meeting. Please state your full name, address and phone number so the record of your comments will be complete in the minutes of this meeting. Thank you!

CITY OF LAKE ELMO  
REQUEST TO APPEAR BEFORE THE CITY COUNCIL  
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*If you wish to address the City Council or Planning Commission, please follow the suggestions listed below:*  
(PLEASE PRINT)

Name: Doug Meslow Phone: 426-1533

Address: representing Breheims, 8415 38th Street North

Agenda Item or Subject you wish to address: Correction to Breheim ~~CUP~~ CUP

Company of Individual Representing (if applicable) \_\_\_\_\_

Notes: Please complete this form so that you may be recognized at the appropriate time on the Agenda. You are under no obligation to speak if you decide against it during the meeting. Please state your full name, address and phone number so the record of your comments will be complete in the minutes of this meeting. Thank you!

**City of Lake Elmo  
Planning Commission**

**Meeting Minutes  
Monday, November 8, 1999**

*(The Planning Commission met at 6:00 p.m. to continue  
the discussion of the Comprehensive Plan).*

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 Berg, Brass, Gerard, Helwig, Lipman, Ptacek, Sedro and Sessing. Absent: Commissioners Herber & Mandel. Also present: City Planner Dillerud.

**1. Agenda**

**M/S/P Lipman/Gerard – to approve the agenda, as presented.  
(Motion Passed 9-0).**

**2. Minutes**

**M/S/P Gerard/Sessing – to approve the Minutes from the October 27, 1999 meeting, as amended.  
(Motion Passed 8-0-1).**

**3. PUBLIC HEARING: Zoning Variances for Height, Area, and Setback of Exterior Signs  
William Hagberg/Hagberg's Market  
11325 Stillwater Blvd.**

Planner Dillerud explained that in 1971, Hagberg's built an addition onto an existing structure, resulting in a multi-tenant building of approximately 9,000 square feet. He noted that further improvements were made to the property over the years, including a 72 square foot "Lake Elmo Center" monument sign. He said Hagberg's also had two additional monument signs, wall signage, and canopy signage/graphics over the fuel dispensing area. He said the applicant proposes the removal of all monument signs and construction of new signage consisting of a monument sign-130 square feet area and 24.4 feet high, a canopy legends totaling 40 square feet. He noted the applicant had presented documentation supporting the variance requests, which addresses the findings as noted in his staff report. He said staff recommends approval of these variances based on the following findings and modifications to the sign proposal to delete the "Reader Board" and modify the "Hagberg's" identifying signage to fit the width confines of the balance of the proposed sign, resulting in a freestanding sign 20 feet in height and a total of 80 square feet in sign area:

1. There exist multiple tenant use characteristics of this site that differentiate the site and signage requirements from other sites in the GB zoning district south of State Highway 5.
2. Other petroleum retailers within the same roadway corridor and zoning district enjoy signage in excess of GB signage standards. To deny similar privilege to the applicant would deprive the applicant of equal rights.
3. The special circumstances supporting the variance request are, in part, related to decisions by the Minnesota Department of Transportation regarding speeds permitted in State Highway 5, adjacent to the site.

4. Under the circumstances of the site and site structure occupancy, the variances, when modified as recommended by the November 4, 1999 Planning Staff Report, will not constitute a special privilege to the applicant not enjoyed by other property owners in similar circumstances.
5. As modified as recommended in the aforementioned Planning Staff Report, the variances are the minimum necessary to reasonably address the hardship.
6. The purposes of the sign ordinance will not be materially negated to a greater extent than by previously approved sign variances under similar locational circumstances.
7. The sign design, as recommended for modification by the aforementioned Planning Staff Report, is responsive to the finding specified by Section 535.10, Subd. 1, Paragraph G.
8. Variance approval will result in a lessening of the degree of non-conformity of signage at the applicant site.

Based on the foregoing, staff recommended approval of the variances applied for upon the following conditions:

1. Modification of the design to remove the "Reader Board" area and height.
2. Modification of the design to confine the "Hagbergs" portion of the sign to the width of the balance of the sign.
3. Compliance with the 15 foot setback requirement, as measured from the south right-of-way line of State Highway 5.

Commissioner Lipman asked the Planner to elaborate on the MNDOT speed issue. Planner Dillerud said Lake Elmo has no control on the speed limits on State Highways. He noted that "if" traffic were indeed travelling at the posted 40-mph, the need for a larger sign would not be as great.

