



City of Lake Elmo

777-5510

3800 Laverne Avenue North / Lake Elmo, Minnesota 55042

Meeting Notice

The Lake Elmo Planning Commission will meet **Monday, March 9, 1998** at 7:00 pm in the City Council Chambers of City Hall, 3800 Laverne Avenue North, Lake Elmo

Agenda

1. Agenda

2. Approval of minutes, February 23, 1998

3. Public Hearing:

CASE NO V/98-06: Variances to the Lake Elmo Municipal Code, Section 535, Signs. The variance requests include a variance to height (19 feet proposed, 6 feet allowed), square footage (70 feet requested, 30 feet maximum allowed), and advertizement on the service bay island. The property is located at 11127 Stillwater Blvd. in the HB, Highway Business Zoning District.
Robert Novak, President

4. Review Design Elevations, Townhomes, Tamarack Farm, Jon Whitcomb

5. Other

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APPROVED

LAKE ELMO PLANNING COMMISSION MINUTES

MARCH 9, 1998

Chairman Armstrong called the meeting to order at 7:00 p.m. in the Council Chambers of Lake Elmo City Hall. PRESENT: Armstrong, Monette, Helwig, Herber, Mandel, Sessing, Berg (Arrived 7:02 p.m.), Graczyk (arrived 7:05 p.m.), Brass (arrived 7:06 p.m.), and City Planner Pung-Terwedo. ABSENT: Commissioner Carlson

1. AGENDA

M/S/P Helwig/Mandel – to approve the March 9, 1998 Planning Commission agenda, as presented. (Motion passed 6-0).

2. MINUTES: February 23, 1998

M/S/P Helwig/Herber – to approve the February 23, 1998 Planning Commission minutes, as presented. (Motion passed 6-0).

3. **PUBLIC HEARING: CASE NO. V/98-06:** Variances to the Lake Elmo Municipal Code, Section 535, Signs. The variance requests include a variance to height (19 feet proposed, 6 feet allowed), square footage (70-feet requested, 30 feet maximum allowed), and advertisement on the service bay island. The property is located at 11 127 Stillwater Blvd. In the HB, Highway Business Zoning District. Robert Novak, President. The Public Hearing notice was published in the February 25, 1998 Stillwater Gazette and all affected property owners were notified.

Planner Terwedo reported this is a request for new signage at Lake Elmo Oil, 11 127 Stillwater Blvd. The proposal includes a 70 sq.ft. -sign, 19 feet in height, and signage on the service bay island. The existing regulations for service stations allows one wall sign and one ground (freestanding) sign which shall not project higher than six feet from grade or contain more than 30 square feet of signage. Signage on the service bay and island identification signage cannot contain advertising material.

The present location for the sign is 24 feet from the property line, which is the edge of the right-of-way. There is a diesel gas pump for buses and trucks directly behind the sign. This creates a dangerous site line view facing west from Lake Elmo Avenue and south from State Highway 5. A six-foot sign at this location would create a solid view barrier and the intersection would be more dangerous than the existing situation. The 19-foot sign would allow a 12 feet of clearance underneath the sign face.

The lot width of the parcel is approximately 100 feet along Lake Elmo Avenue. Any additional setback for this sign would locate the sign in the drive area. The setback for the sign is appropriate so the height of the sign needs to be 19 feet. If a 30-sq.ft. sign were placed at this location, it would be visible for Highway 5 and County Road 17. A sign of this type would be 6 feet by 5 feet, which is large enough to accommodate the business name and gas price signage. The speed limit along this street is 40 miles per hour and a 30-sq.ft. sign should be visible. Planner Terwedo indicated advertising signage on the island canopy or anywhere else on this service bay should not be allowed based on the hardships submitted.

Bob Novak explained Lake Elmo Oil has been a family owned business for over 75 years and needs to remain competitive. Therefore, identification is vital for the continued success of a small town, family owned business such as theirs. The submittal from Bob Novak, dated March 9, 1998, with stated hardships for requested variances be incorporated as part of the minutes.

Commissioner Berg submitted calculations of signage presently located on the property and for the proposed signage to facilitate discussion.

Chairman Armstrong opened up the public hearing at 7:25 p.m.

Yvette Oldendorf, 5418 Lake Elmo Avenue N., stated Lake Elmo Oil is located in the area that she considered an entrance to Lake Elmo. The property has tremendous visual clutter. As a visual aid, she used a tape measure in order to show the Commission the impact of a 7x10' solid mass. This sign is designed for a four-lane or freeways so they can be seen from a distance. Approving the height variance would lead the City into the children's game of hand-on-hand. The highest sign will become the visual maximum to reach or exceed. After considerable consideration, the staff, Planning Commission, and Village Commission adopted the sign standards, found them to be fair, represented our community, and keeps us in a scale that is appropriate for the land and development. CITGO is imposing the signage. Residents can support local businesses with smaller signage. She encouraged the Commission not to approve the variance.

Chairman Armstrong closed the public hearing at 7:40 p.m.

