



City of Lake Elmo Planning Department
Variance Request

To: Planning Commission

From: Nick M. Johnson, City Planner

Meeting Date: 08/26/2013

Applicant: Elmo Inn Enterprises, Inc.

Owner: Elmo Inn Enterprises, Inc.

Location: 3712 Layton Avenue North

Zoning: GB – General Business

Introductory Information

<i>Application Summary:</i>	The City of Lake Elmo has received an application from Elmo Inn Enterprises, Inc., P.O. Box 182, Lake Elmo, Minnesota, for a variance to allow for a ground sign that would exceed the height and area allowance as permitted under the City's Sign Ordinance. The new ground sign would advertise the Lake Elmo Inn Event Center. The applicant has provided a written statement to the City indicating the reason for the request. In addition, the applicant narrative addresses how the proposed variance meets the 4 required findings to grant a variance.
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<i>Property Information:</i>	The property at 3712 Layton Avenue North is located on the southwest corner of Layton Ave. and Stillwater Blvd. (TH-5) in Lake Elmo. The attached location map (Attachment #3) shows the location of the property.
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<i>Applicable Codes:</i>	Section 154.212 Sign Regulations Table 5-3 Ground Signs Table 5-3 describes the zoning districts in which ground signs may be displayed, and the maximum height and area of the signs, as determined by the speed limit on the adjacent roadway. For ground signs on zoning lots with more than one street frontage, use the miles per hour on the street with the faster speed limit to determine the maximum height and area allowed.
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Ground Signs				
Zoning District		A ^a , LDR, OP, RE, RS, RR ^a , RT ^a	MDR, HDR	BP, C, CC, GB, LC, VMX
No. of Total Traffic Lanes	Speed Limit (MPH)	Max Height/ Area (Sq. Ft.)	Max Height/ Area (Sq. Ft.)	Max Height/ Area (Sq. Ft.)
1-3	0-34	-	6' /32	10' /32
	35-44	-	6' /32	10' /50
	45+	-	6' /32	10' /72
4-5	0-34	-	6' /32	10' /40
	35-44	-	6' /32	10' /64
	45+	-	6' /32	12' /80

Section 154.109 Variances.

(A-J) Variances. Identifies procedures and requirements for the processing and review of a variance application. Please note that this section was recently updated by the City to comply with revisions to Minnesota State Statutes.

Findings & General Site Overview

Site Data: Lot Size: 1.2 acres
Existing Use: Catering/Event Center
Existing Zoning: GB – General Business
Property Identification Number (PID): 13.029.21.24.0025

Application Review:

Variance Review: As outlined in the applicant's narrative, the applicant is seeking to install a ground sign at 3712 Layton Avenue North that exceeds the heights and area allowed under City Code. Per the requirements of the City's Sign Ordinance (§154.212), ground signs in 35-44 mile-per-hour zones with 1-3 traffic lanes are not allowed to exceed 10 feet in height and 50 square feet in sign area. The applicant is proposing to install a sign that is 13 feet in height and approximately 68 square feet in area. In

In discussing the proposed sign in the context of the City's Sign Ordinance with City Staff, the applicants noted the following concerns:

- Snow Storage: The applicants have noted that there is no ditch to allow for snow storage along Trunk Highway 5 (TH-5) in front of their property. Over the course of the winter, snow banks are consistently created due to plowing,

drifts, and over accumulation. While other properties along TH-5 do have ditches to account for snow storage, the subject property does not. The applicants have noted that a sign that is only 10 feet in height would be obscured during the portions of the winter when the snow banks cause a visual obstruction.

- **Travel Speeds:** The applicants also noted that the average travel speeds along TH-5 are consistently higher than the posted speed limit. The posted speed limit on TH-5 along the downtown stretch of Lake Elmo is 40mph. The City's Sign Ordinance accounts for sign area and height of ground signs based upon speed limits. This method is used to site the appropriate amount of signage per the context and character of the roadway. However, the applicant's have stated that the travel speeds and character of the roadway do not match the posted sign limit. They noted that if the posted speed limit was 45mph, which they believe is closer to the actual average travel speeds, the allowed sign area would be 72 square feet. They stated that under a 45mph roadway, the area of the proposed sign would be allowed under the City's ordinance.
- **Other Considerations:** The applicants also noted other difficulties related to the character of the TH-5 corridor. These difficulties include power/telephone poles/lines along the road and the wide right-of-way (rural section as opposed to urban section). The applicants stated that these other conditions of TH-5 make it difficult for passing vehicles to see pertinent signage and encourage higher travel speeds due to the rural character of the road.