Commissioner's Sedro and Ptacek expressed their concerns for "sign inflation" and asked if this application were approved, would the City be setting another sign precedent.

Planner Dillerud said the existing use of the building is multi-tenant, and in both the previous sign applications in this zoning district, a precedent had been set for single occupancy only. He also said multi-tenant structures are allowed 25-30 % more free standing sign area and height.

**Mark Ogren**  
**P.O. Box 15**  
**Stillwater, Minnesota 55082**

(Fuel supplier, Representing William Hagberg)

Mr. Ogren said the vendor requires a sign change, and that Mr. Hagberg did not decide to change the name; the fourth business in the Hagberg Building has chosen no signage, but, possibly a future tenant may; the proposal is to reduce the area of the current signage; approval of these variances would create an opportunity for a "community advantage", allowing Hagberg's to compete with other retailers such as Cub and Rainbow markets.

**Chairman Armstrong opened the comment portion of the Public Hearing at 7:27 p.m.**

**William Hagberg (applicant)**  
**3660 Lake Elmo Avenue**

*Mr. Hagberg said he thought the recent sign ordinance was illegal because there had been no Public Hearing. He requested that the "Hagberg" portion of the proposed signage not be modified, and said his proposal notes relinquishing 172 square feet of current signage.*

**Chairman Armstrong closed the comment portion of the Public Hearing at 7:35 p.m.**

The Planner and Commissioners unanimously agreed that the current sign ordinance was poorly drafted and needs to be re-visited.

**M/2/F Lipman/Gerard – to recommend approval of Resolution PZ-\_\_, allowing signage dimensions consistent with Hagberg’s proposal as illustrated in the submittal drawing on the grounds that the proposal is sign deflation; and the City should do all it can to support Hagberg’s proposal, which is consistent with the rural character the City strives to maintain.**

Chairman Armstrong, Commissioner Ptacek and Commissioner Helwig agreed that the height of the sign should be within the ordinance standards, met by other applicants.

**(Motion Failed 3-5).**

**M/S/P Lipman/Armstrong – to adopt Resolution PZ-\_\_, approving variances for signage for Hagberg’s Country Market, based on the following findings and subject to the stated condition:**

1. There exist multiple tenant use characteristics of this site that differentiate the site and signage requirements from other sites in the GB zoning district south of State Highway 5.
2. Other petroleum retailers within the same roadway corridor and zoning district enjoy signage in excess of GB signage standards. To deny similar privilege to the applicant would deprive the applicant of equal rights
3. The special circumstances supporting the variance request are, in part, related to decisions by the Minnesota Department of Transportation regarding speeds permitted in State Highway 5, adjacent to the site.
4. Under the circumstances of the site and site structure occupancy, the variances will not constitute a special privilege to the applicant not enjoyed by other property owners in similar circumstances.
5. The variances are the minimum necessary to reasonably address the hardship.
6. The purposes of the sign ordinance will not be materially negated to a greater extent than by previously approved sign variances under similar locational circumstances.
7. The sign design, is responsive to the finding specified by Section 535.10, Subd. 1, Paragraph G.
8. Variance approval will result in a lessening of the degree of non-conformity of signage at the applicant’s site.
9. Multi-tenant dwelling.

**Based on the foregoing, the Planning Commission approves the variances applied for with the following conditions:**

1. Compliance with the 15 foot setback requirement, as measured from the south right-of-way line of State Highway 5.
2. Subject to a 20 foot height maximum.

**(Motion Passed 9-0).**

**M/S/P Berg/Gerard – to recommend the City Council direct staff to revisit the Sign Ordinance as soon as possible.**

**(Motion Passed 9-0).**

**4. PUBLIC HEARING: Variance to setback requirements in  
PF & GB Zoning District  
Minor Subdivision  
Site & Building Plan Review  
Stephen Johnson, applicant  
Upper 33<sup>rd</sup> Street & Lake Elmo Avenue**

Planner Dillerud introduced this case by noting the "storage sheds" are located on the south side of Upper 33<sup>rd</sup> Street; parallel to the railroad tracks; and, east of Lake Elmo Avenue. He discussed the history and existing conditions of the site, as found in his staff report. He said Mr. Johnson proposes to relocate the structure on this site to a location approximately 125 feet east of where it is currently situated. Discussion and analysis included the legal non-conformity, change of non-conforming use, minor subdivision, setback variances and site plan, as stated in the staff report. He explained the Village Commission recommends the approval and supports the resulting parking lot near Lake Elmo Avenue. He also noted that the City would have no practical control over what was stored within the building. He said, based on the foregoing report, staff recommends affirmative non-conforming use determinations and approval of Variances, Site Plan and the Minor Subdivision.