535.09 Automobile Service Station Signs:

B. Freestanding Signs: There shall be no more than one (1) freestanding sign for each principal building. A freestanding sign shall be set back fifteen (15) feet from the front and side property line. A freestanding sign shall not project higher than six (6) feet as measured from grade or contain more than thirty (30) square feet of signage.

M/S/P Mandel/Helwig – to approve the variance requested by Bob Novak, Lake Elmo Oil, to height of signage, 19 feet requested, 6 feet maximum allowed, 21 feet existing, based on the following findings: (Motion passed 9-0).

1. There are extraordinary circumstances that apply to this property, which do not generally apply to other properties in the same zone.
2. The literal interpretation of the provisions of this ordinance would deprive the applicant rights commonly enjoyed by other properties in the same district under the terms of the sign ordinance.
3. There are special circumstances of the site due to its size, uses of the site, access (driveway) and the placement of the sign on the site.
4. The granting of the variance requested does not confer on the applicant a special privilege that is denied by this ordinance to owners of other lands, structures, and buildings in the same district.
5. The variance request is the minimum variance to relieve the hardships.
6. This variance would not be materially detrimental to the purposes of the zoning ordinance.

C. Service Bay and Island Identification Sign: Service bay and island identification signs are permitted providing direction or instruction to persons using the facility, but shall contain no advertising material of any kind.

M/S/P Mandel/Monette – to approve the variance requested by Bob Novak, Lake Elmo Oil, to the signage on Service Bay island based on there are signs already existing and would be interchanged, and on the following findings: (Motion passed 9-0).

1. There are extraordinary circumstances that apply to this property.
2. The literal interpretation of the provisions of this ordinance would deprive the applicant rights commonly enjoyed by other properties in the same district under the terms of the ordinance.
3. There are special circumstances of the site, which creates a situation where advertising on the canopy should be allowed.

4. The granting of the variance requested would not confer on the applicant a special privilege that is denied by this ordinance to owners of other gas stations.
5. The variance request is the minimum variance to relieve the hardships.
6. This variance would not be materially detrimental to the purposes of the sign ordinance.
7. The signage on the service bay canopy on the island is not out of character with adjacent residences to the west and the rest of the village area.

Commissioner Helwig asked if the Novaks would place the sign at an angle as a compromise to allowing a 70-sq.ft. sign.

M/S/F Monette/Helwig – to approve the variance requested by Bob Novak, Lake Elmo Oil, for a 70-sq.ft sign, where 30 sq.ft. is allowed, based on the following findings: (Motion failed 2-7: Sessing and Berg: would like to see a small reduction on size, Brass: the corner is already cluttered, should start taking control and look at the corner, Helwig, Herber, Graczyk: too much of an impact, would be willing to compromise, Mandel).

1. There are extraordinary circumstances that apply to this property, which generally apply to other gas stations. The location of the sign is 24 feet from the right-of-way and is visible to pedestrians and vehicles from State Highway 5 and County Road 17.
2. The literal interpretation of the provisions of this ordinance would deprive the applicant rights commonly enjoyed by other gas stations in Lake Elmo.
3. There are special circumstances of the site due to its size, uses of the site, access (driveways).
4. The granting of the variance requested will not confer on the applicant a special privilege that is denied by this ordinance to owners of other islands, structures, buildings, and gas stations.
5. The variance request for size (70 sq.ft. requested, 30 sq.ft. allowed) is the minimum variance to relieve the hardship.
6. This variance would not be materially detrimental to the purposes of the zoning ordinance.
7. The design size is compatible with the character of adjacent residential structures and buildings in the village area.

The Commission asked the Novaks if they could delete the bottom section of the sign advertising Diesel Fuel and Price. This would make the sign substantially smaller and the diesel price could be added under the gas prices. Bob Novak responded that one-third of their business is diesel fuel, and they needed the signage for diesel.

M/S/F Sessing/Graczyk – to approve a 50 sq.ft. sign based on the seven findings, as amended. (Motion failed 3-6: Mandel: we're just throwing out numbers now, Sessing, Berg: are we going to design a sign for the applicant, Brass, Helwig, Herber)

M/S/F Herber/Mandel – to approve a 55 sq.ft. + 2.5% = 58 sq.ft., at a maximum, based on this is the square footage already existing. (Motion failed 4-5)

City Planner Terwedo explained the appeal process to the applicants and Commission.

4. Review Design Elevations, Townhomes, Tamarack Farm, Jon Whitcomb

As a condition of approval for the attached single family homes at Tamarack Farm, the Planning Commission is required to review and approve the building elevations. The single-family homes, as presented, will have lap siding and natural stone trim. The garages on the street side will be recessed. The view of the structure from the street will be similar to a single-family structure.

M/S/P Helwig/Mandel -- to approve the design elevations for Townhomes, as presented by Jon Whitcomb, for Tamarack Farm. (Motion passed 9-0).

Commissioner Brass pointed out that the front entrances are hard to see. They should be obvious—this could be corrected with lighting.

5. Set date for workshop with Council on amendments to Open Space

M/S/P Helwig/Herber – to invite the City Council to the March 23, 1998 Planning Commission meeting, 7 p.m., to discuss the OP amendments. (Motion passed 9-0).