After consulting with Staff and discussing the various concerns related to TH-5 and the specific property at 3712 Layton Ave. North, the applicants submitted a Variance application to allow for additional sign height and area than would currently be allowed by the Sign Ordinance.

Regarding the circumstance of limited snow storage as stated by the applicants, Staff has conducted multiple site visits to confirm the status of the ditch in front of the property. Photos of the site can be found in Attachment #4, including images of the section of TH-5 in front of the subject property, as well as other areas of TH-5. To confirm the range of size of snow banks that accumulate during a typical winter, Staff consulted with Mike Bouthilet, the Public Works Superintendent. He confirmed that during heavy accumulation and drifts, snow bank can get to a height in the range of 6 feet. The Public Works Superintendent's review comments can be found in Attachment #5. In addition, representatives from MnDOT, who have jurisdictional control of TH-5, did contact City Staff to report that they had no concerns with the proposed Variance.

Regarding the issue of the sign area, the applicants have noted in their application that after increasing the sign height to account for the snow banks, it is difficult to meet the 50 square foot maximum as specified in the Sign Ordinance. The applicants state that narrowing the face of the sign makes the logo distorted and difficult to read. Alternatively, making the logo smaller to account for the narrower sign would make it less visible to passing traffic. In discussion with Staff, the applicants also referenced the average traffic speeds that, in their opinion, consistently exceed the posted speed

	limit.
Variance Requirements:	<p>An applicant must also establish and demonstrate compliance with the variance criteria set forth in Lake Elmo City Code Section 154.109 before an exception or modification to City Code requirements can be granted. These criteria are listed below:</p> <ol style="list-style-type: none"> 1. Practical Difficulties. A variance to the provision of this chapter may be granted by the Board of Adjustment upon the application by the owner of the affected property where the strict enforcement of this chapter would cause practical difficulties because of circumstances unique to the individual property under consideration and then only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. Definition of practical difficulties - "Practical difficulties" as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control. 2. Unique Circumstances. The plight of the landowner is due to circumstances unique to the property not created by the landowner. 3. Character of locality. The proposed variance will not alter the essential character of the locality in which the property in question is located. 4. Adjacent properties and traffic. 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. <p>Given the information that has been submitted by the applicant and pending further review by the Planning Commission, Staff would offer the following suggested findings specific to the Variance that have been requested by the applicant:</p> <ol style="list-style-type: none"> 1. <i>The inability of the public to see proposed commercial signage due to conditions along TH-5 represents a practical difficulty for the applicants. The applicants desire to increase visibility of the proposed signage given the existing conditions of TH-5 represents a reasonable use not currently permitted by an official control. Staff determines that this criterion is met.</i> 2. <i>The lack of depth of the ditch in front of the subject property makes it difficult to store snow in a manner that does not obstruct the visibility of the proposed signage, particularly during winters of heavy accumulation. Along with the travel speeds of TH-5, the lack of snow storage represents a unique circumstance not created by the landowner. Staff determines that this criterion is met.</i> 3. <i>The installation of the proposed sign will not alter the essential character of the neighborhood. The proposed sign will replace the existing sign in nearly the same location. In addition, the downtown stretch of Lake Elmo along TH-5</i>

has numerous signs that are significantly higher than the proposed sign. Staff determines that this criterion is met.

4. *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. Staff determines that this criterion is met.*

Conclusions: Staff finds that the applicants have met the 4 necessary criteria for a Variance and have demonstrated that the desire to install a ground sign that exceeds the height and area allowed under the Sign Ordinance is a reasonable use of the property not permitted by an official control. Staff has also confirmed that amount of snow accumulation caused by a lack of depth in the ditch along TH-5 represents a unique circumstance not caused by the property owner.

Conclusion:

Elmo Inn Enterprises, Inc., P.O. Box 182, Lake Elmo, MN, have submitted a Variance request to allow for the installation of a ground sign that exceeds the height and area allowances permitted by the City's Sign Ordinance, as shown in the proposed sign.

