

**RESOLUTION NO. 040317-02
CITY OF WAITE PARK**

**A RESOLUTION APPROVING AN AMENDMENT TO THE PREVIOUSLY-APPROVED
PLANNED UNIT DEVELOPMENT FOR THE SILVER LEAF DEVELOPMENT
PROJECT LOCATED WITHIN THE CITY LIMITS OF THE CITY OF WAITE PARK,
MINNESOTA, TO ALLOW FOR VARIATION IN LOCATION AND SIZE OF
GROUND/ELEVATED/MONUMENT SIGNAGE AND
UTILIZATION OF EXISTING BILLBOARD FOR ON-PREMISES SIGNAGE**

WHEREAS, the City of Waite Park, a Minnesota municipal corporation, hereinafter called the ("City") approved a Planned Unit Development hereinafter called the ("PUD") on May 4, 2015, for the development of two hotels and an event center on property located at the corner of Division Street and 6th Avenue South in the City of Waite Park, Stearns County, Minnesota, legally described as follows:

Lots One (1), Two (2) and Three (3), Block Two (2), Silver Leaf Addition, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Stearns County, Minnesota;

hereinafter called the ("Property"); and

WHEREAS, the previously-approved PUD included permission for (1) two 40-foot elevated signs with locations approved as shown on the attached **Exhibit A**; (2) a sign face area of 250 square feet and (3) an existing billboard to remain in its original place as shown on attached **Exhibit B**, sign number **B/11**; and

WHEREAS, Silver Leaf Lodging Group, LLC, a South Dakota limited liability company, hereinafter called the ("Developer") is the current owner of the Property and has applied for an amendment to the PUD to allow for variation in location and size of ground/elevated/monument signage and utilization of the existing billboard; and

WHEREAS, the changes requested are:

- (1) Replace the 40-foot elevated ground sign previously-approved at Lot 1, Block 2 along 6th Avenue South with a smaller 12-foot monument sign. See attached **Exhibit B** and **Exhibit B1**, sign number **C/10**.
- (2) Move the 40-foot elevated ground sign previously-approved at Lot 3, Block 2, to the frontage along County Road 75 (Division Street) adjacent to the entrance/exit area for the development. See attached **Exhibit B** and **Exhibit B2**, sign number **A/9**.
- (3) Increase the sign face area of the 40-foot elevated ground sign to 416 square feet with a 104 square foot dynamic display.
- (4) Utilize the existing billboard for on-premises signage.

; and

WHEREAS, the Waite Park Planning Commission held a public hearing on March 21, 2017, to hear public testimony on the PUD amendment; and

WHEREAS, upon Planning Commission review of the application information, testimony of the applicant, public comments and the criteria necessary to consider the request, the Planning Commission recommended approval of the PUD amendment with conditions as outlined in the March 21, 2017, Planning Commission's recommendation and made Findings of Fact in support of their recommendation which are attached hereto as **Exhibit C**; and

WHEREAS, the Waite Park City Council has reviewed the application information and agrees with the recommendation of the Planning Commission and City Staff.

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

1. That the foregoing recitals are true and correct and incorporated herein by reference.
2. That the Findings of Fact outlined in the attached **Exhibit C** are hereby adopted by the City Council of the City of Waite Park.
3. That the City Council of Waite Park, Minnesota, and based upon the application materials, hereby approves the PUD amendment to allow for variation in location and size of ground/elevated/monument signage and utilization of an existing billboard as follows:
 - (a) Replace the 40-foot elevated ground sign previously-approved at Lot 1, Block 2 along 6th Avenue South with a smaller 12-foot monument sign.
 - (b) Move the 40-foot elevated ground sign previously-approved at Lot 3, Block 2 to the frontage along County Road 75 (Division Street) adjacent to the entrance/exit area for the development.
 - (c) Increase the sign face area of the 40-foot elevated ground sign to 416 square feet with a 104 square foot dynamic display.
 - (d) Utilize the existing billboard as on-premise signage.

with the following conditions recommended by the Planning Commission:

