

**RESOLUTION NO. 050718-03
CITY OF WAITE PARK, MINNESOTA**

**A RESOLUTION DENYING REQUEST FROM ANTIQUE DEPOT, LLC D/B/A GRANDE
DEPOT FOR A VARIANCE FROM CITY ORDINANCE
SECTION 53.11 ELEVATED SIGNS TABLE 53-1 TO INCREASE
SIGN HEIGHT AND SQUARE FOOTAGE OF SIGN FACE AREA TO CONSTRUCT A
NEW 225-FOOT-TALL ELEVATED SIGN FOR PROPERTY AT 8318 HIGHWAY 23
WITHIN THE CITY OF WAITE PARK, MINNESOTA**

WHEREAS, Timothy A. Miller as Chief Manager of Antique Depot, LLC d/b/a Grande Depot (the "Applicant") has made application for a variance from the City of Waite Park's Ordinance Section 53.11 Elevated Signs, Table 53-1 to increase sign height and square footage of sign face area in order to construct a new 225-foot-tall elevated sign with incorporated 3-sided LED electronic display for property at 8318 Highway 23 lying within the City of Waite Park, Minnesota; and

WHEREAS, the Property at 8318 Highway 23, in the City Waite Park, Minnesota, is legally described in the attached Exhibit A (the "Property"); and

WHEREAS, the Property is subject to the Waite Park Zoning Ordinance and is in a district zoned as BP/C-2, I-94/TH 23 Entrance Corridor Business Park/Commercial District; and

WHEREAS, the current standard for an elevated sign height in the BP/C-2 District is 45 feet with a maximum sign face area of 275 square feet; and


WHEREAS, the Applicant's proposal increases the height of the new sign to 225 feet and the overall sign face area square footage to 12,274 square feet, 5,700 square feet of which is proposed for electronic reader board; and

WHEREAS, the Waite Park Planning Commission has considered the Applicant's variance request at a duly noticed public hearing which took place on February 13, 2018, and subsequently recommended that the City Council deny the Applicant's requested variance and made Findings of Fact to support the recommendation which are attached hereto as Exhibit B; and

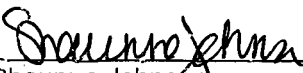
WHEREAS, the Waite Park City Council reviewed the Applicant's request at its May 7, 2018, City Council meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WAITE PARK, STEARNS COUNTY, MINNESOTA, AS FOLLOWS:

1. That the Findings of Fact in Exhibit B are hereby adopted by the City Council.
2. That based upon the Findings of Fact in Exhibit B, the City Council does hereby **DENY** the variance request of Antique Depot, LLC d/b/a Grande Depot.


Richard E. Miller
Mayor

ATTEST:


Shaunna Johnson
City Administrator

ACTON ON THIS RESOLUTION:

Motion for adoption: Member Schulz

Seconded by: Mayor Miller

Voted in favor of: Mayor Miller, Members Linquist, Schulz, Theisen

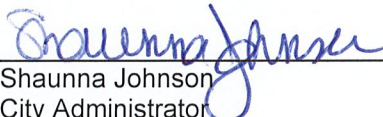
Voted Against: None

Abstained: None

Absent: Member Schneider

Resolution Adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Waite Park, Minnesota, at a duly authorized meeting held on May 7, 2018.



Shaunna Johnson
City Administrator

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

That part of the Southeast Quarter of the Southeast Quarter (SE ¼ of SE ¼), lying East of the East right-of-way line of Interstate Highway 94 and Minnesota Trunk Highway 23, Section Twenty-six (26), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota;

The property is subject to a contract for deed dated May 17, 2006, as amended between Merlyn D. Van Briesen a/k/a Merlyn Vanbriesen, a single adult and Nancy L. Thompson a/k/a Nancy Lee Thompson, a single adult, as Seller, and Antique Depot, LLC, a Minnesota limited liability company, as Purchaser, recorded in the office of the Stearns County Recorder on May 22, 2006, Document Number 1194502.

EXHIBIT B

APPLICABLE LAW

Minnesota Statute Section 462.357, subd. 6 (2) provides:

- a. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and (b) when the variances are consistent with the comprehensive plan.

- b. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

CRITERIA FOR APPROVAL

City Ordinance Section 52.51.01

Subd. 5. Practical Difficulties.

- A. Practical difficulties as used in connection with the granting of a variance means that:
 - 1. The property owner proposed to use the property in a reasonable manner not permitted by the Zoning Ordinance;
 - 2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - 3. The variance, if granted, will not alter the essential character of the locality.

- B. Economic considerations alone do not constitute practical difficulties.

Subd. 6. Findings of Fact.

That the literal interpretation of the provisions of this Ordinance would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

- A. Is the variance in harmony with the purposes and intent of the ordinance?
- B. Is the variance consistent with the comprehensive plan?
- C. Does the proposal put property to use in a reasonable manner?
- D. Are there unique circumstances to the property not created by the landowner?
- E. Will the variance, if granted, alter the essential character of the locality?

FINDINGS OF FACT

1. The Applicant is seeking through this variance a significant signage enhancement to increase visibility and sales and is driven by economic considerations.
2. The proposal puts the Property to use in an unreasonable manner.
3. The variance is not in harmony with the purposes and intent of the ordinance.
4. The variance, if granted, would alter the essential character of the locality.