TO: **Planning Commission Members**
Honorable Mayor and City Council Members
FROM: Jason Ludwigson, Sustainability Coordinator
DATE: March 21st, 2022
RE: **Meeting Notice**
April 5th, 2022
5:30 p.m., La Crescent City Hall, 315 Main Street

AGENDA

1. Approval of meeting minutes from the March 1st, 2022 meeting of the Planning Commission.
2. 5:35 Continuation of Public Hearing, CUP Application and Text Amendment 215 South Chestnut Street
3. 6:00 Public Hearing Variance Application 504 Sycamore Street
4. 6:15 Public Hearing Variance Application 1116 South Oak Street
5. Adjourn

NOTE: Please call City Hall, 895-4409, if you will not be able to attend.

		#1	#2	#3	#4	#5	#6	#7	#8
Dave Hanifl	___	___	___	___	___	___	___	___	___
Ryan Stotts	___	___	___	___	___	___	___	___	___
Gregory Husmann	___	___	___	___	___	___	___	___	___
Annie Stoecklein	___	___	___	___	___	___	___	___	___
Michael Welch	___	___	___	___	___	___	___	___	___
Dave Coleman	___	___	___	___	___	___	___	___	___
Jerry Steffes	___	___	___	___	___	___	___	___	___
Dale Williams	___								

cc: Honorable Mayor, City Council Members and City Attorney.

TO: Planning Commission Members
Honorable Mayor and City Council members
FROM: Jason Ludwigson, Sustainability Coordinator
DATE: March 4th, 2022
RE: Meeting Minutes from March 1st, 2022

The Planning Commission met at 5:30 p.m., on Tuesday, March 1st 2022 in the City Council Chambers at City Hall. The following members were present: Ryan Stotts, Mike Welch, Annie Stoecklein, Greg Husmann, Dave Hanifl, Dave Coleman, and Jerry Steffes. City Sustainability Coordinator, Jason Ludwigson, Economic Development Coordinator, Larry Kirch, and City Council member Cherryl Jostad. City Attorney Skip Wieser was also in attendance.

1.The meeting was called to order by Chair Hanifl who asked for a nominations to the chair and vice-chair role on the Planning Commission. Greg Hussman nominated Annie Stoecklein as chair of the Planning Commission. Mike Welch seconded the nomination.

Upon a roll call vote, taken and tallied by the Sustainability Coordinator, all members present voted in favor of Annie Stoecklein as chairperson.

Stoecklein – Yes

Stotts – Yes

Steffes – Yes

Coleman – Yes

Hanifl – Yes

Welch – Yes

Hussman - Yes

2.Greg Hussman nominated himself for vice-chair of the planning commission.

Upon a roll call vote, taken and tallied by the Sustainability Coordinator, all members present voted in favor of Greg Husman as vice-chair. Mike Welch seconded the nomination.

Stoecklein – Yes

Stotts – Yes

Steffes – Yes

Coleman – Yes

Hanifl – Yes

Welch – Yes

Hussman - Yes

3. Ryan Stotts made a motion to accept the minutes from the January 4th 2022 meeting. Motion was seconded by Mike Welch.

Upon a roll call vote, taken and tallied by the Sustainability Coordinator, all members present voted in Favor accepting the minutes.

Stoecklein – Yes

Stotts – Yes

Steffes – Yes

Coleman – Yes

Hanifl – Yes

Welch – Yes

Hussman - Yes

4. The City Attorney reviewed with the Planning Commission members the Planning Commission's Rules and Bylaws, City Code of Conduct Policy, and City Social Media Policy. Members were reminded that communications about Planning Commission items are subject to Minnesota Data Practices Law.

5. At 5:45 the Planning Commission held a Public Hearing to review the Text Amendment and Conditional Use Permit application for 215 South Chestnut Street.

Chair Stoecklein opened the meeting.

City Attorney reviewed the need for the Text Amendment and Conditional Use Permit. Larry Kirch reviewed the staff report prepared by himself and Jason Ludwigson for the Conditional Use Permit and Text Amendment. Larry reviewed the background of the property noting the updates that have been made to the building. It was noted that the applicant is currently parking busses on the property in violation of the zoning code. The staff report contained staff findings related to the comments the applicant had submitted for the Cup and text amendment. It was noted in the staff report that the comprehensive plan recommends generous landscaping, preferably with native species in this C-1 Highway Commercial district. Conditions for approval and denial were presented. Staff concluded that the proposed use does not meet the CUP criteria in Section 12.06 Subd. 4 of the Zoning Code.

Jason Rouleau, representing City Door spoke in regards to the Conditional Use Permit and Text Amendment.

Members discussed the Conditional Use Permit and Text Amendment. Questions about the road-right-of-way, screening, precedent for allowing a text amendment, and applicants responses to the permit applications were discussed at length.

Three motions were made by the Planning Commission. Those motions are as follows:

1) A motion was made by Greg Hussman and seconded by Jerry Steffes to continue the meeting until April 5th at 5:30 p.m. The public meeting will continue April 5th, 2022 at 5:30 p.m. A one-time 60-day extension allows for this continuation. The applicant agreed to this extension. City staff will review screening options and applicants updated responses to the permit for the April 5th meeting. Members will visit the site in question to review the road-right-of-way.
2) A motion was made by Jerry Steffes and seconded by Dave Coleman to continue the Conditional Use Permit hearing to April 5th, 2022 at 5:30 p.m
3) A motion was made Ryan Stotts and seconded by Mike Wlech to Direct City Staff to send extension of the 60-day notice.

Chair Stoecklein closed the public meeting.

Upon a roll call vote, taken and tallied by the Sustainability Coordinator, all members present voted in favor of the continuation.

Stoecklein – Yes

Stotts – Yes

Steffes – Yes

Coleman – Yes

Hanifl – Yes

Welch – Yes

Hussman - Yes

6. The planning commission reviewed the staff report on building lighting at 510 Oak Street (ISD 300 Elementary School). The building has recently undergone a significant renovation and addition. During that renovation the district installed lighting on the façade of the building. The comprehensive plan makes multiple references to exterior lighting in the land use categories section. It states "exterior lighting should use full cut-off fixtures that prevent light trespass and glares, especially from the marsh. Staff presented options to bring the lighting into compliance. The Planning Commission concluded there was was no finding of noncompliance. Jerry Steffes made a motion, seconded by Greg Hussman to recommend no enforcement action be taken.

7. The Planning Commission reviewed the letter from the Office of the County Assessor regarding 2022 valuations.

8. The Planning Commission discussed the introduction of HF 3256 – Legalizing Affordable Housing Act. Economic Development Coordinator Larry Kirch noted that other similar bills have been introduced in other states. No companion bill has been introduced in the Minnesota State Senate.

9. The members discussed flooding issues on the Wagon Wheel trail. The information was sent to the city engineer for review.

10. Meeting adjourned at 7:37 p.m.

CITY OF LA CRESCENT
NOTICE OF PUBLIC MEETING
VARIANCE APPLICATION

Notice is hereby given that the Planning Commission of the City Zoning Authority will hold a public meeting at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, April 5th 2022 at 6:00 o'clock P.M. to consider the application for a variance to allow for a spacing of 188 ft. between current off-premise/billboard signs. The current sign ordinance allows for 300 ft. spacing between off-premise/billboard signs.

The variance request concerns certain premises situated in said City described as follows, to wit: more commonly identified as 504 Sycamore Street.

All persons having an interest in the matter will be given the opportunity to be heard with reference thereto.

Dated: March 23rd, 2022

By order of the City Zoning Office

Jason Ludwigson
Sustainability Coordinator
P. O. Box 142
La Crescent, MN 55947

CITY OF LA CRESCENT
NOTICE OF PUBLIC MEETING
VARIANCE APPLICATION

Notice is hereby given that the Planning Commission of the City Zoning Authority will hold a public meeting at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, April 5th 2022 at 6:15 o'clock P.M. to consider the application for a variance to allow for the use of architectural metal siding as an accent material covering more than 10% of the facade.

The variance request concerns certain premises situated in said City described as follows, to wit: more commonly identified as 1116 South Oak Street or parcel number 251256000.

All persons having an interest in the matter will be given the opportunity to be heard with reference thereto.

Dated: March 23rd, 2022

By order of the City Zoning Office

Jason Ludwigson
Sustainability Coordinator
P. O. Box 142
La Crescent, MN 55947

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Variance 10 day appeal

Jason Ludwigson
Tue 3/1/2022 6:03 PM
To: Jason Ludwigson

Upon approval or denial of a variance request by the Board of Adjustment, an applicant or other aggrieved party may file an appeal in writing to the City Council within (10) days of the decision, otherwise the decision by the Board of Adjustment becomes final.

Jason Ludwigson
Sustainability Coordinator
jludwigson@cityoflacrescent-mn.gov
M:507-313-9633

315 Main Street
La Crescent, MN 55947
www.cityoflacrescent-mn.gov

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City of La Crescent

Building and Zoning Department

REVISED – 4-1-2-22
PLANNING COMMISSION
CUP PUBLIC HEARING
STAFF REPORT

MEETING DATE:	April 5, 2022
CASE NUMBER:	PC-22-01- ZCTA - Zoning Code Text Amendment PC-22-02 - CUP "215 South Chestnut Street"
OWNER:	Rouleau Properties, LLC 738 4th Street North La Crescent, MN 55947
PARCEL ID:	25.0067.000 (.26 acres, 11,325 square feet)
APPLICANT:	Mr. Jason Rouleau
REQUEST:	1) Proposed Zoning Text Amendment – to allow "outdoor parking and storage of commercial vehicles, including busses" in the C-1 Highway Commercial District. 2) Proposed Conditional Use Permit ("CUP") to allow outdoor parking and storage of commercial vehicles, including busses
LOCATION:	The property is located northeast of the intersection of U.S. Highway 14/61 - MN16 and South 3rd Street.
GENERAL PLAN/ ZONING DESIGNATION:	Shoreland Mixed Use / C-1 Highway Commercial
SURROUNDING USES:	North: Commercial Office, Auto Repair/sales; South: U.S. Highway 14/61 Right-of-Way; East: Soo Line RR, Houston County Recycling site; West: U.S. Highway 14/61 Right-of-Way, City S. Chestnut Street Right-of-Way.

BACKGROUND

The property has a number of historical uses including a night club, flea market and is currently a door company. Most recently, the applicant/owner has remodeled the interior of the property as well as modified the exterior of the building with metal materials. This property was recently the subject of a variance to allow for a higher percentage of metal exterior finishes than that allowed by the zoning code. Both the interior and exterior remodeling were done without city permits. The applicant is currently parking busses on the property in violation of the zoning code. The Planning Commission continued the two items to the April 5, 2022 meeting in order to obtain additional information about the road right-of-way, screening options and concern about the precedent for allowing a text amendment as well as the applicant's responses to the permit applications.

PROPOSAL

PC-22-01- ZCTA is a proposed Text Amendment to the city Zoning Ordinance to allow for the parking and storage of commercial vehicles, including busses.

PC-22-02 - CUP is a proposed Conditional Use Permit to allow for the parking and storage of commercial vehicles, including busses at 215 South Chestnut Street.

PLANNING STAFF ANALYSIS

Relationship to Comprehensive Plan:

The subject site is designated by the City's General Plan as "Shoreland Mixed Use." The Comprehensive Plan states that this land use designation *will continue to function as the primary supply of highway-oriented uses while leading to improvements in the appearance and environmental performance of these areas*. Land Uses include Wholesale and Distributing Facilities, Industrial, Retail Sales and Service, Restaurants and Entertainment, Professional Offices, Civic and Institutional, Park and Recreation, and Multi-family residential. The preferred design strategies note that "Storage and loading areas should be screened from view from the highway." Further that "Generous landscaping, preferably with native species is strongly encouraged."

The Zoning Ordinance does not permit parking and storage of commercial vehicles and busses in the C-1 Highway Commercial.

> C-1 Highway Commercial District, no structure or land shall be used except for one or more of the following uses: A. Bakery B. Bowling Alley with no more than eight (8) lanes C. Copy Shop D. Financial Services, without drive through E. Health clubs and fitness centers F. Hotels, Motels, Inn G. Office, including Medical and Dental H. Public Buildings I. Public Infrastructure J. Restaurants, without drive through K. Retail goods and services within a

fully enclosed building L. Temporary/seasonal outdoor sales use, subject to the provisions of this title.

Site Context:

The .26-acre site consists of two tax parcels. One parcel is .06 acres and appears to include the rail road tracks. The other tax parcel is .2 acres in size and is split with an access through the middle to the county yard recycling site. The property is surrounded by various rights-of-way for the highway system and South Chestnut Street as well as the Soo Line Rail Road. Lands on the east side of Chestnut Street are zoned C-1 Highway Commercial. The proposed use is abutting city right-of-way and the busses that have been parked into the city right-of-way. Staff has reviewed the proposed site plan and note that there is no reference to screening via a screen wall or landscaping.

Infrastructure Improvements:

N/A

Public Input:

Staff has not received any public input regarding this application.

FINDINGS OF FACT FOR CONDITIONAL USE PERMIT

As required by Chapter 12, Zoning Ordinance, the Planning Commission shall advise the council, make recommendations and findings on the effect of the proposed use on the health, safety, morals, and general welfare of occupants of surrounding lands.

The applicant submitted findings however the applicant's response/findings are framed as statements and conclusionary in nature.

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS.

A. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

   Applicant Response:
   Response (Findings): The proposed conditional use will have no effect on the adjacent properties ability to use their property, nor will it affect their respective values because the proposed conditional use is consistent with the character and uses already made of property in the area.

Staff comment: The property immediately to the north has an office character and the county recycling yard is more industrial in nature. Further north is an auto repair/sales business. The storage of busses is not in character with the adjacent office use or retail car sales that front along South Chestnut Street.

B. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Applicant Response:
Response (Findings): The conditional use proposed is consistent with the current approved and actual uses of the neighboring properties and therefore will not have an effect on the development or improvement of other properties in that area.

Staff comment: There are no similar uses to the proposed use in the surrounding area (north and east of the highway). The uses are more commercial in character (office, auto sales, car wash).

C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Applicant Response:
Response (Findings): The current utilities, access roads, drainage, and facilities are sufficient to support the proposed conditional use.

Staff comment: There exists sufficient utilities, access roads, drainage and facilities for the proposed use.

D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Applicant Response:
Response (Findings): The properties seeking the conditional use has adequate off-street parking and loading space for both the conditional use proposed and the primary use of the owner.

Staff comment: The applicant is utilizing the city right-of-way to park the busses and therefor the site is inadequate for the proposed use.

E. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring

properties will result. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

Applicant Response:
Response (Findings): The proposed conditional use will not cause or create a nuisance at the property and will not disturb neighboring properties.

Staff comment: The applicant has not provided sufficient information regarding odor, fumes, dust, noise and vibration or information about proposed signage or a lighting plan. The proposed use is not consistent with the C-1 Commercial Highway District and the proposed conditional use is also not consistent with other conditional uses in the district.

Subd. 4. CONDITIONAL USES. Within a C-1 district, no structure or land shall be used for the following uses except by a conditional use permit: A. Animal hospital B. Auto filling station, car wash or oil change, and auto repair and maintenance. C. Auto sales and rental. D. Childcare E. Dry cleaning drop-off, incidental pressing and clothing repair without on-site cleaning F. Financial services, with drive through G. Garden supply store or greenhouse with or without outdoor storage or display H. Laundromats I. Mortuary or funeral home J. Museum K. Pawn shops, provided the operator meets license requirements established by the City Council and provided an inventory in the shop is provided on a weekly basis to the Chief of Police. L. Personal Services, such as beauty shops M. Private clubs and lodges N. Repair shops, excluding engine repair O. Restaurants, with drive through P. School Q. Showroom (indoors only) R. Theater, assembly hall or arena

F. The use is not in conflict with the policies of the City of La Crescent.

Applicant Response:
Response (Findings): The proposed conditional use is consistent with the purpose of the zoning code and district in which the property is located.

Staff comment: The applicant has not provided sufficient information to illustrate how the Comprehensive Plan's Goals and Objectives can be met.

Land Use and Community Design, Goals and Objectives

Goal 3: Properties along the State and Federal Highway corridors will be improved and redeveloped.
Objective 3.1: Buildings will be improved or replaced with higher-quality materials and design.
Objective 3.3: Outdoor storage uses on these prominent sites will relocate and/or have improved screening.

G. The use will not cause traffic hazards or congestion.

Applicant Response:

Response (Findings): The proposed conditional use will not cause congestion or traffic hazards.