Jon Whitcomb suggested when they discuss amendments, they consider any changes will affect the cost to the developer, which in turn affects the affordability. The price range for homes most requested is between \$150,000-\$200,000.

6. Other

Commissioner Helwig asked the staff to check into the recommendation of the Commission on size of sign for River Valley Christian Church because he believes they are in violation of this recommendation.

The Planning Commission adjourned the meeting at 9:00 p.m.

Respectfully submitted by Sharon Lumby, Deputy City Clerk

From Novaks

SUBMITTAL IS PART OF THE MARCH 9, 1998 PLANNING COMMISSION MINUTES
March 9, 1997

Variance Request to Section 535-Signs of the
Lake Elmo Municipal Code, 535.09 Automobile Service
Station Signs, Subd. 1 Permitted Signs With
Conditions- B. Freestanding Signs

Lake Elmo Oil Inc. has been a local, family owned business for over 75 years. We strive to be an asset to the Community of Lake Elmo by being an attractive, respectable and safe business. One of our goals as a member of the community is to keep the outside of our business uncluttered and free of extra signage and merchandise. We feel that this is an advantage to us and the Community of Lake Elmo. However, we do need to remain competitive. Therefore, identification is vital for the continued success of a small town, family owned business such as ours. All requests made in this variance application are, in our view, the minimum needed to alleviate our hardship with the existing ordinance.

Variations Requests For a Freestanding Sign:

SETBACK: No Variance Required. Existing setbacks are valid under existing ordinance.

HEIGHT: Request a variance from six(6) feet maximum to a maximum height of nineteen(19) feet. The existing height is twenty-one(21) feet.

AREA: Request a variance to seventy(70) square feet. The existing sign has a total area of ninety-three(93) square feet.

Referring to Section 1. Amendment: Section 535.10 Variance Standards, A. Variances:

1. Lake Elmo Oil Inc. is situated on a legal nonconforming lot. This is not a newly zoned or a new build facility. The intersection at the location is at an angle and grade that makes the sight line for traffic very difficult. Any low signage would be a safety hazard for traffic entering Highway 5.

There is an existing highway identification sign for County Road 17 that has a maximum height of eleven feet and extends downward five feet. This sign limits the ability for motorist to view oncoming traffic from the west safely. We do not want to add to this problem with a monument type sign that is limited to a maximum height of six(6) feet.

2. The extreme reduction in area and height allowances of our main business signage puts Lake Elmo Oil Inc. at a distinct disadvantage in identification in comparison to other businesses located on Highway 5. Fellow businesses throughout the city, namely; Brookman's Motor Sales, Hagberg's, and Brook's Superette have main business signage that is greater than the requested area Lake Elmo Oil Inc. has presented for consideration. Because a large percentage of our business is transient in nature, customers need to see an identification of the business in advance to prepare to turn. A sign of seventy(70) square feet is needed to allow customers to identify and prepare to enter our establishment safely.

3. The special circumstances of this variance request is determinant upon the fact that Lake Elmo Oil Inc. will no longer be able to purchase product under the "76" brand. The change in identification is necessary because "76" will no longer be marketed in the Mid-West United States. The company who purchased the "76" brand is called CITGO Petroleum. This company will sell their products under the CITGO brand. Their signage is incompatible with existing "76" identification, therefore, there is no way to retrofit our existing signage. Lake Elmo Oil Inc. would not be requesting a variance if this business transaction, which is out our control, did not occur.

4. This variance does not confer on us any special privileges- other businesses on Highway 5 do have larger signs than we are requesting.

5. The size and height are at a level and size that is safe for traffic and provides adequate information and identification needed to be competitive.

6. The variance requested will be less than our present signage in respect to area and height. It is also stationary and is more attractive than our existing signage.

7. The proposed sign will be compatible to other signs and businesses in the area per height, area, scale, proportion, material, and size.

We are asking to replace existing signage on our canopy. There will be no change in size, location, or character of the signage. This is not a variance request since the existing signage meets the requirements in Subd. 2. F. 1. and 2. We will not be asking for any island advertising signs which the petroleum industry refers to as pump island spandrels. These spandrels are now being used by Hagberg's and Brook's Superette. Our request for signage is substantially less than that of our nearest competitors, therefore, putting us at a disadvantage in the market place.

We thank you for your consideration on this matter.

OVERVIEW OF PERTINENT DATA

EXISTING SIGN:

Height: Pole: 14' + Sign: 7'	TOTAL 21 Feet
Area: ½Sphere: 77ft ² + Price Sign: 16ft ²	93 ft ²
Setback: 24'x24'	
Rotating	

PROPOSED SIGN:

Height: Pole: 12' + Sign: 7'	19 Feet
Area: Height: 7' * Width: 10'	70 ft ²
Setback: 24'x24'	
Stationary	

REDUCTIONS:

- Overall Height
- Total Area
- Compliance with no moving signage

SAFETY CONCERNS:

Proposed height will allow an unobstructed view at the intersection of Highway 5 and County Road 17 for all cars, buses and semi-trucks. The existing ordinance would create a hazard at this intersection if the maximum height were six(6) feet.

SITE PLAN

LAKE ELMO AVE

HIGHWAY 5