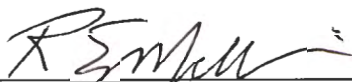
1. Signage location and areas are limited to those reviewed and approved, including wall signage that did not require review/approval of Planning Commission or City Council. Any proposed deviations for plans or designs submitted shall be subject to review and approval of Community Development Director, and, if changes are deemed major, additional review and approval of Planning Commission and City Council.
2. Sign permits shall be obtained prior to fabrication or installation of any signage to ensure review and approval by City staff. Engineered structural plans shall be included as part of permit submittal package.
3. Once sign permits have been issued, inspections shall be scheduled prior to pouring of any footings to ensure proper locating of signs per approved plans.
4. This amendment shall not be considered as any tacit or inferred approval of other deviations from approved project signage or other elements of construction.
5. Utilization of billboard is subject to agreement between Silver Leaf Lodging, LLC and Franklin Outdoor Advertising. The City of Waite Park assumes no responsibility or liability for any disagreements between the two parties and will not serve as arbitrator or mediate any such disagreements.

6. Conversion of billboard to digital display requires sign permit prior to commencement of work and submittal of engineered structural plans as part of permit submittal.

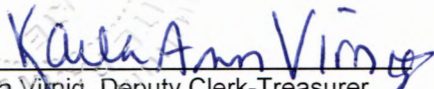
and additional conditions recommended by the City Council:

1. All proposed signage must have landscaping around bases established per City Code requirements.
2. All ground-based signage requires landscaping surrounding bases in compliance with City Code and as approved via submittal and review/approval of plans to Community Development Director.

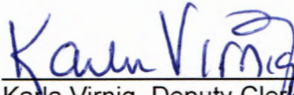
CITY OF WAITE PARK

By 
Richard E. Miller, Mayor

ATTEST:

By 
Karla Virnig, Deputy Clerk-Treasurer

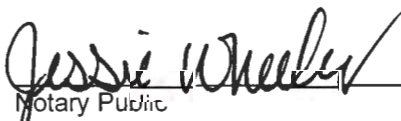
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Waite Park, Minnesota, at a duly authorized meeting held on April 3, 2017.


Karla Virnig, Deputy Clerk-Treasurer

STATE OF MINNESOTA)
) ss.
COUNTY OF STEARNS)

The foregoing instrument was acknowledged before me this 16 day of April, 2019, by Richard E. Miller, Mayor, and by Karla Virnig, Deputy Clerk-Treasurer, of the City of Waite Park, a Minnesota municipal corporation, on behalf of the corporation and pursuant to authority granted by the City Council.

NOTARIAL STAMP OR SEAL (OR
OTHER TITLE (OR RANK)