Staff comment: Chestnut Street in this area is not a heavily trafficked area and the use will generally be twice a day. The morning hours at school time would be expected to be the busiest while the afternoon hours would be prior to the end of the work day.

H. H. Existing uses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

Applicant Response:
Response (Findings): The proposed conditional use will not affect existing uses in the area of the property.

Staff comment: The applicant has not demonstrated how the busses will be screened from view. This is an area of the city where the city has completed several years of plantings to enhance the most visible intersection in the city.

STAFF FINDINGS AND RECOMMENDATION

City staff has reviewed the submitted application, the applicant's response to the CUP criteria, reviewed the city zoning district regulations for the C-1 Highway Commercial, the adopted Comprehensive Plan Land Use Element, Goals and Objectives and finds that the proposed use for parking and storing commercial vehicles including busses is not consistent with the stated intent of the zoning district, the permitted or conditional uses found in the C-1 Highway Commercial district regulations.

Subd. 1. PURPOSE AND INTENT. The purpose of the C-1 Highway Commercial District is to provide areas with excellent access and visibility to the regional highway system for high quality commercial and related uses serving La Crescent residents, businesses and visitors. While visitors and passersby on the highways may patronize these businesses, the intent is to create an extension of the City's downtown area with an attractive place for La Crescent residents to meet their needs.

Subd. 4. INITIATING CHANGES. Text amendments or district boundary changes may be initiated by either the City Council or Planning Commission. In addition, district boundary changes may be initiated by petition by any property owner within the boundary change area. Property owner petitions shall be submitted to the Building Official three weeks (21 days) prior to the Planning Commission meeting at which the petition is to be heard. The property owner petition for change shall include a legal description of the property to be changed, a description of the existing and intended use of the property lines of the change area and adjacent properties, and the required filing fee. Approval of a request shall require passage by a majority vote of the entire City Council, except an amendment changing a district from residential to commercial or industrial shall require a two-thirds majority vote of all members.

The proposal is not consistent with the Goals and Objectives in the Land Use and Community Design Element of the Comprehensive Plan.

In the past the City has allowed property owners to petition for text amendments. In this situation when the property owner was notified that they are non-compliant, they were told making this application would be a way of possibly remedying this situation. Therefore, staff are comfortable with the application for the text amendments. If the planning commission elects to recommend approval of the text amendment, staff would suggest a finding waiving the requirement in the ordinance.

The staff finds that the proposed use does not meet the CUP criteria in Section 12.06, Subd. 4 of the Zoning Code including A, B, D, E, F or H.

Staff recommends denial of the text amendment to the zoning code and therefore also recommends against the CUP. The proposed use of the property is inconsistent with the Comprehensive Plan and the city's multi-year efforts to enhance the surrounding neighborhood. If the planning commission elects to recommend approval of the text amendment, we would suggest a finding waiving the requirement in the ordinance.

Caution should be exercised when making a text amendment that would apply to all other C-1 Highway Commercial property which would then also allow other properties to also seek CUPs for similar parking and storing of commercial vehicles and buses. The Planning Commission may have their own findings, recommend changes, or additional conditions which they feel may be applicable to the proposed project.

Staff has visited the site on several occasions since the March 1, 2022 Planning Commission meeting and reviewed the Certificate of Survey provided by the applicant and walked the site twice with the applicant. The property markers are consistent with the Certificate of Survey and the busses have been parked outside the property lines into city right-of-way. The site is further constrained by railroad property and the ingress-egress easement to the county recycling site. The applicant has stated that he would:

1) Clean up the north side of the property to move some of the busses to the north side of the building.
2) Plant trees on the west side of Chestnut Street.

Staff suggested adding some planters for seasonal use outside the building and noted the property lines and that if bus parking would be permitted, that the busses would have to remain out of the city right-of-way.

RECOMMENDED MOTION FOR TEXT AMENDMENT

I move that the Planning Commission recommend to the La Crescent City Council the (APPROVAL/DENIAL) case PC-22-01- ZCTA - Zoning Code Text Amendment and a request by Mr. Jason Rouleau of Rouleau Properties, LLC to allow a Zoning Ordinance Text Amendment to allow for the parking and storage of commercial vehicles, including busses at

215 South Chestnut Street (located at Parcel Numbers 25.0067.000 and 25.0068.000, subject to the following conditions of approval:

1) This Text Amendment is conditionally approved pursuant to Chapter 12, ZONING ORDINANCE of the City of La Crescent, Minnesota, Section 12-01, Title and the use shall be as set forth in accordance with the application and plans attached and associated to this case and all the provisions of the zoning ordinance and city codes applicable to this case.

2) Applicant will abide by the representations made by the applicant, or their agents, made during the permitting process, to the extent those representations were not negated by the Planning Commission or City Council and to the extent they are not inconsistent with spirit or letter explicit conditions of the Conditional Use Permit.

3) Applicant complies with all federal, state, and local regulations.

RECOMMENDED MOTION FOR CONDITIONAL USE PERMIT

I move that the Planning Commission recommend to the La Crescent City Council the (APPROVAL/DENIAL) of case PC-22-02 - CUP "215 South Chestnut Street," Conditional Use Permit to allow for the parking and storage of commercial vehicles, including busses at 215 South Chestnut Street (located at Parcel Numbers 25.0067.000 and 25.0068.000, subject to the following conditions of approval:

1) This CUP is conditionally approved pursuant to Chapter 12, ZONING ORDINANCE of the City of La Crescent, Minnesota, Section 12-06, Conditional Use Permits and the use shall be as set forth in accordance with the application and plans attached and associated to this case and all the provisions of the zoning ordinance and city codes applicable to this case.

2) The applicant shall comply with the city's adopted building codes for all interior and exterior building improvements and shall submit for approval interior remodeling plans prepared by a design professional or draftsperson qualified to prepare such plans.

3) In accordance with Subd. 4 of Section 12.06, the Planning Commission can require berms, screening, landscaping or other facilities to protect adjacent or nearby property and require landscaping, fencing, screening, or other improvements to protect adjacent or nearby property, therefor tree plantings, landscaping and vegetative screening improvements shall be planted in accordance with Section 12.22 C-1 HIGHWAY COMMERCIAL DISTRICT Subd. 6 E.

4) Any additional site lighting shall be “Dark Sky” compliant, wherein all light sources shall be down-lit, full cutoff fixtures and shielded, and the correlated color temperature (“CCT”) shall not exceed 2,700 Kelvins.

5) Any signage to be installed on the property must comply with Chapter 152 of the City Code of Ordinances.

6) Applicant will abide by the representations made by the applicant, or their agents, made during the permitting process, to the extent those representations were not negated by the Planning Commission or City Council and to the extent they are not inconsistent with spirit or letter explicit conditions of the Conditional Use Permit.

7) Applicant shall not park any commercial vehicles within city right-of-way.

8) Applicant complies with all federal, state, and local regulations.

_____
Prepared by Jason Ludwigson, Sustainability Coordinator
and Larry Kirch, Economic Development Director

Attachments:
Exhibit #1 – Aerial Map – Parcel Maps, Zoning Map
Exhibit #2 – Proposed Site Plan
Exhibit #3 – Zoning Code Text Amendment - Applicant Request
Exhibit #4 – Conditional Use Permit – Applicant Request

Exhibit #1 - Aerial Map – Parcel Maps, Zoning Map

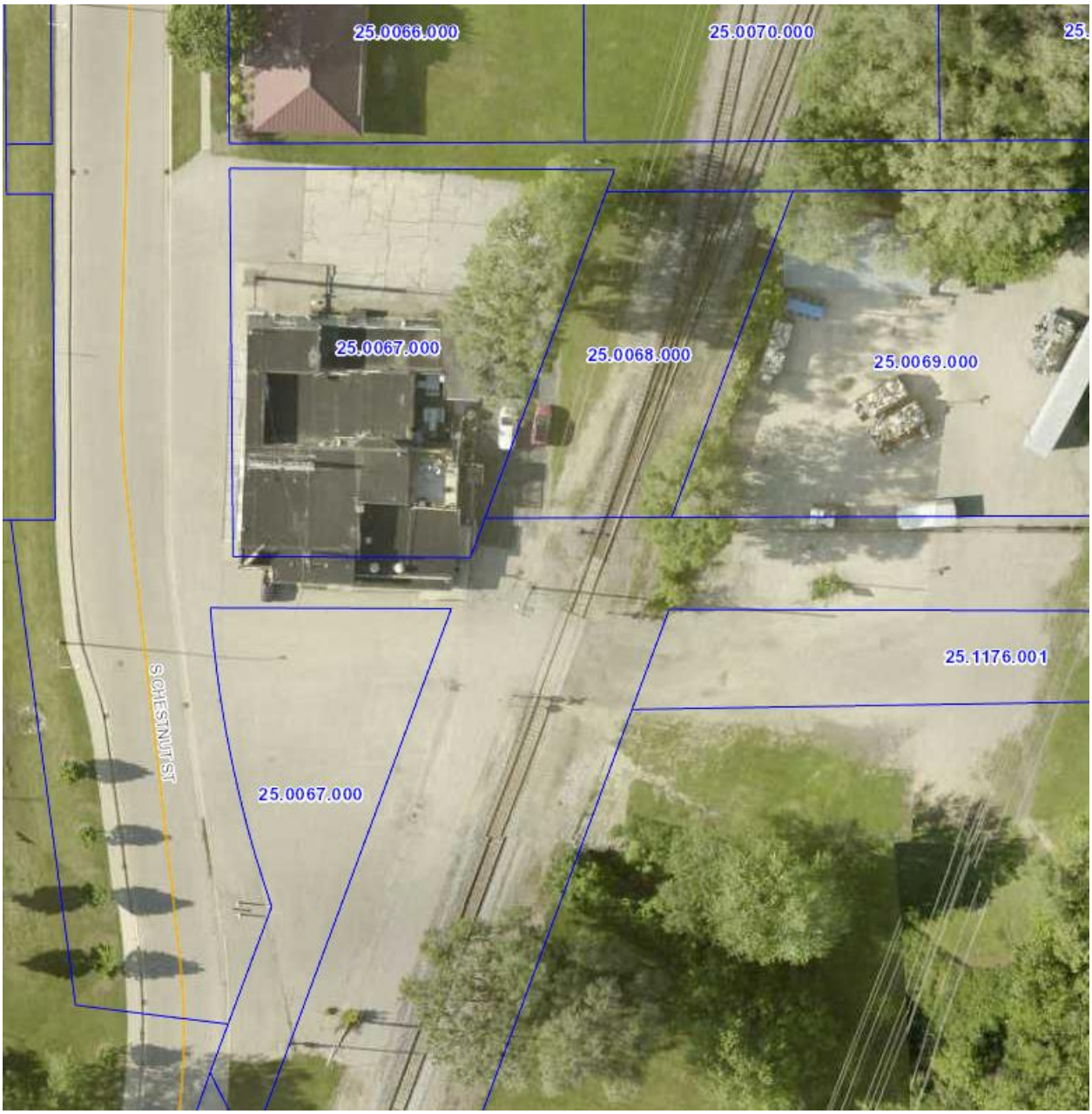

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Exhibit #2 – Proposed Site Plan

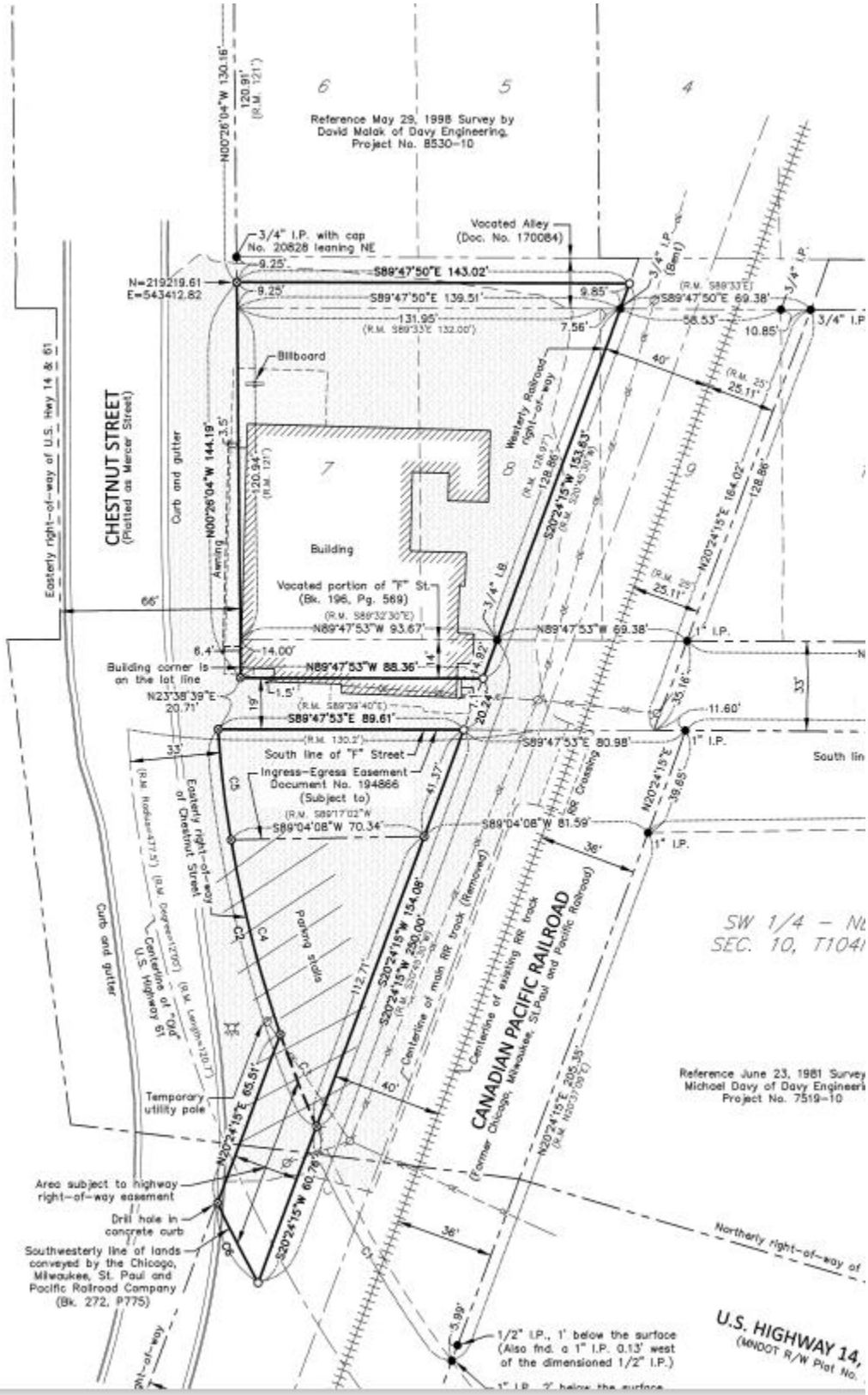

Exhibit #3 – Zoning Code Text Amendment - Applicant Request

EXHIBIT #3

La Crescent MINNESOTA

TO: Jason Rouleau, Rouleau Properties
FROM: Shawn Wetterlin, Building/Zoning Official
DATE: December 15, 2021
RE: 215 South Chestnut, Rouleau Properties, CUP and Text Amendment Change applications

After a preliminary review of your Conditional Use Permit and Text Amendment Change applications submitted on December 13th, 2021. We deem your application as premature and incomplete for the following reasons:

Text Amendment Change application:

1. The correct address is needed
2. The correct application form is attached
3. Clarification should be added to the application regarding outside vs. inside storage of commercial vehicles
4. The application states to allow the La Crescent School District to use the property, are the buses privately owned?
5. Application fee of $200.00 is needed

Conditional Use Permit application:

1. The correct address needed
2. The application states to allow the La Crescent School District to use the property, are the buses privately owned?
3. Application fee of $200.00 is needed

Therefore, your requested has been denied. We would suggest reapplying with the updated needed information and payments all together.

If you have any questions, please feel free to call me.

Thank you,

Shawn Wetterlin

Shawn Wetterlin,

City of La Crescent, Building/Zoning Official

CITY OF LA CRESCENT
315 Main Street
P.O. BOX 142
La Crescent, MN 55947
P: (507) 895-2595
cityoflacrescent-mn.gov

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Building / Zoning
City of La Crescent, MN

Zoning Text Amendment Change Application
City of La Crescent
LA CRESCENT, MINNESOTA

The following information must be submitted to the building/zoning department before a text amendment change application can be processed and approved, more detailed information is listed below

Zoning Text Amendment Change Application Form

After a preliminary review, additional information may be required.