Staff Rec: **Staff is recommending that the Planning Commission** recommend approval of the Variance request by Elmo Inn Enterprises, Inc., allowing a ground sign as depicted in the Variance application that exceeds the height and area allowance of the City's Sign Ordinance.

Approval Motion Template: **Staff is recommending that the Planning Commission** recommend approval of the proposed variance through the following motion:

“Move to recommend approval of the Variance request at 3712 Layton Ave. N. to allow the installation of a ground sign that exceeds the height and area allowance permitted by the City's Sign Ordinance based upon the findings outlined in the Staff Report.”

cc: John and Christine Schiltz, Elmo Inn Enterprises, Inc.

Date Received: _____
Received By: _____
Permit #: _____

THE CITY OF
LAKE ELMO

651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

LAND USE APPLICATION

☐ Comprehensive Plan ☐ Zoning District Amendment ☐ Zoning Text Amendment ☒ Variance *(see below)

☐ Conditional Use Permit (C.U.P.) ☐ Flood Plain C.U.P. ☐ Interim Use Permit (I.U.P.)

3712 Applicant: LAKE ELMO INN INC ELMO INN ENTERPRISES INC.
Address: ~~3442~~ LAYTON AVE NW, LAKE ELMO MN 55042
Phone # 651-777-5954 John's Cell # 651 402 1262
Email Address: chefschildt@aol.com

Fee Owner: LAKE ELMO INN INC John Schildt
Address: 3442 LAKE ELMO AVE NW
Phone # 651-777-8495
Email Address: chefschildt@aol.com

Property Location (Address and Complete (long) Legal Description: See Attachment # 1

Detailed Reason for Request See Attachment # 2

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction work is suspended or abandoned for a period of 180 days at any time after work has commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of the laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provision of any other state or local law regulating construction or the performance of construction.

Signature: John Schildt Date: Aug 6th 2013

City Use Only

Planning: Zoning District: _____ Minimum Setbacks Required: Front _____ Side _____
Rear _____ Road Right of Way _____ Other _____
Reviewed by: _____ Date: _____
Subject to the following conditions: _____

Building Inspections: Reviewed by: _____ Date: _____
Subject to the following conditions: _____

Engineering: Reviewed by: _____ Date: _____
Subject to the following conditions: _____

Public Works: Reviewed by: _____ Date: _____
Subject to the following conditions: _____