Notary Public

THIS INSTRUMENT DRAFTED BY:
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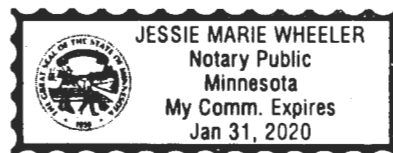
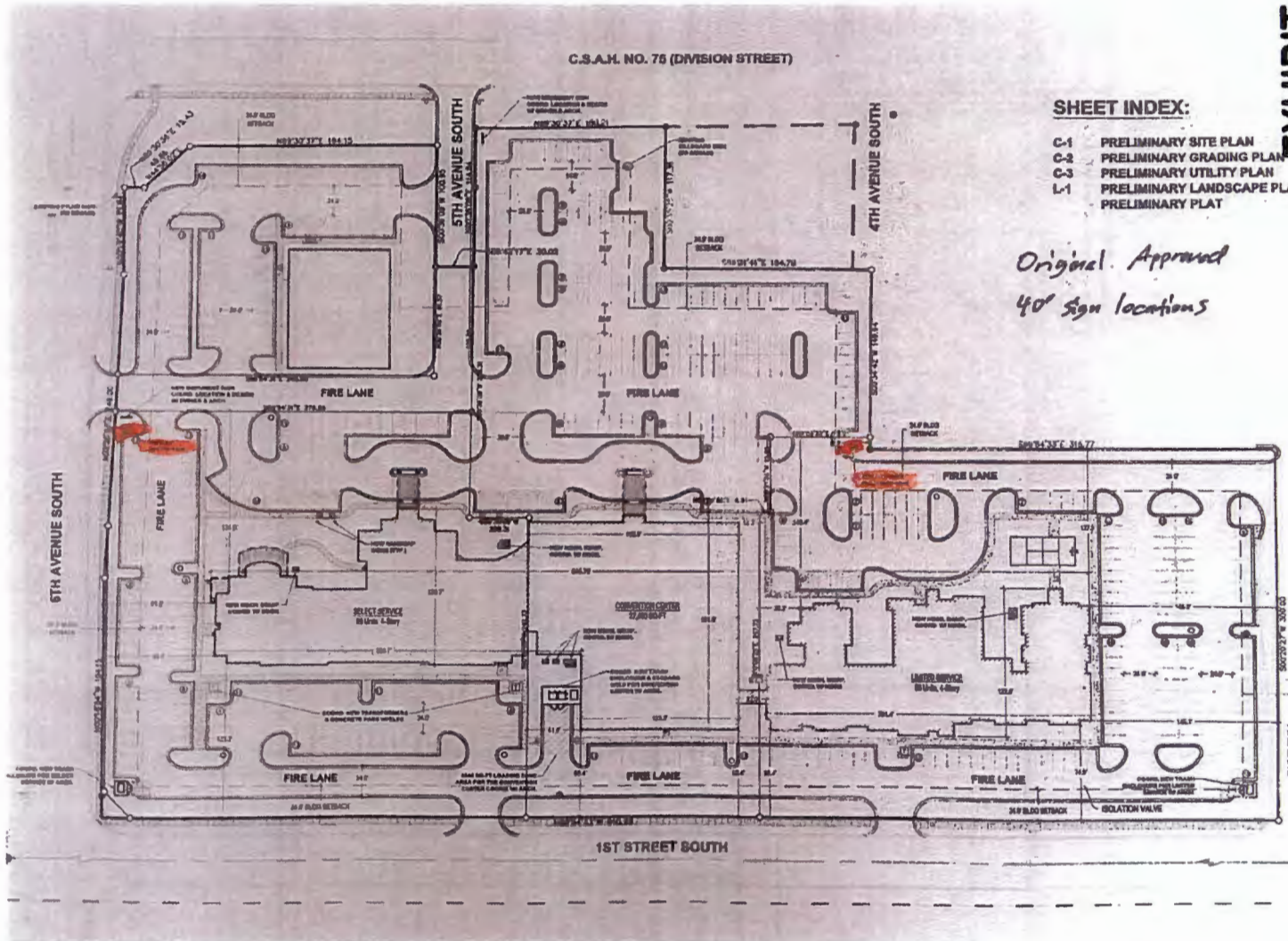


EXHIBIT A



C.S.A.H. NO. 75 (DIVISION STREET)

SHEET INDEX:

- C-1 PRELIMINARY SITE PLAN
- C-2 PRELIMINARY GRADING PLAN
- C-3 PRELIMINARY UTILITY PLAN
- L-1 PRELIMINARY LANDSCAPE PLAN
- PRELIMINARY PLAT