Text Amendment Zoning Change Application Form: Application forms are available at the building/zoning department. Complete the form and return it to the building/zoning official (21 days) prior to the planning commission meeting with the required fee.

General Information

When is a Zoning Text Amendment Change Required? A zoning text amendment change is required for a change to the use of an existing property that exceeds the La Crescent Zoning Ordinance limitations for the district where the property is located.

How do I apply for a zoning text amendment change?

- Fill out the attached zoning text change application form, sign and date the same.
- A description of the existing and intended use of the property lines of the change area and adjacent properties.
- Make a plot plan or map of the property which shows, at a minimum, all lot lines, existing and proposed structures, driveways and parking areas, significant topographical features, mature trees and existing and proposed signage.
- Show evidence of ownership or an interest in the property.
- Include the address of the property and the legal description.
- List the addresses and owners name of all properties owners within 350'that abut the property.
- Include the required fee amount of **$200.00.**

- Turn all information into the building/zoning official before three weeks prior to a scheduled meeting date, (Planning Commission meets the 1st Tuesday of each month.)
- Turn in any other information as required by the City of La Crescent.

When will I have my hearing? You will receive a notice of zoning text change request by mail stating the date, time and place of your hearing. (Planning Commission meets the 1st Tuesday of each month.)

Why do I need to list my neighbors? All property owners within 350'shall be advised of the conditional use permit request to have a chance to appear at the hearing with comments or objections.

Why do I need to pay a fee? The fee is for the cost of the mailings to all property owners within 350', the cost of the public hearing notice that is published in the official newspaper, the cost of the meeting and the cost of recording.

Why do I need to turn all information into the building/zoning official before three weeks prior to a scheduled meeting date? We need time to check the information, schedule the hearing, prepare all mailings to adjoining properties and publish the notice in the official newspaper (deadline for publication is Monday, 12:00 noon, three weeks prior to the meeting date.)

(In all cases, the City of La Crescent shall not be liable for the established or definition of property lines.)

Questions: If you have any questions, please contact the **Building/Zoning Department**, Monday through Thursday, 7:30 a.m. to 6:00 p.m. at **507-895-4409**, or write to, **Shawn Wetterlin-Building Official, 315 Main Street, City of La Crescent, Minnesota, 55947.**

CITY OF LA CRESCENT ZONING AUTHORITY
APPLICATION FOR DISTRICT ZONING CHANGE

The undersigned being the owner(s) of record (optionee(s) with regard to enforceable exclusion options to purchase) of the hereinafter described premises hereby makes application for a: **DISTRICT ZONING CHANGE.**

TO WIT: Rouleau Properties, LLC submits this application for a text amendment to the C-1 Highway Commercial district zoning classification. The proposed text amendment would add the following language to the conditional uses permitted in that certain zoning classification noted above, subd. 4, new subsection "s":

"s.) parking and storage of commercial vehicles, including busses."

the lands to which this application has reference are described as follows, to wit:

the property commonly referred to as the "Old Commodore" located at 509 N Chestnut St, La Crescent, MN 55947. The property is currently zoned as C-1 Highway Commercial District. The additional conditional use included in the zoning ordinance shall apply to this property and allow Rouleau Properties, LLC and the La Crescent school district to continue to use the property consistent with prior use and adapt the current applicable zoning district to allow this use.

Attached is a sketch of the site plan showing North arrow and other relevant data with reference hereto. I (we) understand that additional data may be requested by the City of La Crescent Planning Commission with regard hereto.

Dated: November 16, 2021

/s/Jason Rouleau, Owner

(Owners (s)) (Optionee(s))

CHECKLIST

Text Amendment change

Applicant: **Known As:**

The following is a checklist that should be included in the file for every rezoning proposal before it is placed on permanent file. All boxes must be checked and all dates must be filled in before placing the file on permanent storage.

APPLICATION SUBMITTED, UNLESS INITIATED BY CITY
Submitted On: 12-13-21

Applicant is required to submit an application and pay the required fee of $200 before the City receives the application.

AFFIDAVIT OF PUBLICATION
Published On: _____

A public hearing must be held in order to rezone property. The original Affidavit of Publication for the public hearing should be kept with the file. The publication must occur at least ten days in advance of the hearing.

AFFIDAVIT OF MAILING
Mailed On: _____

The original Affidavit of Mailing for the public hearing should be kept with the file. This affidavit should include a copy of the notice sent to the property owners, a list of all parties sent a notice and the signature of the staff person principally responsible for mailing the notice. The notice must be mailed to adjacent property owners within 350' at least ten days in advance of the hearing.

RETURNED NOTICES

If any of the mailed notices are returned for any reason these mail pieces should be kept in the file.

RESOLUTION (OR MINUTES) FOR ACTION TAKEN BY THE PLANNING COMMISSION
Approved On: _____

If a resolution is not utilized an excerpt of the minutes or other certified copy of the minutes of the Planning Commission meeting should be placed in the file.

ORDINANCE ADOPTED OR RESOLUTION (OR MINUTES) DENYING REQUEST – COUNCIL Action Taken On: _____

If the rezoning is approved an ordinance must be adopted. An original must be filed with the other City ordinances, a copy must be placed with the rezoning file. If the request is denied, the file must include a copy of an excerpt of the minutes or other certified copy of the minutes of the City Council meeting.

Exhibit #4 – Conditional Use Permit – Applicant Request

EXHIBIT #4

RECEIVED
DEC 13 2021
Building / Zoning
City of La Crescent, MN

CITY OF LA CRESCENT ZONING AUTHORITY
APPLICATION FOR CONDITIONAL USE PERMIT

The undersigned being the owner(s) of record (optionee(s) with regard to enforceable exclusion options to purchase) of the hereinafter described premises hereby makes application for a **CONDITIONAL USE PERMIT.**

TO WIT:

The applicant seeks approval for the conditional use of commercial vehicle storage and parking consistent with the proposed text amendment submitted concurrently with this conditional use permit. The proposed conditional use would allow the La Crescent school district to continue to park and store their buses at the property owned by me and more fully described in the paragraph below. In the event the text amendment application submitted with this conditional use permit is approved, then the conditional use applied for in this application would be consistent with those allowed under the newly modifided C-1 Highway Commercial zoning district.

the lands to which this application has reference are described as follows, to wit:

the property commonly referred to as the "Old Commodore" located at 509 N Chestnut St, La Crescent, MN 55947. The property is currently zoned as C-1 Highway Commercial District. The conditional use of commercial vehicle storage and parking will be an allowed conditional use of the property if the text amendment application submitted with this conditional use application is also approved.

Attached is a sketch of the site plan showing North arrow and other relevant data with reference hereto. I (we) understand that additional data may be requested by the City of La Crescent Planning Commission with regard hereto.

Dated: 12-11-21

(Owners (s)) (Optionee(s))

CHECKLIST
CONDITIONAL USE PERMIT

APPLICANT: **ADDRESS:**

The following is a checklist that should be included in the file for every Special Use Permit before it is placed on permanent file.

☒ **PERMIT APPLICATION**
Submitted On: 12-13-21

☐ **APPLICATION FEE PAID ($200.00)**
Paid On: _____

Check Number _____ Cash _____

☐ **AFFIDAVIT OF PUBLICATION**
Published On: _____

The original Affidavit of Publication for the public hearing should be kept with the file. The publication must occur at least ten days in advance of the hearing.

☐ **AFFIDAVIT OF MAILING**
Mailed On: _____

The original Affidavit of Mailing for the public hearing should be kept with the file. This affidavit should include a copy of the notice sent to the property owners, a list of all parties sent a notice and the signature of the staff person principally responsible for mailing the notice. The notice must be mailed to adjacent property owners within 350' at least ten days in advance of hearing.

☐ **RETURNED NOTICES**
If any of the mailed notices are returned for any reason these mail pieces should be kept in the file.

☐ **FINDINGS OF FACT**
Hearing Held On: _____
The "findings of fact" for approving or denying the application must be included in the file, and should be included in the resolution itself, if there is one.

☐ **RESOLUTION (OR MINUTES) APPROVING OR DENYING – PLANNING COMMISSION**
Adopted On: _____
If a resolution is not utilized, an excerpt of the minutes or other certified copy of the minutes of the Planning Commission meeting should be placed in the file.

☐ **RESOLUTION (OR MINUTES) APPROVING OR DENYING – CITY COUNCIL**
Adopted On: _____
If a resolution is not utilized, an excerpt of the minutes or other certified copy of the minutes of the City Council meeting should be placed in the file.

City of La Crescent

Building and Zoning Department

PLANNING COMMISSION – BOARD OF ADJUST MENT PUBLIC HEARING
VARIANCE REQUEST – 504 SYCAMORE STREET
STAFF REPORT

MEETING DATE: April 5, 2022

CASE NUMBER: PC-22-02-VAR 504 Sycamore - Variance

OWNER: Howarth Family Living Trust - C/O Linda Bangston
1165 S Archers Way
Nekoosa, WI 54457
(952) 913-0258
Linda.bangston@bankoe.com

PARCEL ID: 25.1160.000

APPLICANT: Lamar Advertising Company
Lamar Advertising of La Crosse (Fairway Funding LLC)
1329 Interchange Place
La Crosse, WI 54603
C/O Mr. Zach Schoh zschoh@lamar.com

REQUEST: 1) Proposed height variance of three (3) feet above Sycamore Street. Twenty (20) feet is maximum height allowed.

2) Proposed spacing variance of 188 feet from another off-premise sign. 300 feet is the minimum spacing distance.

*3) **Note:** The sign code also requires that an off-premise advertising sign be located no closer than 300 feet from an intersection.*

LOCATION: The property is located east of U.S. Highway 14/61 and North Sycamore Street (504 Sycamore Street).

GENERAL PLAN/ ZONING DESIGNATION: Shoreland Mixed Use / I Industrial District

SURROUNDING USES: North: Vacant/Right-of-Way;
South: Industrial – Truss Specialists;
East: Soo Line RR;
West: U.S. Highway 14/61 Right-of-Way, North Sycamore Street Right-of-Way.

BACKGROUND

Information provided by the applicant states that there was a 12' X 42' off-premise sign located on the property that was erected on December 1, 1974. This sign was replaced by an off-premise advertising sign that was permitted on February 10, 1977 and erected on February 15, 1977. The 1977 permit stated that the sign was located south of and within 175' of another off-premise sign (also on the same tax parcel). The 1977 off-premise advertising sign permit application states that the sign was a 12' X 48' or 570 square feet in size and double sided. On July 29, 2021, the original sign (two sided with four sign faces) came down during a severe thunderstorm and took down some powerlines and caused a power outage. The off-premise advertising sign is a non-conforming sign per the city's sign code.

PROPOSAL

PC-22-02-VAR is a proposed variance request that includes two variance requests. Variance request #1 is to allow a height of 23' (rather than the maximum of 20') above the centerline of Sycamore Street. Variance request #2 is to allow the erection of an off-premise advertising sign closer than 300' to another off-premise sign. As noted above, a third variance is needed to allow the proposed replacement off-premise advertising sign to be closer than 300 feet from an intersection (N Sycamore and Hillview Blvd. extended and U.S. 14/61).

BUILDING AND ZONING STAFF ANALYSIS

Relationship to Comprehensive Plan:

The subject site is designated by the City's General Plan as "Shoreland Mixed Use." The Comprehensive Plan states that this land use designation *will continue to function as the primary supply of highway-oriented uses while leading to improvements in the appearance and environmental performance of these areas*.

Natural Systems, Open Space and Recreation Element, Goals, Objectives, Strategies:
Goal 2: Public access to and recreational use of parks, blufflands and waterways will be expanded and improved in the La Crescent area.

Objectives:
2.9. Scenic views of the bluffs and wetlands will be enhanced through the removal of billboards.

Transportation and Mobility:
Goal: La Crescent provides a safe, efficient, multi-modal and well-maintained transportation network that balances the needs of all users.

Objectives:
8. Transportation corridors and gateways will be aesthetically attractive and enhance the image of the community.

Strategies:
23. Work with State and County agencies to maintain aesthetically pleasing transportation corridors and gateway entrances with reflect the community's charm and vision. This may include enhanced landscaping, artistic enhancements, clean-up off trash and debris, decorative lighting, improved community signage and removal of billboards.

Land Use and Community Design:
Goal 3: Properties along the State and Federal highway corridors will be improved and redeveloped.

Objectives:
3.3 Billboards will be removed.

City zoning and land use regulations: The City Sign Code provides that certain legal nonconforming off-premise advertising signs may be replaced provided they meet the requirements of the sign code.

§ 152.22 ALLOWED SIGNS—PERMIT REQUIRED.
(A) Central Business District.
(6) Off-premises signs. Off premise or billboard signs shall only be allowed in the Central Business District on a modified "cap and replace" basis as defined in § 152.22(B)(6).

§ 152.22(B) (6) Off-premises signs. Other than division (B)(1) of this section, off-premises or billboard signs shall only be allowed on a modified "cap and replace" basis.

(a) Capitation. As of the date of the adoption of this chapter, a complete inventory of existing off-premise signs shall be prepared. The inventory shall contain information pertaining to the size, height, location, ownership and permit number of the sign. All inventoried signs may remain in place, as legal nonconforming signs, for as long as they are properly maintained and utilized (see § 152.24). No additional signs are allowed. The inventoried signs may not be altered in such a manner as to enhance their size, to raise their height or to change their location.

(b) Replacement. Inventoried signs may be replaced at the end of their useful lives, or earlier if destroyed by circumstances out of the control of the owner of the sign. All replacement signs must meet the sign requirements outlined in division (B)(6)(c) below. Any signs which are allowed to fall into disrepair, or which carry no commercial or public service message for more than six continuous months will be considered abandoned. Abandoned signs are a nuisance, must be removed pursuant to § 152.40 and will not be eligible for replacement.

(c) Requirements for replacement signs. All replacement signs must meet the following requirements, as well as any requirements set forth in regulations promulgated by state or federal governmental agencies.

1. Location.

a. Highway 14/61 (the Pike) from 1,400 feet west of Twilite Street east to the city limits, on the south side of the roadway.

b. Highway 14/61 from Houston County 6 north to the city limits.

2. Height. Maximum height is 20 feet above the centerline of the adjacent roadway.

3. Size. Maximum sign area is 300 square feet per facing, not to exceed two facings. Double-sided signs shall be attached back to back. Signs connected at one edge, with the two faces forming an interior angle of 30 degrees or less shall be considered to be back to back.

4. Spacing. Three hundred linear feet from any other such sign on either side of the street or roadway. Not closer than 300 linear feet from the intersection of two or more streets or highways as measured from the centerlines of the roadway intersection.

5. Identification. All billboard signs shall have noted on their face the name of the firm, which manufactured the sign, and the sign permit number.

Site Context:

The site consists of one tax parcel and is located between the Sycamore Street right-of-way and the Soo Line RR right-of-way.

Infrastructure Improvements:

N/A

Public Input:

Staff has not received any public comment regarding this application.

FINDINGS OF FACT FOR VARIANCE REQUEST

12.07 VARIANCES Subd. 1. Pursuant to Minn. Stat. Sec. 462.357, Subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Adjustment, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

CRITERIA FOR GRANTING VARIANCE

The City Zoning Ordinance states the following:

> A variance is a modification or variation of the provision of this zoning code as applied to a specific piece of property.
>
> Subd. 2.
>
> A. Variances shall only be permitted
>
> 1. when they are in harmony with the general purposes and intent of the ordinance, and
> 2. 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.

Subd. 3. "Practical difficulties," as used in connection with the granting of a variance, means that

1. The property owner proposes 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.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. The board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. DECISIONS. Following the public meeting or any continuance which is not appealed by the applicant, the Board of Adjustment shall grant or deny the variance upon a decision by a majority of members present. The Board of Adjustment may grant variances from the literal provisions of this Ordinance when the applicant for the variance establishes that there are practical difficulties as defined herein, and when they are in harmony with the general purposes and intent of the Ordinance and when the variances are consistent with the comprehensive plan. The Board of Adjustment may impose any reasonable condition in granting of such variances in order to ensure compliance with this Ordinance or to protect adjacent property. The Board of Adjustment may consider functional and aesthetic issues in order to protect the essential character of the neighborhood. The Board of Adjustment shall accompany its decision to grant or deny a variance with a statement of its findings.