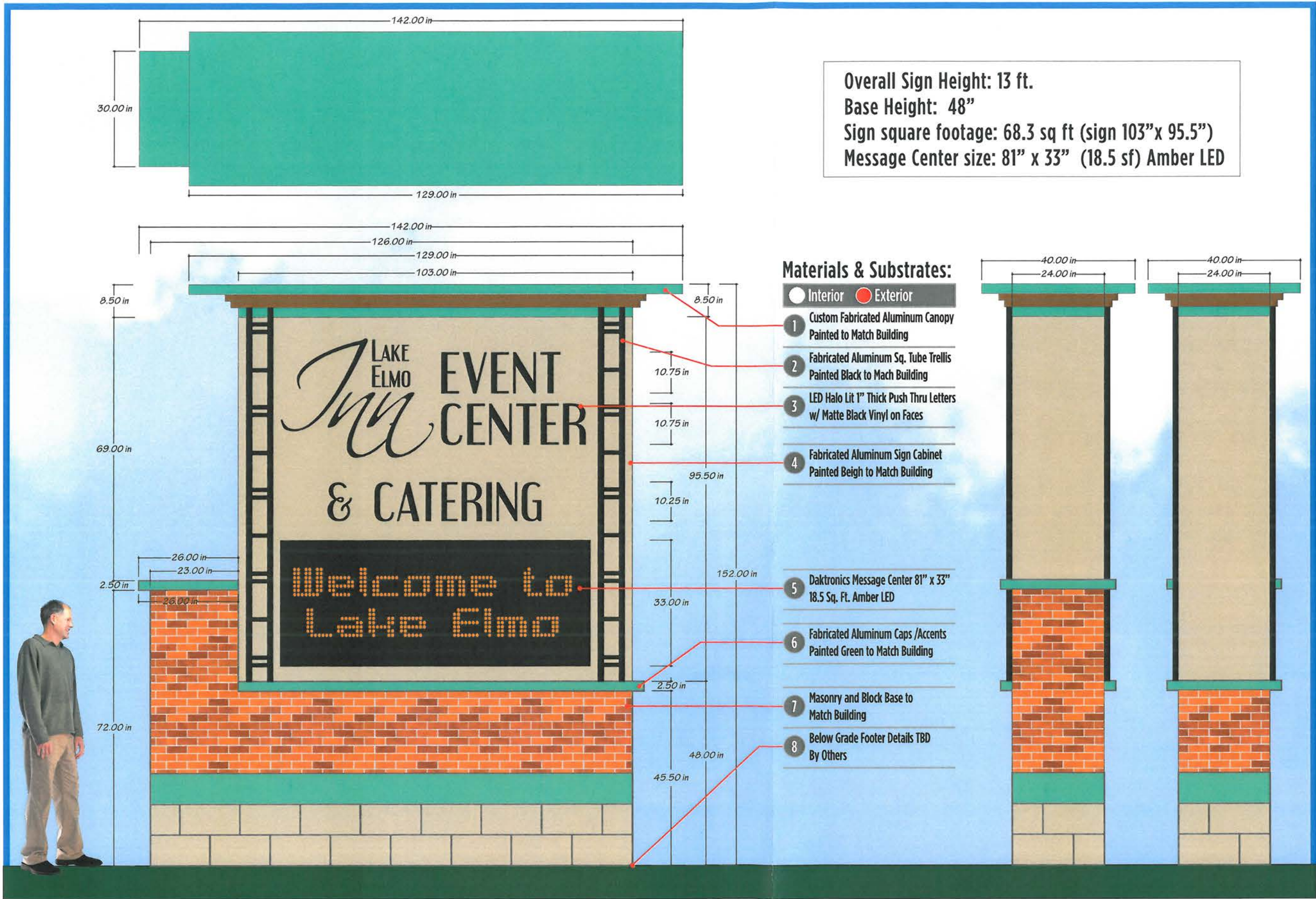
Required Findings:

- 1) **Practical difficulties:** The limited visibility of the sign creates difficulty for drivers because of the size of the company name, logo etc., as well as the insufficient lighting. It causes drivers to slow down to read the sign (or miss it altogether) which is dangerous for other drivers, as well as those having to turn around and come back to enter the parking lot. The new design would make Highway 5 safer all traffic by increasing the visibility of the message.
- 2) **Unique Circumstances:** Because of the lack of ditch area all along Highway 5, there is insufficient room for the state to pile the snow that is removed from Highway 5 in winters that have large amounts of accumulation. The piles of snow along the front of our property have sometimes been as high as 10 feet. A sign that is lower to the ground would be covered by snow for months during these winters making it impossible to see.
- 3) **Character of the Locality:** The new sign will remain in the location of the current sign. The base of the sign is smaller in square feet on the ground and complies with the 15 foot set back from the parking lot entrance to the west as requested by the city.
- 4) **Adjacent Properties and Traffic:** We are replacing a sign that is an embarrassment to the city of Lake Elmo and we feel we are setting a standard for other future developments in our city.
- 5) **Square Footage of Sign Face:** Due to the height issue, the width of the sign creates a larger face than allowed. However, when bringing in the sides to create a narrow face, the logo and name/message of the sign will become so distorted it will be difficult to read.



Source: Esri, Debed, USDA, USGS, AEX, GeoEye, GeoMapping, IGN, GP, and the GIS User Community

<div><div>Legend</div><div> Parcel Boundary</div></div>	
<div><p>Data Source: Washington County, MN 8-1-2013</p></div>	
<h1>Site Plan: 3712 Layton Avenue North</h1>	



Overall Sign Height: 13 ft.
Base Height: 48"
Sign square footage: 68.3 sq ft (sign 103"x 95.5")
Message Center size: 81" x 33" (18.5 sf) Amber LED

Materials & Substrates:

- Interior ● Exterior
- 1 Custom Fabricated Aluminum Canopy Painted to Match Building
- 2 Fabricated Aluminum Sq. Tube Trellis Painted Black to Mach Building
- 3 LED Halo Lit 1" Thick Push Thru Letters w/ Matte Black Vinyl on Faces
- 4 Fabricated Aluminum Sign Cabinet Painted Beigh to Match Building
- 5 Daktronics Message Center 81" x 33" 18.5 Sq. Ft. Amber LED
- 6 Fabricated Aluminum Caps /Accents Painted Green to Match Building
- 7 Masonry and Block Base to Match Building
- 8 Below Grade Footer Details TBD By Others