*Original Approved
40' Sign Locations*

EXHIBIT A

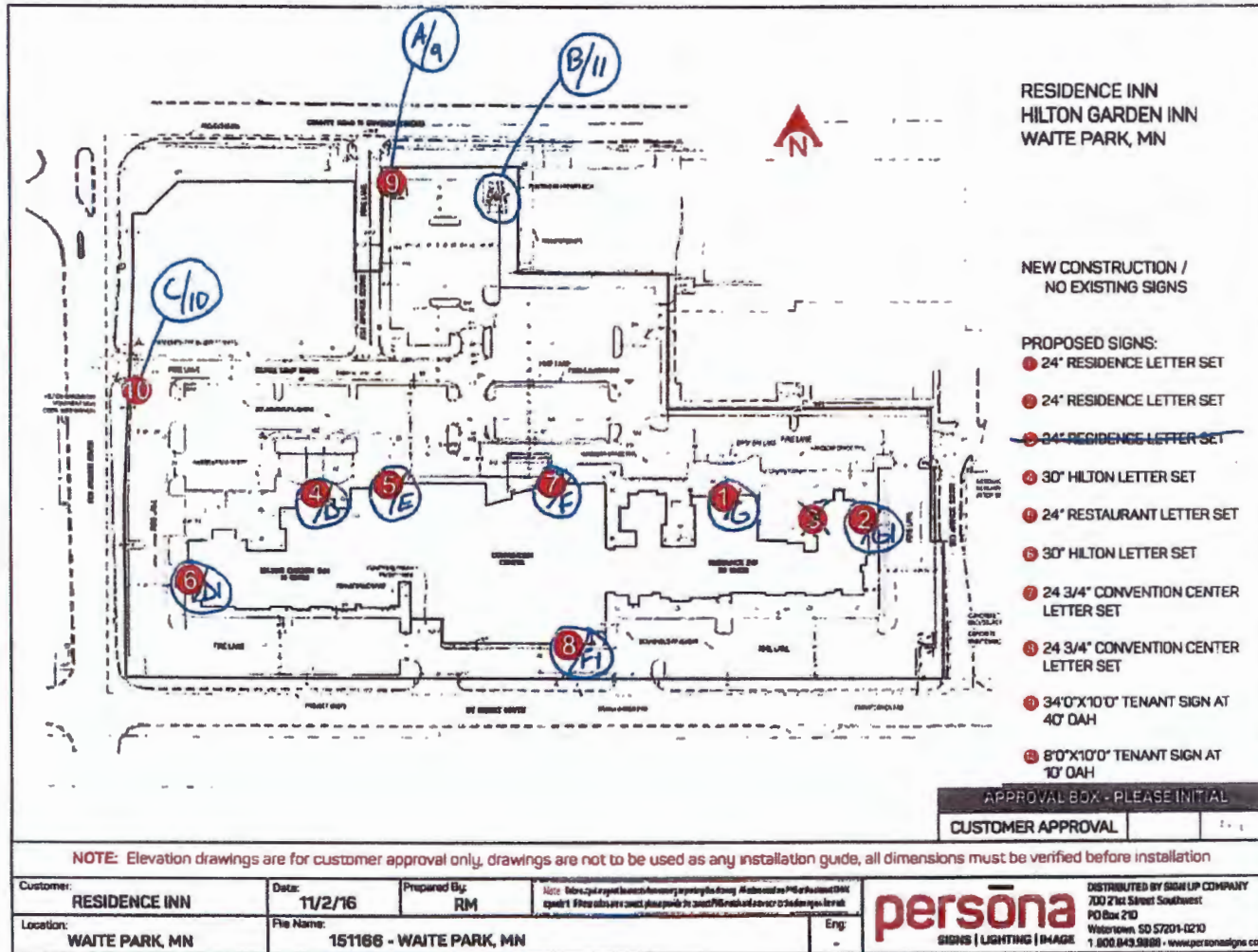
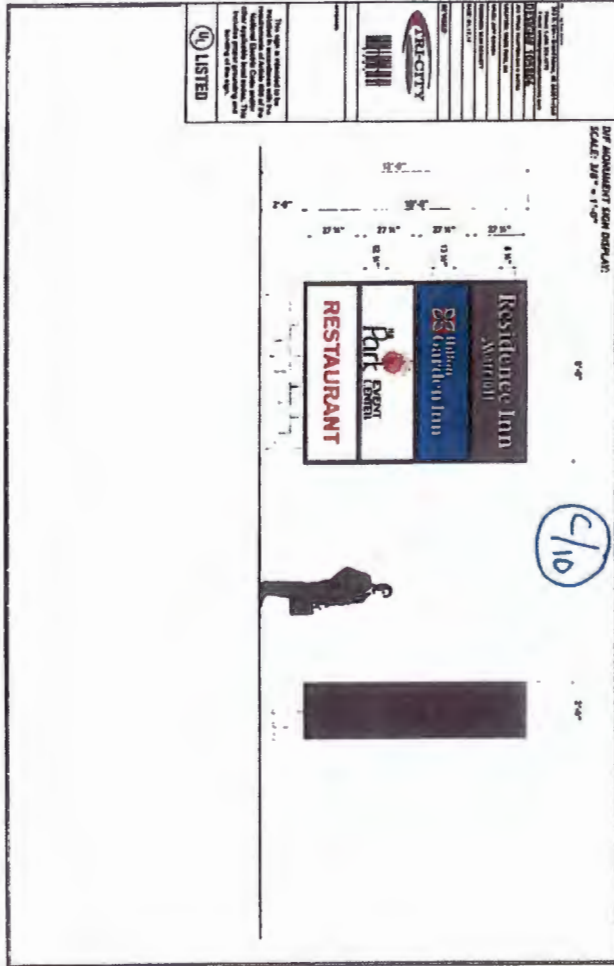