STAFF FINDINGS AND RECOMMENDATION

City staff has reviewed the submitted application, the applicant's response (a thru k) of the application, reviewed the adopted comprehensive plan, and the city's sign code for non-conforming off-premise advertising signs. The variance request has three components, a height variance, a spacing variance from another off-premise advertising sign and a spacing variance from an existing street intersection. The city staff finds that the variance request is not consistent with several stated goals, objectives, and strategies of the comprehensive plan found in the following elements:

- *Natural Systems, Open Space and Recreation Element, Goals, Objectives, Strategies*
- *Transportation and Mobility*
- *Land Use and Community Design*

Variances shall not be permitted when they are not in harmony with the general purposes and intent of the ordinance and when the variances are not consistent with the comprehensive plan. Legal non-conforming signs may be reconstructed if they meet the requirements of the sign code however the applicant is requesting two variances (and actually needs a third variance) and therefore the request is not in harmony with the general purposes and intent of the sign ordinance. If the variance request does not meet these two criteria (harmony and purpose of the ordinance and consistency with the comprehensive plan), then there is no need to evaluate the request to determine if there are "Practical difficulties."

Staff therefore does not recommend approval of the variance request(s).

RECOMMENDED MOTION FOR VARIANCE

I move that the Planning Commission serving as the Board of Adjustment (APPROVE/DENY) case PC-22-02-VAR - 504 Sycamore Street, a request by Mr. Zach Schoh of Lamar Advertising of La Crosse (Fairway Funding LLC) to allow for the replacement of a legal non-conforming off-premise advertising sign located at 504 Sycamore Street (located at Parcel Number 25.1160.000) including three (3) variances; a three (3) foot height variance, a 112 foot spacing variance from another off-premise advertising sign and a 138 foot spacing variance from the requirement to be 300 feet from the intersection of two or more streets or highways.

Statement of Findings:

1)

Conditions:

NOTE: Upon approval or denial of a variance request by the Board of Adjustment, an applicant or other aggrieved party may file an appeal in writing to the City Council within (10) days of the decision, otherwise the decision by the Board of Adjustment becomes final.

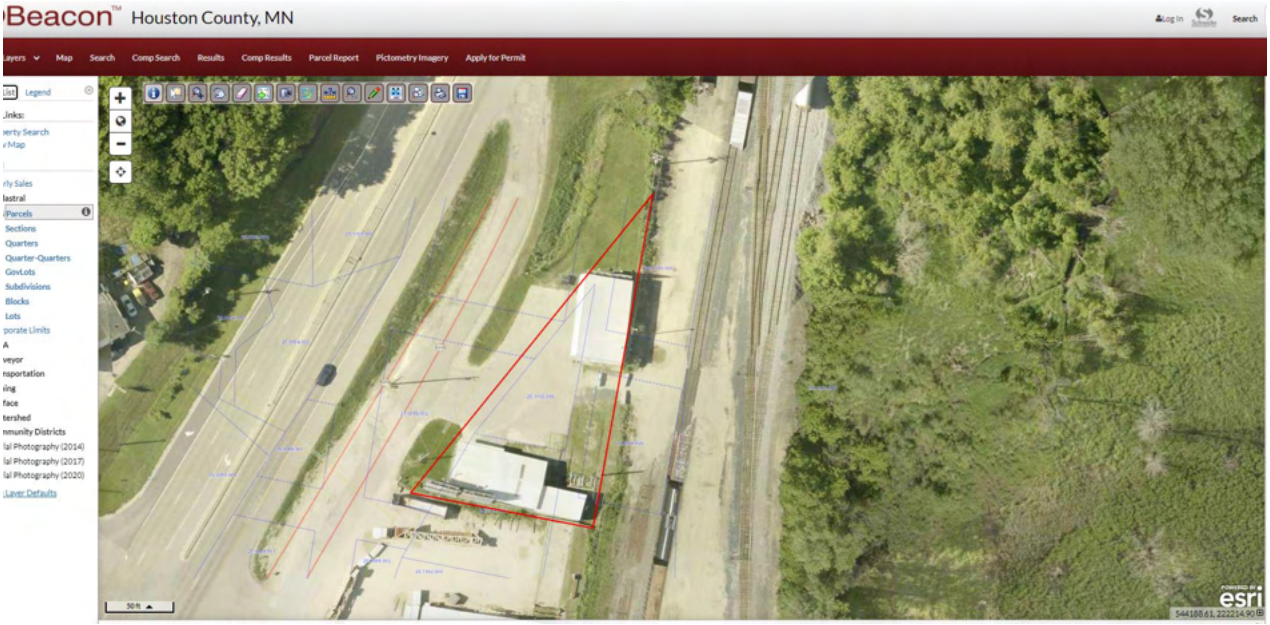
_Larry Kirch_____

Prepared by Larry Kirch,
Community Development Director

Attachments:
Exhibit #1 – Application - Variance Request
Exhibit #2 – Houston County Beacon Aerial Map – Parcel Map
Exhibit #3 – Variance Findings Form
Exhibit #4 – Portions of La Crescent Sign Code

Exhibit #1

Houston County Beacon Aerial Map – Parcel Map


Beacon™ Houston County, MN
Map
Search
Comp Search
Results
Comp Results
Parcel Report
Pictometry Imagery
Apply for Permit
Parcels
Sections
Quarters
Quarter-Quarters
GovLots
Subdivisions
Blocks
Lots
esri

504 Sycamore St
La Crescent, Minnesota
Google
Street View - Sep 2015
Sycamore St
Google

Exhibit #2

Variance Findings Form

1. Is the request in harmony with the general purposes and intent of the ordinance?

The variance **is/is not** in harmony with the purpose and intent of the zoning ordinance based on the following findings of the Planning Commission because: _____

_____

_____

_____

2. Would granting the variance be consistent with the Comprehensive Plan?

Granting the variance **is/is not** consistent with the Comprehensive Plan because: _____

_____

_____

_____

Practical Difficulties Analysis

3. Does the property owner propose to use the property in a reasonable manner not permitted by the ordinance?

The property owner **does/does not** propose to use the property in a reasonable manner not permitted by the ordinance, given the purpose of the protections because: _____

_____

_____

_____

4. Is the plight of the landowner due to circumstances unique to the property owner not created by the landowner?

There **are/are no** circumstances unique to the property that would prevent compliance with the ordinance because: _

_____

_____

_____

_____

5. Would granting the variance allow the essential character of the locality to stay the same?

Granting the variance **will/will not** alter the essential character of the locality because: _____

_____

_____

_____

Exhibit #3

Portions of La Crescent Sign Code

§ 152.22 ALLOWED SIGNS—PERMIT REQUIRED.

The following types of signs must comply with the General Sign Standards outlined above as well as the restrictions outlined below and require a permit from the city (See § 152.41, Permit Process). Electronic message center (dynamic) signage is allowed only in the Commercial/Industrial District.

(A) Central Business District.

(1) Freestanding signs. One on-premise freestanding sign per building, provided that said sign does not exceed 48 square feet in area for a single tenant building or 60 square feet in area for a multiple tenant building. Signs shall not exceed 15 feet in height. Posts or anchoring mechanisms for the sign shall not be located on public property. Front, rear and side back setback requirements for the district must be followed when positioning sign. Posts or anchoring mechanisms for the sign shall not be located on public property.

(2) Wall or fascia signs. Wall signs are permitted on each street frontage provided that the area of all signage on each street or alley frontage does not exceed 25% of the wall area. This limitation is to be applied individually to each street frontage. Additionally, wall signs not exceeding 10% of said wall are permitted on each building frontage abutting a public parking lot accommodating 25 or more cars providing that all land abutting all sides of the parking lot is either public right-of-way or commercially zoned property.

(3) Projecting signs. A projecting sign may not exceed 20 square feet in area, nor may it project more than six feet out from the wall to which it is affixed. No projecting sign shall extend beyond the curb line of any public street or right-of-way. Projecting signs must maintain a minimum clearance between the bottom of the sign and the finished grade of eight and a half feet.

(4) Window signs. Window signs are permitted provided that the area of the signage does not exceed 25% of the window area; and that the total area of all window, wall and fascia signage on the same street frontage does not exceed 25% of the wall area, Windowpanes on entrance doors may not have more than 25% of the gross surface area of the glass pane covered by signage in order to avoid obstructing the view of persons entering and exiting the building.

(5) Canopy or awning signs. Canopy or awning signs shall not exceed 75% of the exterior, viewable surfaces of the canopy or awning. In the case of a canopy or awning that is attached to the building, the area of canopy/awning signage, together with the area of all wall, window and fascia signage on the same street frontage, shall not exceed 25% of the wall area.

(6) Off-premises signs. Off premise or billboard signs shall only be allowed in the Central Business District on a modified "cap and replace" basis as defined in § 152.22(B)(6).

(B) Commercial and Industrial Districts.

(1) Freestanding signs. One on-premises freestanding sign per building is permitted provided said sign does not exceed 150 square feet in area, 25 feet in height, and is not placed

closer than ten feet from any street right-of-way. The freestanding sign described herein may contain off-premises advertising if the freestanding sign complies with the requirements of this provision and the off premises establishment advertised is located on a lot that is immediately adjacent to the lot on which the freestanding sign is located. Front, rear and side back setback requirements for the district must be followed when positioning sign. Posts or anchoring mechanisms for the sign shall not be located on public property.

(2) Projecting signs. Projecting signs are allowed when the sign is to be attached to a building that has a setback of ten feet or less from the street right-of-way. Such projecting signs shall not overhang the right-of-way. A projecting sign may not exceed 24 square feet in area and must maintain a minimum clearance between the bottom of the sign and the finished grade of eight and a half feet.

(3) Wall or fascia signs. Wall signs are permitted on each street or alley frontage provided said signs do not exceed 25% of the wall area. This limitation is to be applied individually to each street frontage. Additionally, wall signs not exceeding 10% of said wall area are permitted on each building frontage abutting a public parking lot accommodating 25 or more cars providing that all land abutting all sides of the parking lot is either public right-of-way or commercially zoned property.

(4) Window signs. Window signs are permitted provided that the area of the signage does not exceed 25% of the window area; and that the total area of all window, wall and fascia signage on the same street frontage does not exceed 25% of the wall area. Windowpanes on entrance doors may not have more than 25% of the gross surface area of the glass pane covered by signage in order to avoid obstructing the view of persons entering and exiting the building.

(5) Canopy or awning signs. Canopy or awning signs shall not exceed 75% of the exterior, viewable surfaces of the canopy or awning. In the case of a canopy or awning that is attached to the building, the area of canopy/awning signage, together with the area of all wall, window and fascia signage on the same street frontage, shall not exceed 25% of the wall area.

(6) Off-premises signs. Other than division (B)(1) of this section, off-premises or billboard signs shall only be allowed on a modified "cap and replace" basis.

(a) Capitation. As of the date of the adoption of this chapter, a complete inventory of existing off-premise signs shall be prepared. The inventory shall contain information pertaining to the size, height, location, ownership and permit number of the sign. All inventoried signs may remain in place, as legal nonconforming signs, for as long as they are properly maintained and utilized (see § 152.24). No additional signs are allowed. The inventoried signs may not be altered in such a manner as to enhance their size, to raise their height or to change their location.

(b) Replacement. Inventoried signs may be replaced at the end of their useful lives, or earlier if destroyed by circumstances out of the control of the owner of the sign. All replacement signs must meet the sign requirements outlined in division (B)(6)(c) below. Any signs which are allowed to fall into disrepair, or which carry no commercial or public service message for more than six continuous months will be considered abandoned. Abandoned signs are a nuisance, must be removed pursuant to § 152.40 and will not be eligible for replacement.

(c) Requirements for replacement signs. All replacement signs must meet the following requirements, as well as any requirements set forth in regulations promulgated by state or federal governmental agencies.

1. Location.

a. Highway 14/61 (the Pike) from 1,400 feet west of Twilite Street east to the city limits, on the south side of the roadway.

b. Highway 14/61 from Houston County 6 north to the city limits.

2. Height. Maximum height is 20 feet above the centerline of the adjacent roadway.

3. Size. Maximum sign area is 300 square feet per facing, not to exceed two facings. Double-sided signs shall be attached back to back. Signs connected at one edge, with the two faces forming an interior angle of 30 degrees or less shall be considered to be back to back.

4. Spacing. Three hundred linear feet from any other such sign on either side of the street or roadway. Not closer than 300 linear feet from the intersection of two or more streets or highways as measured from the centerlines of the roadway intersection.

5. Identification. All billboard signs shall have noted on their face the name of the firm, which manufactured the sign, and the sign permit number.

Exhibit #4

Application - Variance Request

Number		
SIGN-2022-88627	**HOWARTH FAMILY LIVING TRUST C/O LINDA BANGSTON 504 SYCAMORE ST, Houston County | PID 251160000** **Sign Permit** Submitted by **Lamar Advertising of La Crosse** on 2/24/2022	

$PP 150.00 Fee

Applicant and Property Info [Edit] Last updated: 2/24/2022 9:22:10 AM and saved by: Lamar Advertising of La Crosse

Applicant Information

Applicant is:	**Other**
If other applicant, specify:	**Owner of the sign structure**

Property Owner Information

Name:	**HOWARTH FAMILY LIVING TRUST C/O LINDA BANGSTON**
Telephone Number:	**952-913-0258**
Email Address:	**Linda.Bangtson@bankoe.com**

Property Information

Project Address:	**504 SYCAMORE ST**
Building Name (if applicable)	
Tenant Name (if applicable)	
County:	**Houston**
Parcel ID Number:	**251160000**
Legal Description:	**Sect-03 Twp-104 Range-004 PT SW1/4 SE1/4 CO-TRUSTEES OF HOWARTH SPECIAL TRUST U/D/T - 07/14/2003 DOC #230562**

Contractor

Company	**Lamar Advertising Company**
Name	**Lamar Advertising of La Crosse (Fairway Funding LLC)**
Sign License Number	**17961**
Address	**1329 Interchange Place**
City	**La Crosse**
State	**WI**
Zip	**54603**
Email Address	**ZSchoh@lamar.com**

Engineer/Designer

Company	**Productivity Fabricators**
Name	**Jon Odom**
Registration Number (State of MN)	
Address	**2332 Flatley Rd**
City	**Richmond**
State	**IN**
Zip	**47374**
Email Address	**jonodom@cyberprofab.com**

Sign Type

Advertising Sign

Sign Types:
Advertising Sign: A sign that directs attention to a business, service, event or location not related to or on the premesis where the sign is located.
Business Sign: A sign that

directs attention to a business, service, event, or commodity sold or conducted on the premesis where the sign is located.

Valuation

Valuation$: **35000**

Permit Type:
Sign

Advertising Sign [Edit] Last updated: 2/24/2022 9:24:11 AM and saved by: Lamar Advertising of La Crosse

Width (feet) **10**

Length (feet) **30**

Total Square Feet:
300

Height (feet) **23**

Site Plan and Drawings [Edit] Last updated: 2/24/2022 9:35:43 AM and saved by: Lamar Advertising of La Crosse

Site Plan

Sketch location of sign on map showing any dimensions and setbacks

- [x] State Outlines
- [x] County Outlines
- [x] 2017 Imagery

Drawings

Upload any site plans and/or drawings (if applicable)	**La Crescent Mock Ups and Pics.pdf (download)** **La Crescent Sketch 2.pdf (download)**

Application Submittal **[Edit]** Last updated: 2/24/2022 9:37:12 AM and saved by: Lamar Advertising of La Crosse

I hereby apply for a sign permit, and I certifY that the information submitted is complete and accurate. The work will be in conformance with applicable laws of the State of Minnesota and ordinances of the City of La Crescent. I understand this is not a permit but only an application for a permit and work is not to start without a permit. I certifY that the work will be in accordance with all permit conditions and approved plans (in the case of work which requires a review and approval of plans).	**Yes**

Signature of Applicant

Today's Date
02/24/2022

Lamar Advertising of La Crosse

Variance Application Requirements
City of La Crescent
LA CRESCENT, MINNESOTA

The following information must be submitted to the building/zoning department before a variance application can be processed and approved, more detailed information is listed below

Variance Application Form

After a preliminary review, additional information may be required.

Variance Application Form: Application forms are available at the building/zoning department. Complete the form and return it to the building/zoning official with the required fee.

General Information

1. **What is a Variance?** Each district in La Crescent's zoning ordinances include standards related to building setbacks, percent of lot covered, height of buildings, etc. On occasion, a property owner requests a variance or variation to the zoning standards. The variance application procedure is not intended to allow use of land in a manner that is different from what is normally permitted in the zoning district. Rather, the intent of a variance is to provide some flexibility where the strict interpretation of the zoning ordinance would result in an unnecessary practical difficulty.
   Financial hardship and inconvenience are not grounds for granting approval of an application for variance. Approval of a variance demands time, expense and justification. Please consider designing or redesigning the project to meet all zoning standards before submitting an application for variance.