**Stephen & Elizabeth Johnson  
2945 Lake Elmo Avenue**

Mr. Johnson said his other property situated along the railroad tracks on the West Side of Lake Elmo Avenue had been renovated and provided storage for the tenants in his apartment dwelling. The Johnson's said the proposed storage sheds would indicate no additional parking needs; he is proposing installation of a new concrete foundation 130 feet east of the current location, and move the structures; 23-26 new parking spaces will occur near Lake Elmo Avenue.

**Chairman Armstrong opened the comment portion of the Public Hearing at 8:10 p.m.**

**Susan Dunn  
11018 Upper 33<sup>rd</sup> Street  
(Memo submitted and attached)**

**Robert Novak  
2925 Klondike Avenue**

*Mr. Novak expressed his support for Mr. Johnson's proposal and said he sees the improvements as an asset to the City. He noted that he is by the site of the storage sheds on the west side of Lake Elmo Avenue daily, and in the past year has seen a vehicle parked there no more than 5 times. He said he sees this improvement as a win-win-win situation for the City, the Lake Elmo Inn and Mr. Johnson, and urged the Planning commission to vote favorably.*

**Chairman Armstrong closed the comment portion of the Public Hearing at 8:14 p.m.**

Planner Dillerud said the Village Commission indicates wood siding as their preference for the exterior of the sheds, although perhaps impractical.

**M/S/P Lipman/Gerard – to approve variances for Stephen Johnson to General Business District setback standards for front, rear, and, parking driveway access width, at the southeast corner of Upper 33<sup>rd</sup> Street and Lake Elmo Avenue based on the following findings:**

- 1. The lot size (6/10 acre) and shape (21.25 to 1 Aspect Ratio) constitute unique circumstances not generally applicable to other properties in the GB or PF zoning district.**

2. The literal interpretation of the provisions of Section 300 would result in overlapping setbacks, and the inability to construct off street parking in any reasonable configuration.
3. The parcel, even following enlargement by combination with an adjoining parcel, results in the unique circumstances created by property owners other than the applicant.
4. There is no other property owners with the exact unique circumstances presented in this case. Therefore, approval of the variances would not result in conferring a special privilege on the applicant not available to others.
5. There is no other site design that would reasonably mitigate the hardship.
6. Granting of the variance would not be detrimental to other property in the GB or PF district, nor the purposes of Section 300.

**AND,**

**Recommend after-the-fact approval of a Minor Subdivision for Stephen Johnson creating a parcel of approximately 6/10-acre at the southeast corner of Upper 33<sup>rd</sup> Street and Lake Elmo Avenue, also known as Geocode 1302921320088, based on the following findings:**

1. The application documentation substantially meets the requirements of Chapter 400 of the City Code.
2. The resulting parcel size, after combination, lessens the degree of non-conformity with GB district minimum parcel area standards.

**AND,**

**Recommend approval of the Site Plan for Stephen Johnson at the southeast corner of Upper 33<sup>rd</sup> Street and Lake Elmo Avenue dated May 28, 1999.**

**(Motion Passed 9-0).**

**Chairman Armstrong adjourned the meeting at 8:38 p.m.**

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Respectfully submitted, Cynthia Young-Planning Secretary



November 8, 1999

To: Lake Elmo Planning Commission

From: Susan Dunn  
11018 Upper 33<sup>rd</sup> Street  
Lake Elmo

Re: Steve Johnson  
Storage Sheds/Upper 33<sup>rd</sup> Street

**Comments to be presented at the Public Hearing:**

1. Ideally, I would like to see the storage sheds remain where they are currently situated.
2. I think the storage sheds should be for personal storage, no commercial storage.
3. The City of Lake Elmo has NO liability for the resulting parking lot.
4. During the relocation of the buildings, do not disrupt any underground utilities, e.g. recently installed fiber optic cable.
5. There should be no exterior lighting installed.
6. No additions to the storage sheds should be allowed.
7. Efforts should be made to protect the surrounding property owners from any further adverse effects, such as additional noise.