EXHIBIT B1



**EXHIBIT
B1**

EXHIBIT B2

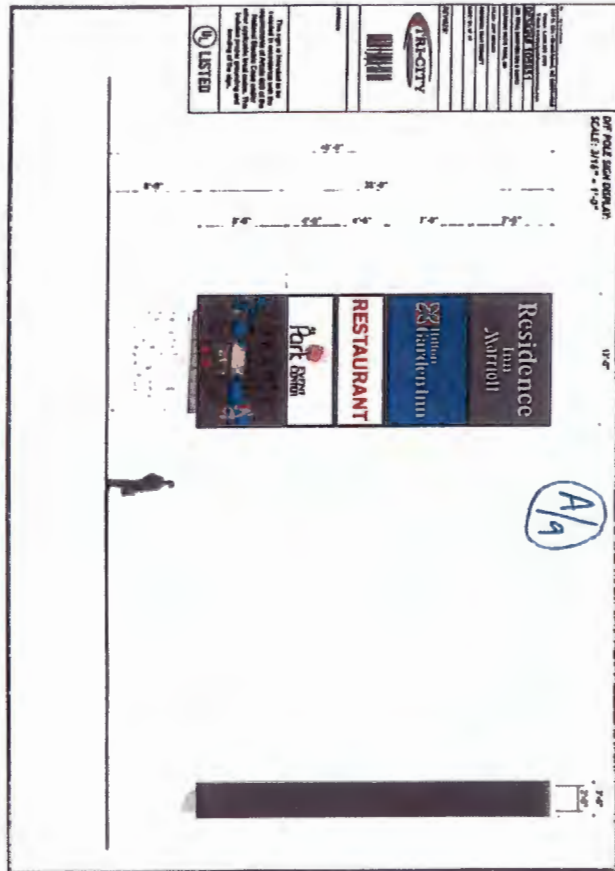


EXHIBIT
B2

EXHIBIT C
FINDINGS OF FACT

Adjustments to Approved Final PUDs – Criteria for Approval

- A. The City is authorized to allow adjustments in accordance with subsection B (which immediately follows this section) of this chapter. The zoning administrator shall allow only such adjustments as are consistent with guidelines established in subsection B of this section, and in no case shall an adjustment be allowed if it will increase the total amount of floor space authorized in the approved final PUD, or the number of dwelling units or density, or decrease the amount of parking or loading facilities or permit buildings to locate substantially closer to any boundary line or change substantially any point of ingress or egress to the site.
- B. For the purposes of this section, "adjustments" means any departure from the conditions of final PUD approval which complies with the following criteria:

- | | |
|--------------------|--|
| <i>Criteria #1</i> | The adjustment maintains the design intent and quality of the original approval. |
| <i>Finding #1</i> | The adjustment maintains the design intent and quality of the original approval. |
| <i>Criteria #2</i> | The amount of landscaping, buffering and open space shall not be reduced. |
| <i>Finding #2</i> | The amount of landscaping, buffering and open space has not been reduced. |
| <i>Criteria #3</i> | The number of dwelling units in residential developments and the square footage of structures shall not increase. |
| <i>Finding #3</i> | The Planned Unit Development is a commercial development in the B-3 Second Street South Corridor Zoning District. |
| <i>Criteria #4</i> | The adjustment shall not relocate a building, street or other use more than 20 feet in any direction and shall not reduce any required yard and/or setback. |
| <i>Finding #4</i> | That the adjustment does not relocate a building, street or other use more than 20 feet in any direction and does not reduce any required yard and/or setback. |
| <i>Criteria #5</i> | The height of buildings and other structures shall not increase. |
| <i>Finding #5</i> | The height of the buildings and other structures have not increased. |
| <i>Criteria #6</i> | Views from both structures on-site and off-site shall not be substantially reduced. |

- Finding #6 The views from both structures on-site and off-site have not been substantially reduced.
- Criteria #7 Traffic volumes shall not increase and circulation patterns shall not change.
- Finding #7 The traffic volumes have not increased and circulation patterns have not changed.
- Criteria #8 Changes in colors, plant material and parking lot configurations are minor.
- Finding #8 There are no changes in colors, plant material and parking lot configurations.
- Criteria #9 The adjustment does not add significant new environmental impacts or significantly increase environmental impacts disclosed in the original documents.
- Finding #9 The adjustment does not add significant new environmental impacts or significantly increase environmental impacts disclosed in the original documents.
- Criteria #10 The zoning administrator determines that the change will not increase any adverse impacts or undesirable effects of the project, or that the change in no way significantly alters the project.
- Finding #10 The zoning administrator has determined that the change will not increase any adverse impacts or undesirable effects of the project and the change does not significantly alter the project.