2. **What is the typical subject matter for consideration in connection with deliberations upon the question as to whether or not a variance should be granted or denied?**
   12.07 VARIANCES

   Subd. 1. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Adjustment, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

   Subd. 2.
   A. Variances shall only be permitted
      1. When they are in harmony with the general purposes and intent of the ordinance and;
      2. 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.

Subd. 3. "Practical difficulties," as used in connection with the granting of a variance, means that :

1. The property owner proposes 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.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14 of the State Statutes, when in harmony with the ordinance. The Planning Commission, serving as the Board of Adjustment, may not permit as a variance any use that is not permitted under the ordinance for property in the zone where the affected person's land is located. The Board of Adjustment may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

3. What actions help to ensure approval of the application?

a. Review your project before completing the application to make sure it meets one or more of the criteria shown.
b. Provide complete and accurate information.
c. Plan your project so that it is compatible with the surroundings and does not disrupt the neighborhood with undue noise or traffic.
d. Attend hearings so that you can speak for your project and respond to questions posed.

4. How do I apply for a variance?

a. Fill out the attached variance application form, sign and date the same.
b. Make a plot plan or map of the property which shows, at a minimum, all lot lines, existing and proposed structures, driveways and parking areas, significant topographical features and mature trees.
c. Show evidence of ownership or an interest in the property.
d. Include the address of the property and the legal description.
e. List the addresses and owners name of all properties that abut the property.
f. Include the required fee amount of **$150.00.**
g. Turn all information into the building/zoning official before three weeks prior to a scheduled meeting date, (Planning Commission meets the 1st Tuesday of each month.)
h. Turn in any other information as required by the City of La Crescent.

5. A sketch drawn to scale must be attached showing:

a. Lot lines and corner pins;
b. Dimensions of existing buildings and proposed new construction;
c. Distances from lot lines to buildings.
d. All Easements (Utility and drainage)
e. Utility lines entering the property.
f. Corner pins must be established and marked by the owner.
g. Two copies of construction plans must also be submitted

6. When will I have my hearing? You will receive a notice of variance request by mail stating the date, time and place of your variance hearing. (Planning Commission meets the 1st Tuesday of each month.)

7. **Why do I need to list my neighbors?** All adjoining property owners shall be advised of the variance request 10 days before the scheduled meeting to have a chance to appear at the hearing with comments or objections.

8. **Why do I need to pay a fee?** The fee is for the cost of the mailings, the recording fee from Houston County and the meeting itself.

9. **Why do I need to turn all information into the building/zoning official before three weeks prior to a scheduled meeting date?** We need time to check the information, schedule the hearing and prepare all mailings to adjoining properties.

10. **Please include a response to each of the following items. Please type or print legibly. If your response does not fit within the available space, please attach additional sheets. If the question does not apply to your situation, respond with "Not Applicable."**

    a. Please provide a brief description of the project.

    Replacement of Inventoried Sign at 504 Sycamore St on parcel 25.1160.000

    b. What variance to the Zoning Code are you requesting? What is the reason for your request? Ord. 417, Section VI: # 6, B. Replacement (2 & 4):

    # 2 = Height - structure would have maximum height of 23' ft from Center line of Sycamore St. to clear the roof line to make sign visable

    # 4 = Distance - Structure would be 188 ft. away from another structure

    c. Describe specific, unique problems with the property, such as location, surroundings, mature trees, natural obstacles or formations and explain why the improvements you are requesting cannot be made in conformity with Zoning Code stipulations. (Issues of personal hardship such as family size, finances, medical condition should not be considered.)

    - Height needs to be 23' feet in order to clear the roof line of the building so it is visable on the south facing side

    - Previous structure was in the same location, which is 188 ft. away from a wall panel on the side of the old Code 45 building.

    d. Explain why, without the variance, you cannot use your property in the same manner as others in the same zone. Also, explain how the variance will not give you an advantage over others in the same zone.

    Previous structure was at the location for 30+ years, and had a taller maximum height than the new proposed structure. The location & height would not give any advantage over others as the replacement structure would not be as tall as what was previously there, and it will have one single monopole vs. the previous 8 wooden poles

How will completing your project without a variance cause a practical difficulty in planning, design, or construction? (For the purpose of the application, Practical difficulties," as used in connection with the granting of a variance, means that :

1.The property owner proposes 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.

The project cannot be completed without the variance. Height is needed to clear the building, and the spacing between the signs is less than 300 ft. because the replacement location is the same as what was previously there for over 30+ years.

e. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.)

Previous inventoried sign was destroyed by circumstances out of the control of the owner of the sign (Lamar) by a storm & act of God in the summer of 2021.

f. What provisions have you made to ensure that the design elements of your project are aesthetically pleasing and harmonious with existing buildings in the area? These design elements include, but are not limited to height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the property, concealment of mechanic and electrical equipment, etc.

Maximum height of 23' feet from center line of Sycamore St with one single, steel monopole giving the structure a safer, stronger, cleaner look.

g. What provisions have you made to ensure that will not adversely affect property owners in the zoning district particularly those who own adjacent properties, properties on the same block or properties in the immediate neighborhood? Consider the effect on neighboring properties' existing views, privacy, access to direct and indirect light, etc.

Provisions include a strong, single monopole with a height shorter than the previous structure that was in place.

h. How has your own safety and that of others been considered in your plan? Consider fire codes, points of ingress and egress, flow of pedestrian and vehicular traffic, etc.

Steel monopole provides a strong, structurally sound billboard with a cat-walk for operations team to perform duties of maintenance task and the changing of the vinyls.

i. Are there exceptional or extraordinary circumstances that apply property which does not generally apply to other properties located within the zoning district? (i.e. atypical lot size or shape, atypical topography or other conditions over which the property owner is unable to control). - NO -

Not Applicable

j. Please indicate what steps you have taken to discuss this project with your neighbors prior to submission.

Informative letter sent to President of Torros Specialist, Inc (Adjacent neighbor)

k. Please indicate what steps you have taken to discuss this project with the City staff prior to submission.

General Manager & Real Estate Manager with Lamar of LaCrosse met with Shawn Wetterlin, Building & Zoning official to go over proposal plans, and phone conversations to discuss these current plans provided the approval of the height & spacing variance.

If there are any questions as to property lines, please call the Houston County Recorder at **507-725-5813.**

Questions: If you have any questions, please contact the **Building/Zoning Department,** Monday through Friday, 7:30 a.m. to 4:00 p.m. at **507-895-4409**, or write to, **Shawn Wetterlin-Building Official, 315 Main Street, City of La Crescent, Minnesota, 55947.**

My signature below signifies that:

I hereby declare that I am the owner, or authorized agent of the owner, of the above described property and I agree to construct the building or use herein described in accordance with the regulations and ordinances that govern said improvement within the City of La Crescent and that the foregoing information contained on this application is a true and correct statement of my intentions. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction. I understand that any utility that must be moved as a result of additions or alterations to the property will be at my expense and I will be responsible for the cost of the plan check of this application even though I do not continue the project. I have also read and understand the instructions and information listed on the reverse side of this form.

- I have read the background information and have provided the required information.
- I have reviewed the legal description on my property deed and indicated all recorded easements and deed restrictions on the submitted site plan. (*Please provide a description here of the easements and restrictions shown on your property deed.*_____)
- I believe the information provided in this application is accurate to the best of my knowledge.
- I am aware that City staff and/or Planning Commission members may view my property and proposed construction. (*Please note any special instructions regarding access to your property such as dogs, gates, alarms, etc*_____.)
- I understand that if this application is approved, a building permit is required for construction and that no construction may commence prior to issuance of the permit. No changes may be made without City approval, and changes may require a new application.

Signature(s) of Property Owner(s) Linda A Bangson

Date 2/23/22

Owner of Billboard Structure - Lamar Advertising of La Crosse

Real Estate Manager: Zach Schuh 2/23/22

Turn set over and read back copy.
Complete in ink or typewriter.
Fill out, sign and submit four copies to the Minnesota Highway Department.

File 0-58

APPLICATION FOR PERMIT TO ERECT ADVERTISING DEVICE ALONG THE MINNESOTA HIGHWAYS

(P) Legal

Control Section	Mile Point
61 2805	6A 2.4

1) Applicant (device owner)	2) Address	3) Telephone No.
Collins-La Crosse Sign Corp.	222 Pine Street, La Crosse, WI 54601	784-8200
Land Owner, Occupant of Land, Leasee or Agent	**5) Address**	**6) Telephone No.**
James J. Howarth ~~Collins-La Crosse Sign Corp.~~	La Crescent, Mn. 55947 ~~222 Pine Street, La Crosse, WI 54601~~	~~784-8200~~

LOCATION OF PROPERTY

7) Highway No.: US Highwy. 14 & 61

8) County: Houston

9) Present Sign Message: ~~Mobil~~ - new construction Schlitz Milk

10) Nearest landmark, intersection, side of highway by description, direction, and distance: MP 2.4, US 14-61, N end of La Crescent E/S ~~175' South of Holiday Inn Sign~~ Sta 123+50

11) ADVERTISING AREA — Height: 12 ft. Width: 48 ft. Square Feet: 570 sq. ft.

12) Device to be illuminated? Yes [X] No [ ]

13) Distance from center of highway to nearest corner of device? ~~Three~~ 115' Ft.

14) Approximate date device will be or was erected: Feb. 15, 1977 ~~As soon as possible~~

15) [ ] Single faced device
[X] Double faced device, V type or back to back

Submit application with certified check for proper fee payable to Commissioner of Highways.

Submit legal description of property if required.

Owner, leasee or agent must submit letter granting use of property or sign item 16 below.

16) Land Owner, Occupant of Land, Leasee or Agent: [signature]

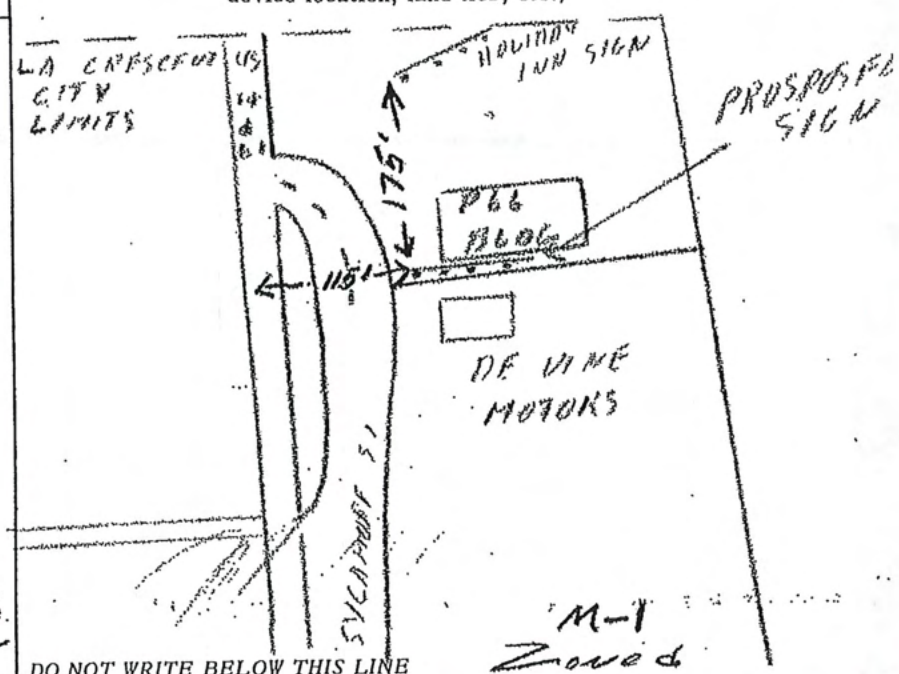
Date: 2-7-77 — See Lease on Pink Copy

I, We, the undersigned, hereby declare that all statements herein are true and complete, with the same force and effect as though given under oath, herewith accept the terms and conditions of the regulations of the Commissioner of Highways and agree to fully comply therewith to the satisfaction of the Minnesota Highway Department.

17) Applicant's Signature: [signature]

Date: 2-7-77 CK. No. 1264B $8.33 2-9-77

18) LOCATION SKETCH SPACE:
(Submit sketch of property showing proposed device location, land ties, etc.)



DO NOT WRITE BELOW THIS LINE

ADVERTISING DEVICE PERMIT

(Permit not valid unless bearing signature & number)

Permit No. 640 3890

Permit Label must be affixed to structure prior to _____ or permit will be voided. Permission is hereby granted for the construction of the device as described in the above application, said device to be in accordance with the regulations as set forth in Commissioner of Highways' regulations and the laws of the State of Minnesota. (Subject to Local Ordinances) **This permit void if not erected within 120 days.**

b. SPECIAL REQUIREMENTS:
This permit number must be affixed to device in upper corner of the device nearest the highway together with permittee name.
This permit expires on June 30, 1977
It is expressly understood that this permit is conditioned upon maintenance of the device in its original or to a satisfactory condition.

Sign is designated ✓

Date: 2-10-77 — District Engineer: [signature]

AFTER PERMIT IS APPROVED:
_____ *White to Applicant*
_____ *Buff to Central Office*
_____ *Pink to Area Maintenance Office*
_____ *Green to Section Crew*

NOTE: Check with local authorities for compliance with local & County ordinances.

61 2805 6A 2.4

T.H. 61

Mile Point 2.51 R

Sign Legend

Location 400' S. of N. Limits of LaCrescent

Property Owner 1108 Spruce Dr., LaCrescent, MN James Howarth

Size 12' x 42'

Sq. Ft. 650

Group ☐ Scenic

1 ☐ 2 ☐ 3 ☒ 30.00

Religious & Services

☐ more ☐ less than 8 sq. ft.

R/W Width 125'

Distance 125+ Lt. ☐ Rt. ☐

Date Of: Erection 12-1-74

Permit Issue 11-25-74

Date Discontinued

Legal Sta. 124+10

ADVERTISING DEVICE PERMIT RECORD

Map File 0-58

Remarks on Reverse Side

FEE YEAR	CHECK NUMBER	FEE	PENALTY	DATE SENT TO FINANCE

17262 Minnesota Highway Department

Zoned M-1

MISSING

Permit No. 3870

C.S. 2805 Houston

Sign Owner 222 Pine Street La Crosse, Wisc. 5460

Collins-La Crosse Sign Co.

T.H. 61

Mile Point 2.4 R

Sign Legend

Location E. 123+50 of T.H. 61 North End of La Crescent on Eastside

Property Owner James J. Howarth La Crescent, Mn. 55947

Size 12X 48

Sq. Ft. 570

Group ☐ Scenic

1 ☐ 2 ☐ 3 ☒ $20 30.00

Religious & Services

☐ more ☐ less than 8 sq. ft.