Drawing Date: 08.09.13

Customer:
Lake Elmo Inn Event Center

Sales / Project Manager:
Bob Ackerswold
952.908.9107 - BobA@Sign-Source.com

Customer Service Representative:
-

Designer:
Tom Schommer
952.908.9111 - TomS@Sign-Source.com

Order / Est. #:
e29396

File Name:
e29396 Lake Elmo - Monument Sign.ai

File Location:
A-Z ● Tom's Mac

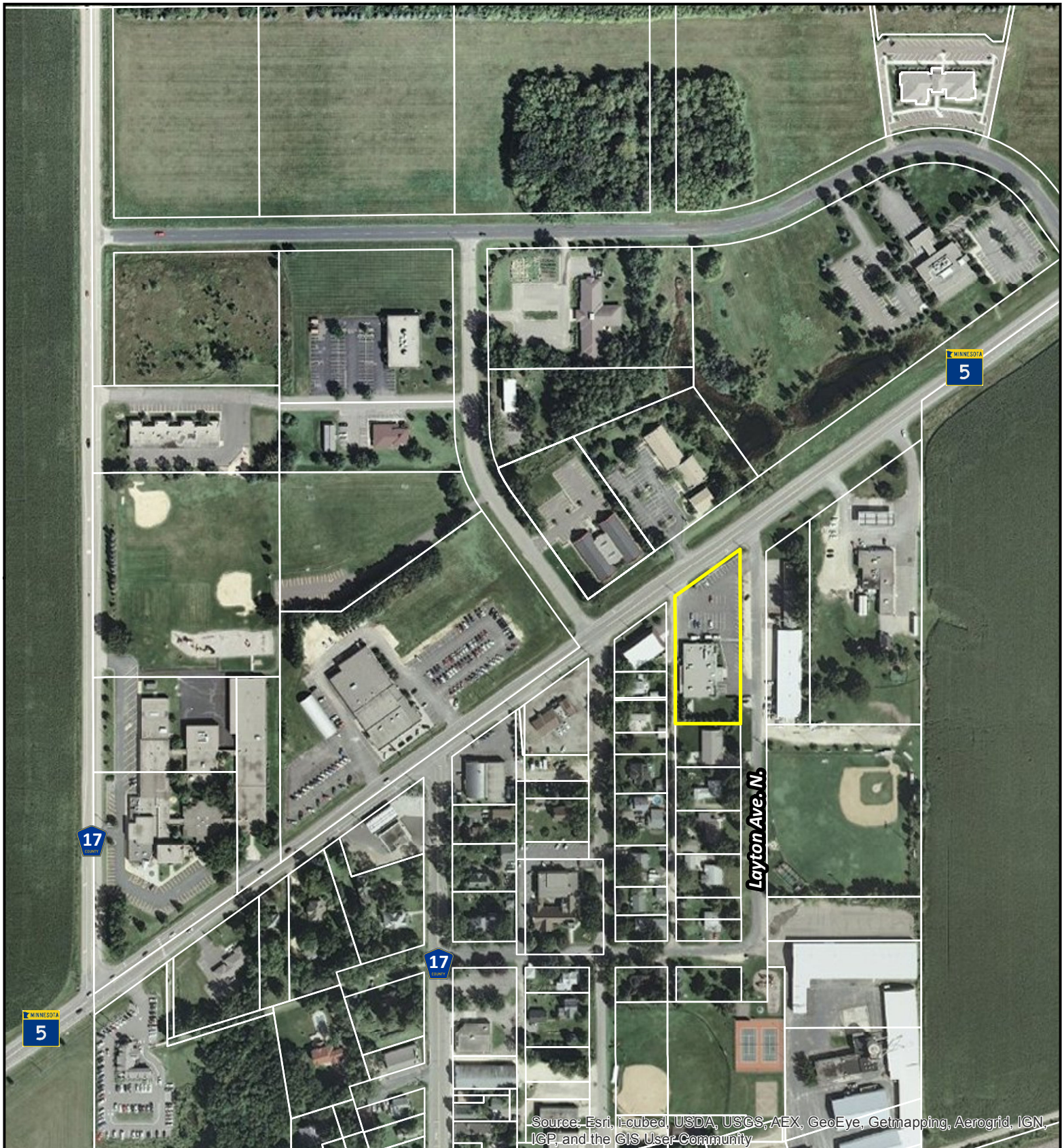
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Rev: 1.0 | Revision Notes