R/W Width 100'

Distance 115' Lt. ☐ Rt. ☐

Date Of: Erection Feb 15,1977

Permit Issue Feb 10,1977

Date Discontinued

Sta 123+50

ADVERTISING DEVICE PERMIT RECORD

Legal

Remarks on Reverse Side

FEE YEAR	CHECK NUMBER	FEE	PENALTY	DATE SENT TO FINANCE
1976-77	12643	$8.33	--	2/15/77
1978	Rd Co	10	—	JUN 22 1977
1979	" "	10	—	6 9 78
1980	" "	10	—	6 13 79
80 81	" "	10	—	JUL 1 1980
81-82	Rd, Co,	40.00	—	6-24-81
82-83	Co Co	40.00	50.00	9 25 82
83-84	" "	80.00	—	6-10-83
84-85	" "	80.00	—	6-5-84
85-86	" "	80.00	—	5-3-85
86-87	" "	80.00	—	6-27-86

Zoned M-1

17262 Minnesota Highway Department

Acct. # 053800

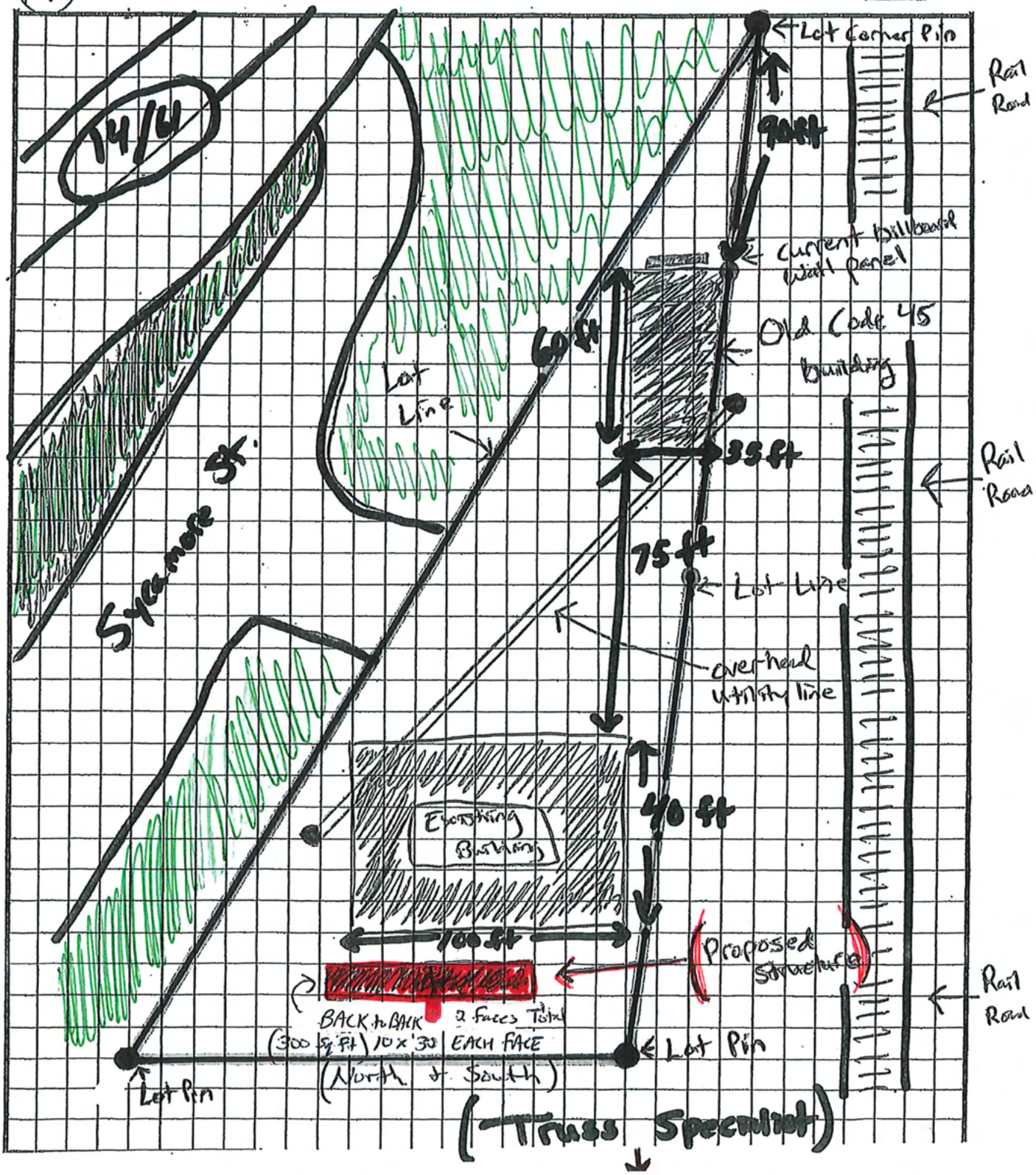
BUILDING APPLICATION SKETCH – CITY OF LA CRESCENT

Name Lamar Advertising Address 504 Sycamore St. Date 2/23/2022

ALL SKETCHES MUST BE DRAWN TO SCALE and contain the following information: North Arrow, all abutting streets and alleys with street names, dimensions of lot or lots, all existing buildings on lots, proposed buildings, and distances from all property lines to existing or proposed buildings.

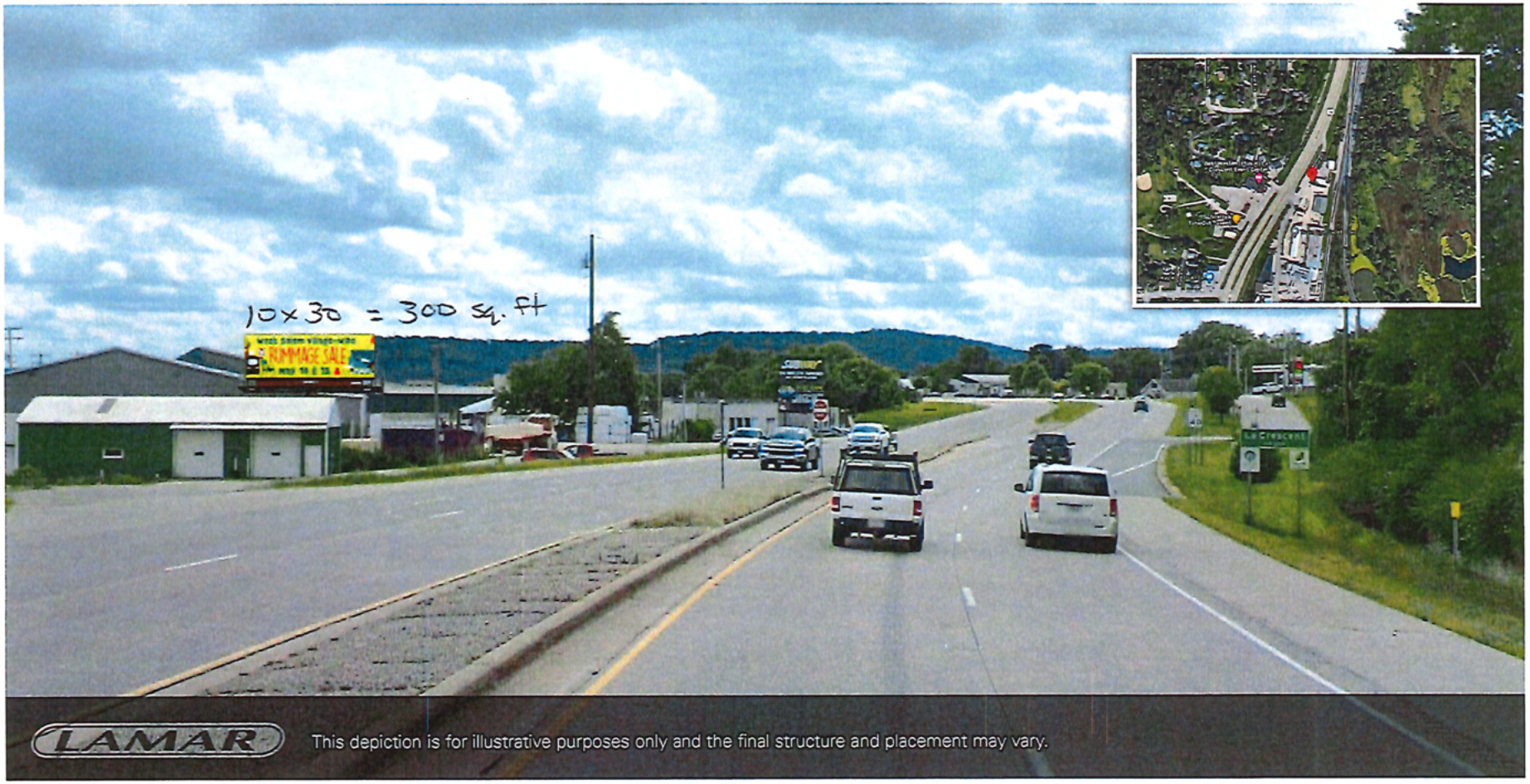
(N) ← **Crosshatch all existing buildings. Label property lines. Indicate North in the Circle**

SCALE 1/4" = _____



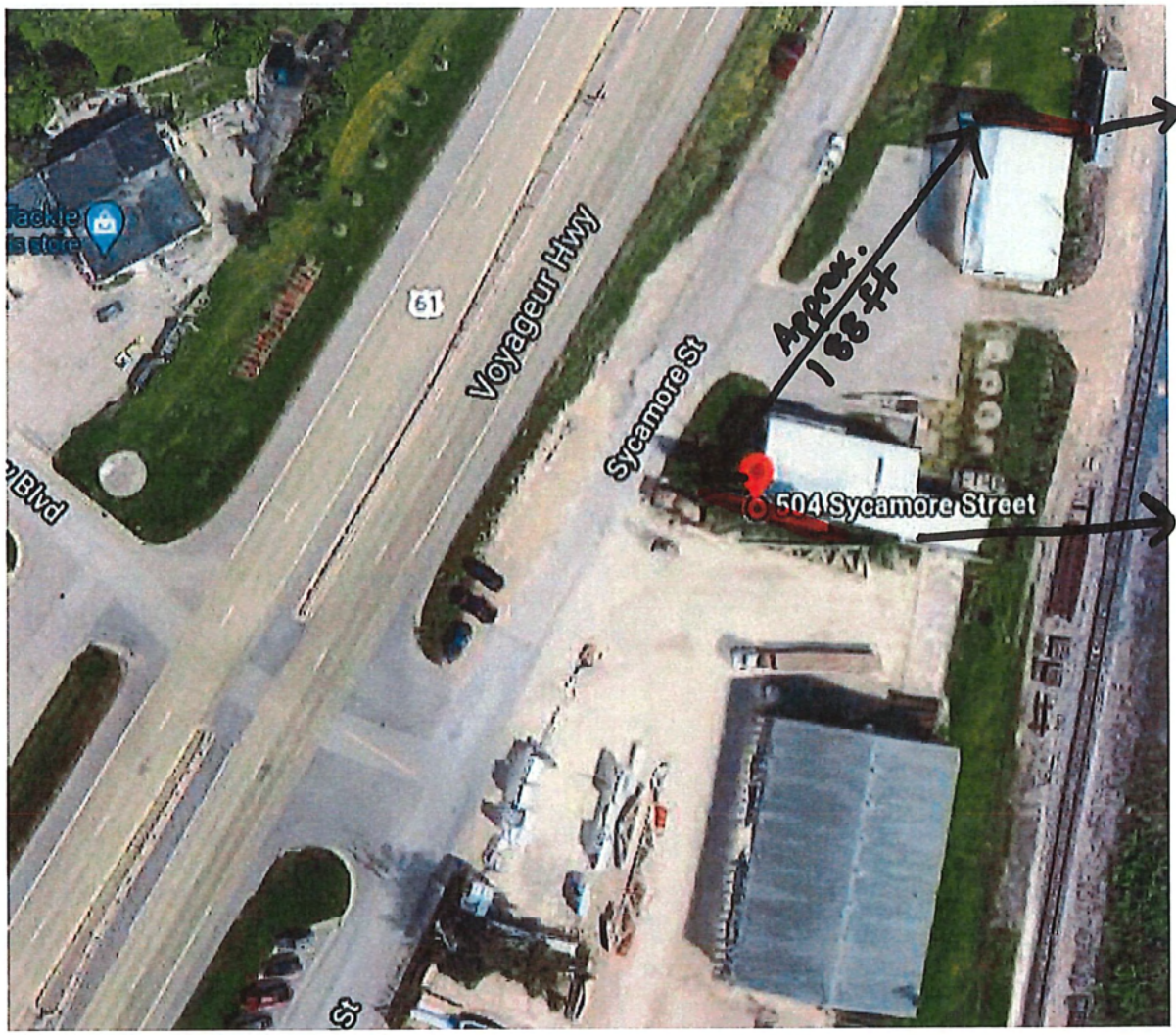
La Crescent Mock-Up

 La Crescent Mock-Up

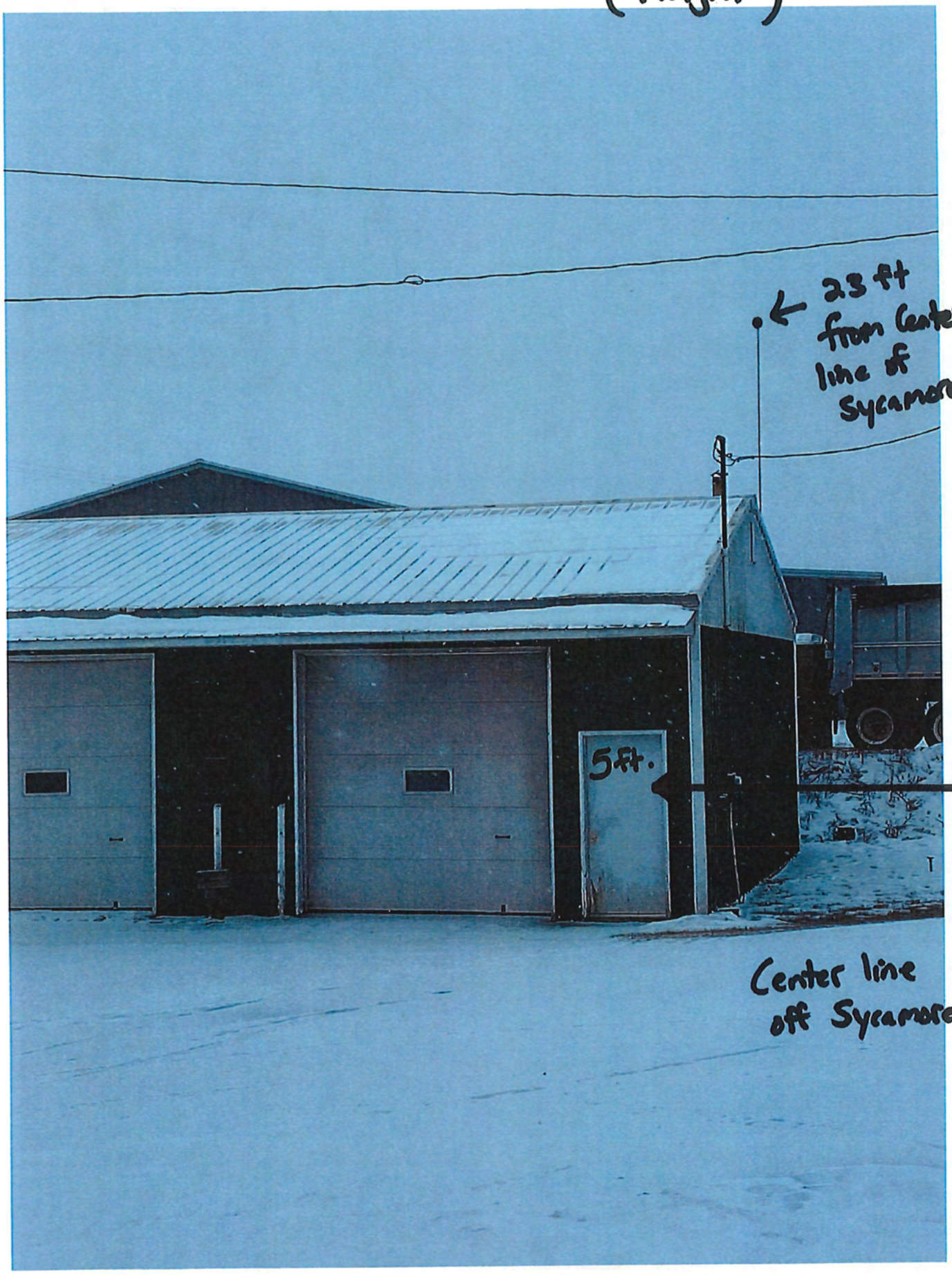


Site location

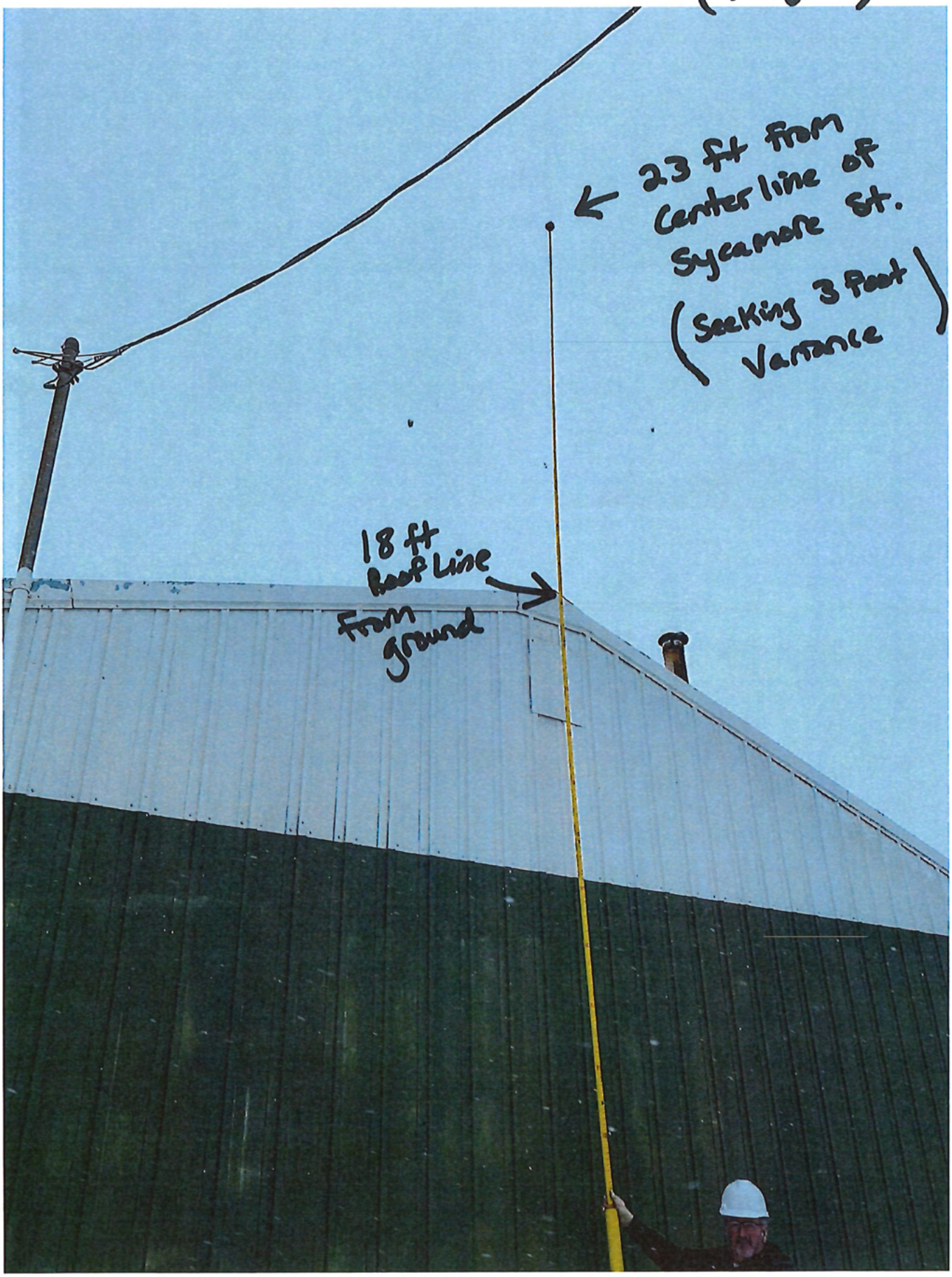
Spacing = 188 ft. (Seeking Variance per Spacing)



(Height)

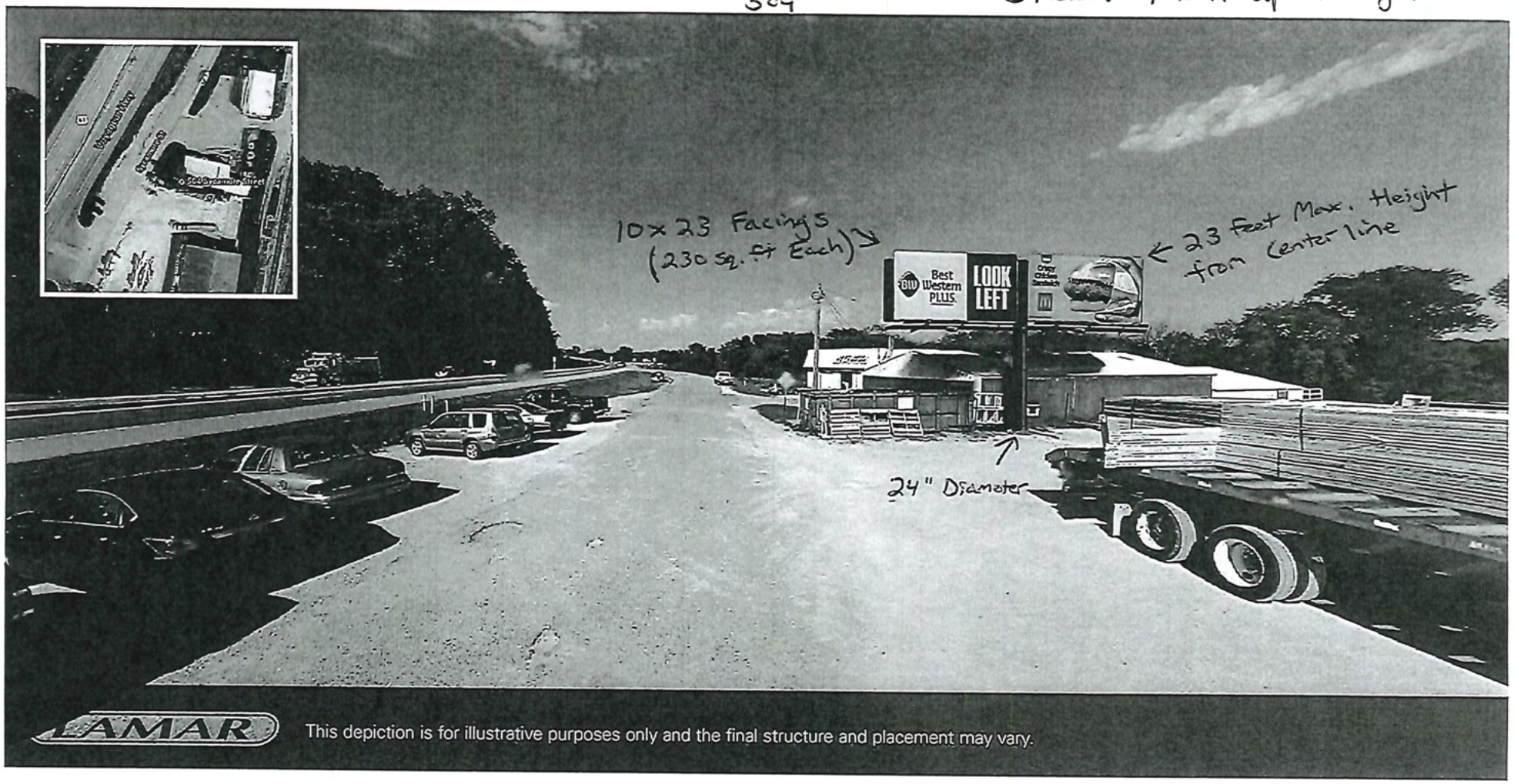

23 ft from Center line of Sycamore St.
5ft.
Center line off Sycamore St.

(Height)

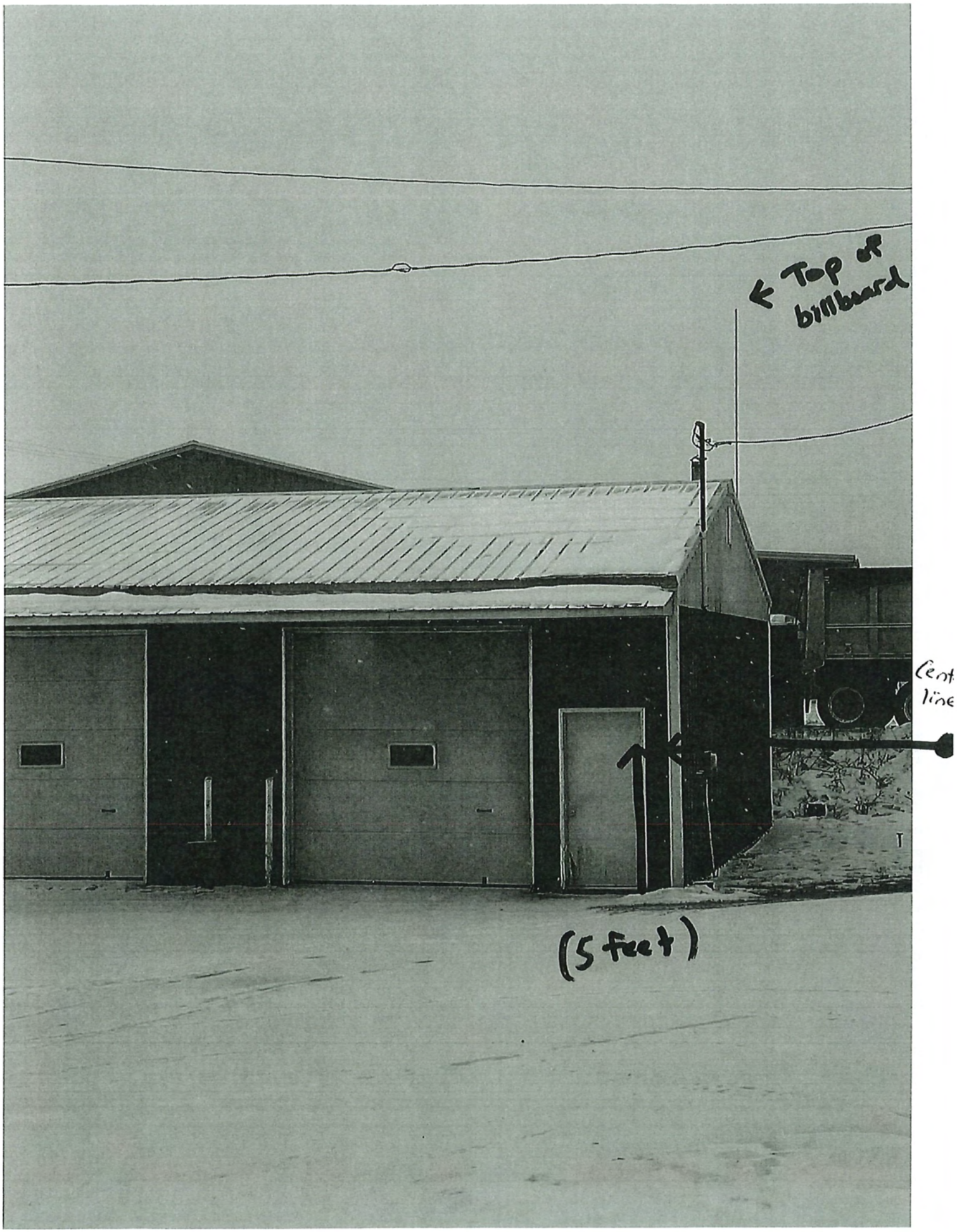

23 ft from
Center line of
Sycamore St.
(Seeking 3 Foot
Variance)
18 ft
Roof Line
from
ground

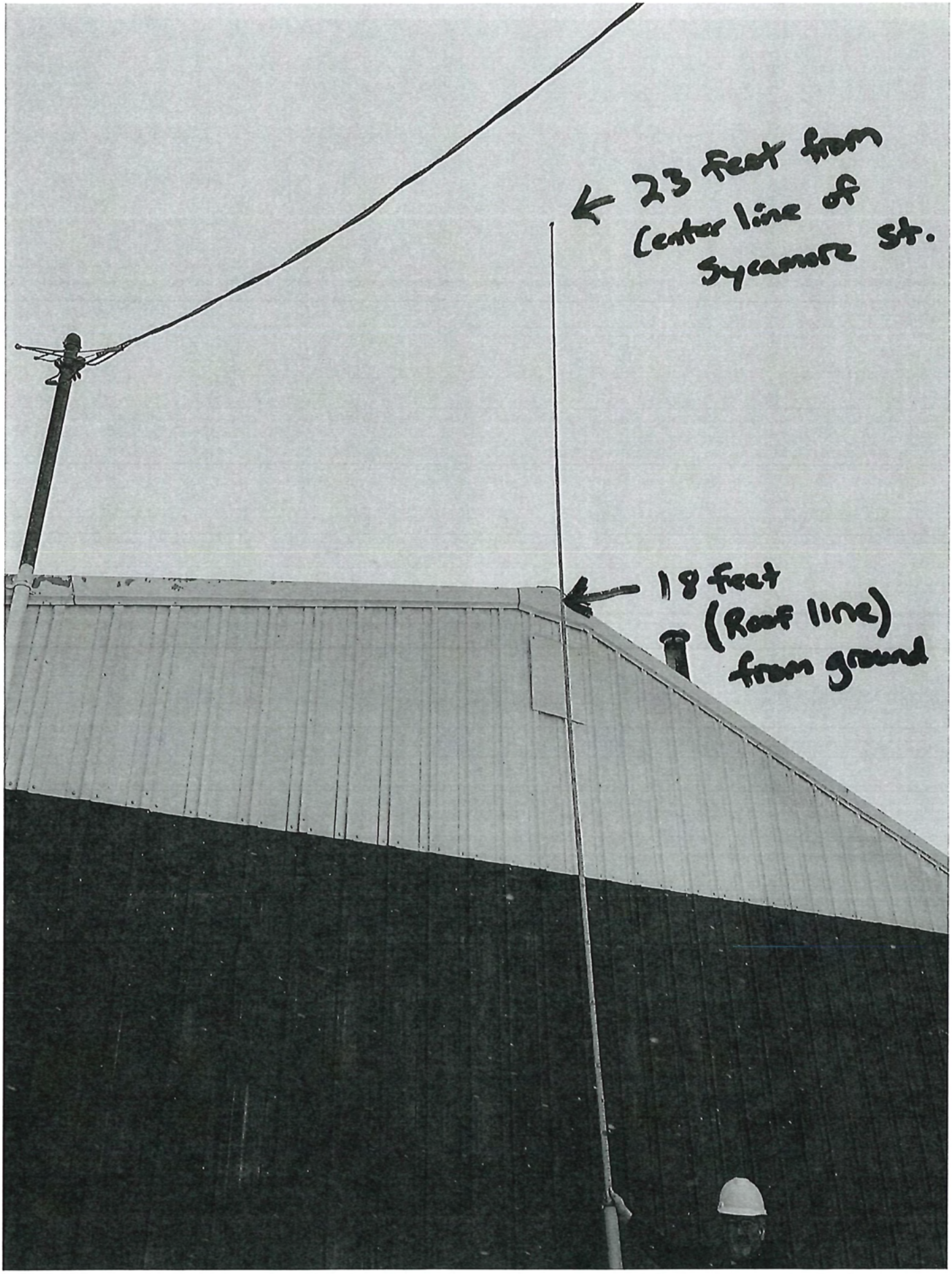
Top of billboard structure

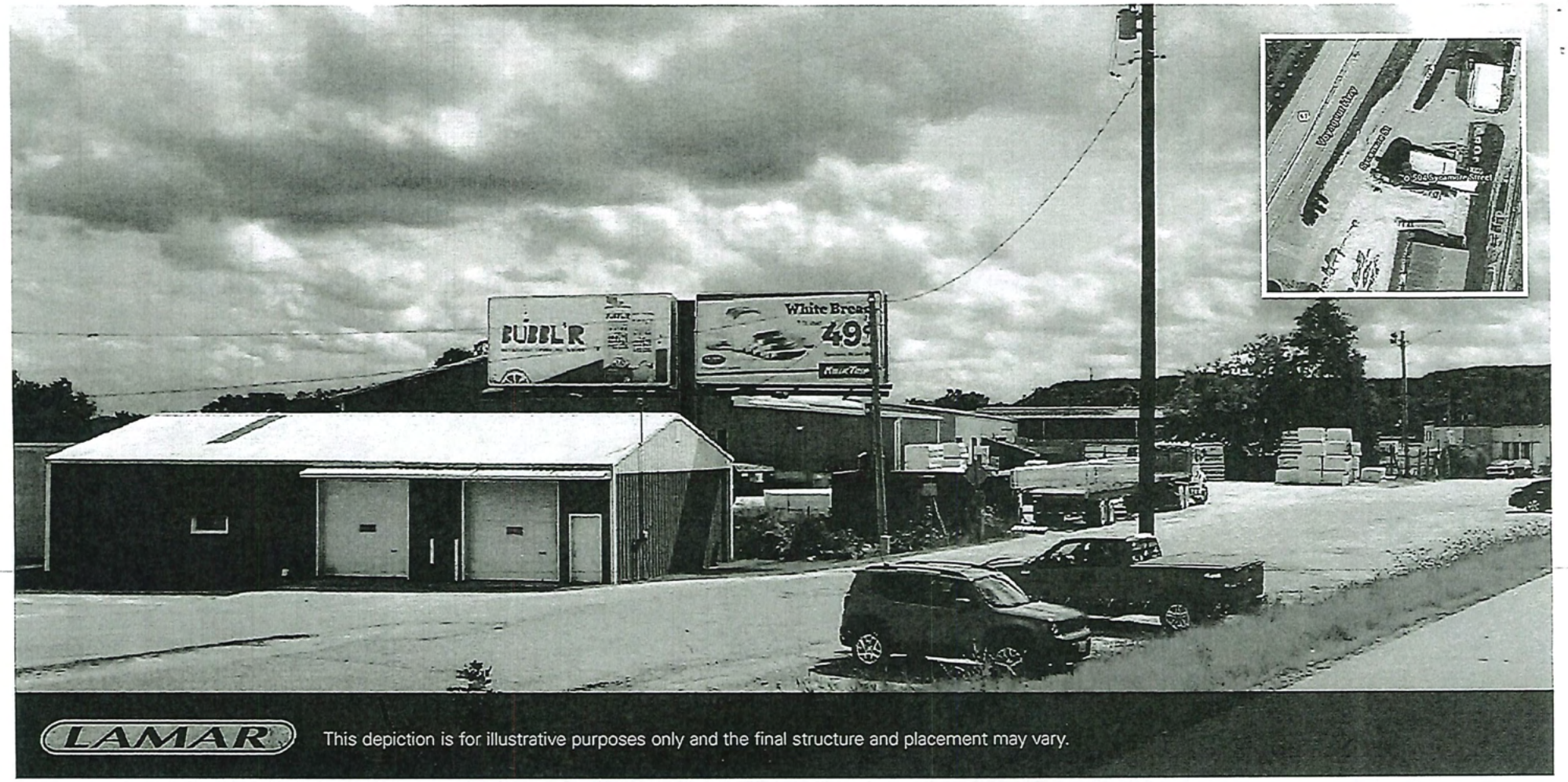
Construction Plans 504 Sycamore Mock-up Height