Rev. 2: -
Rev. 3: -
Rev. 4: -
Rev. 5: -
Rev. 6: -
Rev. 7: -
Rev. 8: -
Rev. 9: -
Rev. 10: -

SIGNSOURCE
CREATIVE SOLUTIONS

7660 Quattro Drive
Chanhassen, MN 55317
www.sign-source.com
Fax: 952.908.9153



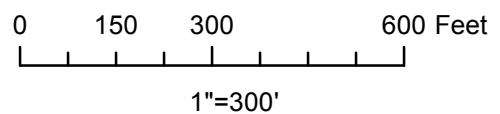
Location Map: 3712 Layton Avenue North



Data Source: Washington County, MN
8-22-2013



3712 Layton Ave. N.



Site Visit: 3712 Layton Ave. N.



Lake Elmo Event Center ditch looking east



Lake Elmo Event Center ditch looking west



Other ditch areas on TH-5



Other ditch areas on TH-5

Site Visit: 3712 Layton Ave. N.



40 mph zone begins approximately 350 feet to the east of the Lake Elmo Event Center



Telephone/power poles along TH-5



Existing Lake Elmo Event Center sign with telephone/electrical lines



August 21, 2013

Nick Johnson
Cite Planner
3800 Laverne Ave. N.
Lake Elmo, MN 55042

RE: Variance Request – 3712 Layton Avenue North

In response to your request to review the proposed Variance at 3712 Layton Ave. N., I have the following comments:

1. By midwinter of an average season, typical wind-rowsed snow banks can be as high as 4 feet. However, due to drifting, heavy accumulations, or scenarios where plows are forced to reduce speed due to traffic conditions, the snow banks can get up to 6 feet in height.
2. The proposed location of the sign does not impede sightlines to neighboring intersections, or conflict with existing or proposed utilities.

Let me know if you have any further questions.

Respectfully,



Mike Bouthilet
Public Works Superintendent



Draft Planning Commission Minutes, 8-26-13
Excerpt from Public Hearing Item 4c

Public Hearing: *Variance – 3712 Layton Ave N*

Johnson began his presentation by explaining that a Variance application was received from Elmo Inn Enterprises, Inc. for a Variance at 3712 Layton Ave N to allow for a ground sign that would exceed the height and area allowance as permitted under the City's Sign Ordinance. The proposed sign would advertise the Lake Elmo Inn Event Center. Staff reviewed the 4 required criteria for granting a Variance and found them to be met.

Public hearing opened at 8:19pm.

John Schiltz, Lake Elmo Inn, noted that he selected the monument sign to be consistent with the Theming Study as presented by Damon Farber and Associates. He added that he hopes the sign will set the bar high for any signage that follows. He also discussed the travel speeds of oncoming vehicles making it difficult to see the signage. He thinks the signage will make the community proud and set a good precedent.

No written comment was received.

Public hearing closed at 8:25pm.

Dorschner noted that he has been stopped previously by strangers looking for the event center. In addition, he noted that the snow banks do get extremely high in the winter. He stated that he supports the variance request.

Dodson suggested that if future variances are brought forward related to signage, the signage should be consistent with the Damon Farber Theming Study.

Williams asked about the size of the existing signage for the Lake Elmo Event Center. John and Christine Schiltz noted that the sign is a 4 x 8 plywood sign. Williams noted that he is comfortable granting the height variance, but not comfortable with the sign area variance.

M/S/P: Dorschner/Dodson, move to recommend approval of the Variance request at 3712 Layton Ave N to allow the installation of a ground sign that exceeds the height and area allowance permitted by the City's Sign Ordinance based upon the findings outlined in the Staff Report: **Vote: 6-1, Motion Carried** with Williams voting no.

M/S/P: amend the original motion to add a condition that the sign meet the Damon Farber Theming Guidelines, **Vote 7-0: Motion Carried Unanimously.**