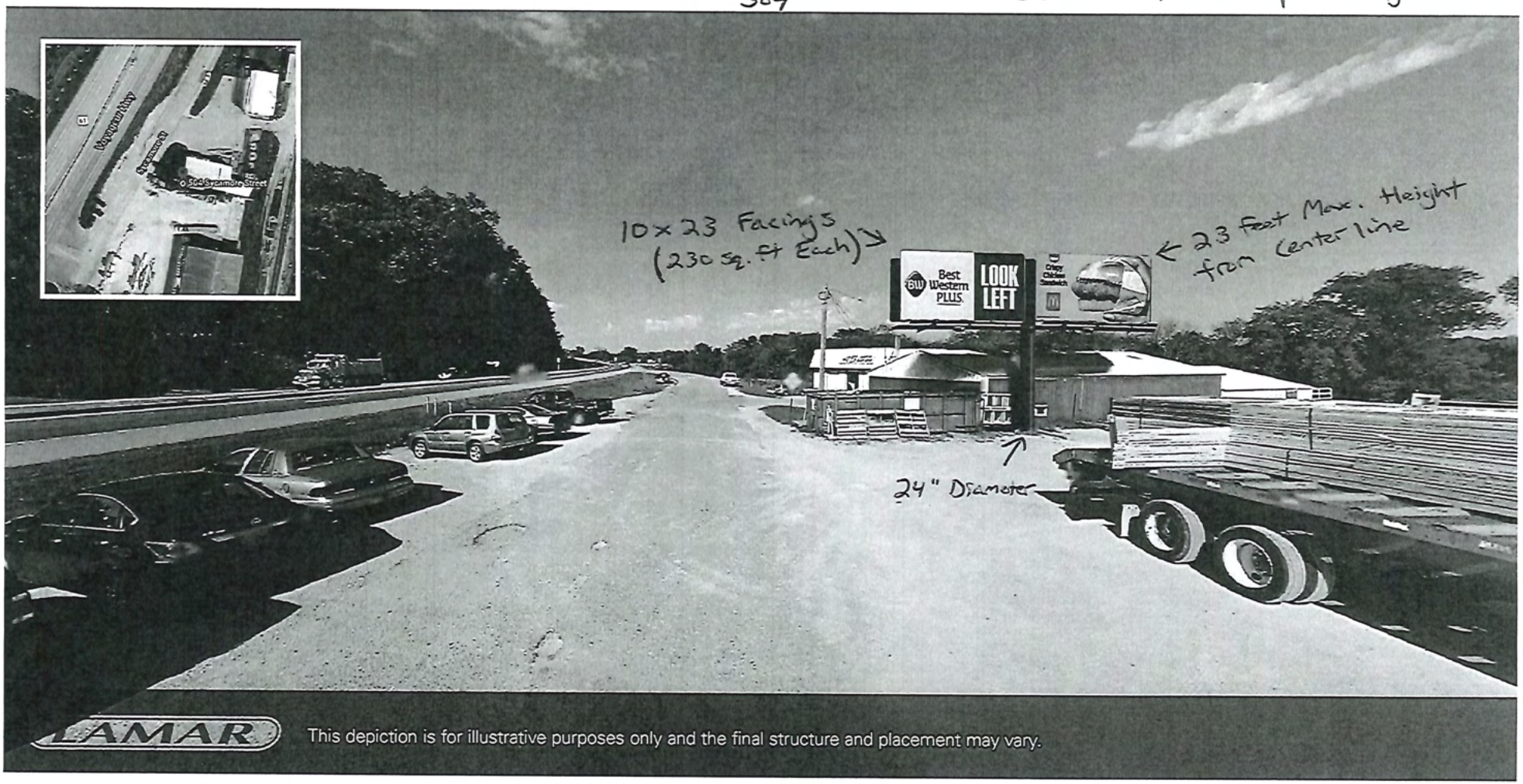


* Single Monopole - 24" inches in diameter
* Maximum height - 23 feet from Center line of Sycamore St (3 feet variance)
* Size - Each Facing 10' x 23' = 230 square feet


← Top of billboard
Cent line
(5 feet)


23 feet from
Center line of
Sycamore St.
18 feet
(Roof line)
from ground


BUBBL'R
White Bread
49¢
LAMAR
This depiction is for illustrative purposes only and the final structure and placement may vary.



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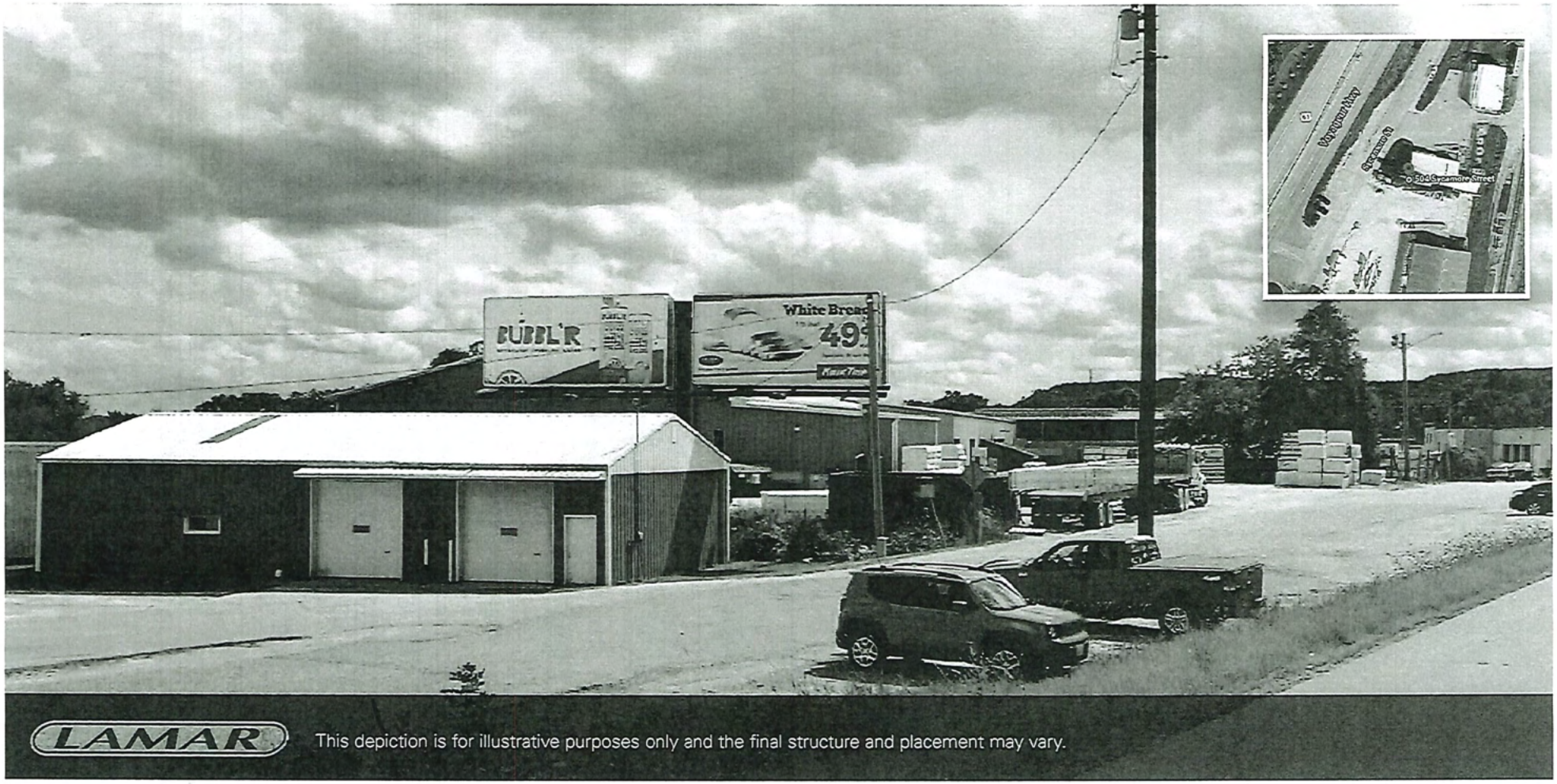


LAMAR This depiction is for illustrative purposes only and the final structure and placement may vary.

City of La Crescent

Building and Zoning Department

PLANNING COMMISSION – BOARD OF ADJUSTMENT PUBLIC HEARING
VARIANCE REQUEST – 1116 SOUTH OAK STREET
STAFF REPORT

MEETING DATE: April 5, 2022

CASE NUMBER: PC-22-03-VAR 1116 S. Oak Street - Variance

OWNER: A & L McCormick LLC
PO Box 135
LA Crescent, MN 55947

PARCEL ID: 25.1256.000

APPLICANT: Allan McCormick
(507) 313-3230
Allan@lacrossetechnology.com

REQUEST: 1) Proposed use of accent material (metal) as secondary exterior building material.

LOCATION: The property is located on the west side of South Oak Street (west of U.S. Highway 14/61 between S. 11th Street and S. 14th Street).

GENERAL PLAN/ ZONING DESIGNATION: Commercial / C-1 Commercial District

SURROUNDING USES: North: Commercial Buildings;
South: Industrial / Commercial;
East: South Oak Street and U.S. Highway 14/61 Right-of-Way;
West: Residential

BACKGROUND

The city Building Official noted that the exterior of the building was being renovated and inquired as to the nature of the work and the need for a building permit. The building owner was informed of the need for a permit and that a zoning code variance would have to be requested if more exterior metal finish was being installed as the zoning code limits metal to 10% of the façade and only as an accent material. During correspondence with the owner, the owner has decided to leave the stucco finish on the lower half of the building and only add metal to the upper portion of the exterior façade.

PROPOSAL

PC-22-03-VAR is a proposed variance request to add more than 10% of the exterior finish of a commercial building as metal. The C-1 Commercial zoning district allows for up to 10% of a commercial building to have metal as an accent material. This request would allow for the use of metal as a secondary building material. Per the design standards in the zoning code, there are three categories of exterior finishes and include primary, secondary, and accent. The owner is proposing to use the wall panel system noted in the attached photo from a project in Winona, MN and will not be standard corrugated metal siding. The Montessori sign will go back in place on the north side of the 2nd floor to fill the empty space where it was mounted before this project started. The 1st floor will consist of painted stucco with stone veneer around the columns.

BUILDING AND ZONING STAFF ANALYSIS

Relationship to Comprehensive Plan:

The subject site is designated by the City's General Plan as "Commercial." The Comprehensive Plan states that this land use designation is intended for retail, service, and office uses that serve neighborhood, community and regional markets.

Economic Development:
Strategies:
Encourage and facilitate the redevelopment of land along South Oak St., south of S. 3rd St., with uses that benefit from highway exposure and convenient access.

Land Use and Community Design:
Goal 3: Properties along the State and Federal highway corridors will be improved and redeveloped.

Objectives:
3.1 Buildings will be improved or replaced with higher-quality materials and design.

City zoning and land use regulations: The City has recently had other requests to allow for more architectural metal on commercial buildings (greater than 10%). The current code limits the use of metal to 10% as an accent material. The Planning Commission has asked staff to review the zoning code in light of these recent variance requests.

Site Context:

The site consists of several buildings spanning several tax parcels and is located on the west side of South Oak Street and is west of Highway 16 between 11th and 14th Streets.

Infrastructure Improvements:

N/A

Public Input:

Staff has not received any public comment regarding this application.

FINDINGS OF FACT FOR VARIANCE REQUEST

12.07 VARIANCES Subd. 1. Pursuant to Minn. Stat. Sec. 462.357, Subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Adjustment, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

CRITERIA FOR GRANTING VARIANCE

The City Zoning Ordinance states the following:

> A variance is a modification or variation of the provision of this zoning code as applied to a specific piece of property.
>
> Subd. 2.
>
> A. Variances shall only be permitted
> 1. when they are in harmony with the general purposes and intent of the ordinance, and
> 2. 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.
>
> Subd. 3. "Practical difficulties," as used in connection with the granting of a variance, means that
>
> 1. The property owner proposes 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.
>
> Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. The board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. DECISIONS. Following the public meeting or any continuance which is not appealed by the applicant, the Board of Adjustment shall grant or deny the variance upon a decision by a majority of members present. The Board of Adjustment may grant variances from the literal provisions of this Ordinance when the

applicant for the variance establishes that there are practical difficulties as defined herein, and when they are in harmony with the general purposes and intent of the Ordinance and when the variances are consistent with the comprehensive plan. The Board of Adjustment may impose any reasonable condition in granting of such variances in order to ensure compliance with this Ordinance or to protect adjacent property. The Board of Adjustment may consider functional and aesthetic issues in order to protect the essential character of the neighborhood. The Board of Adjustment shall accompany its decision to grant or deny a variance with a statement of its findings.

STAFF FINDINGS AND RECOMMENDATION

City staff has reviewed the submitted application, the applicant's response (a thru k) of the application, reviewed the adopted comprehensive plan, and the city's C-1 Commercial district regulations along with previous variance requests for the use of metal on commercial buildings. The variance request is to allow for the façade of the building to have more than 10% of the exterior to have metal as a finish material. This request would essentially make the metal finish a secondary building material rather than an accent material. The owner will be adding stone veneer to the columns which will give the exterior a third finish material type. The city staff finds that the variance request is consistent with several stated goals, objectives, and strategies of the comprehensive plan found in the following elements:

- *Economic Development*
- *Land Use and Community Design*

Variances shall not be permitted when they are not in harmony with the general purposes and intent of the ordinance and when the variances are not consistent with the comprehensive plan. This request can be considered consistent with the comprehensive plan and the general intent of the zoning code because the owner has added stone veneer; is keeping the stucco on the first floor; is using architectural metal; and has added a metal projection over the upper floor windows and above the lower floor. The variance request does meet these two criteria (harmony and purpose of the ordinance and consistency with the comprehensive plan), therefore the request was also evaluated to determine if there are "Practical difficulties." The property owner is proposing to use the property in a reasonable manner, the property owner is attempting to have a more permanent repair for the problems associated with previous attempts to restore the stucco finish and the building repairs will not alter the essential character of the immediate locality.

Staff therefore recommends approval of the variance request.

RECOMMENDED MOTION FOR VARIANCE

I move that the Planning Commission serving as the Board of Adjustment (APPROVE/DENY) case PC-22-03-VAR – 1116 S. Oak Street, a request by Mr. Allan McCormick to allow for the use of accent material (metal) as secondary exterior building material on the upper level of the commercial building located at 11116 S. Oak Street (Parcel Number 25.1256.000).

Statement of Findings:

1)

Conditions:

NOTE: Upon approval or denial of a variance request by the Board of Adjustment, an applicant or other aggrieved party may file an appeal in writing to the City Council within (10) days of the decision, otherwise the decision by the Board of Adjustment becomes final.

_Larry Kirch_____
Prepared by Larry Kirch,
Community Development Director

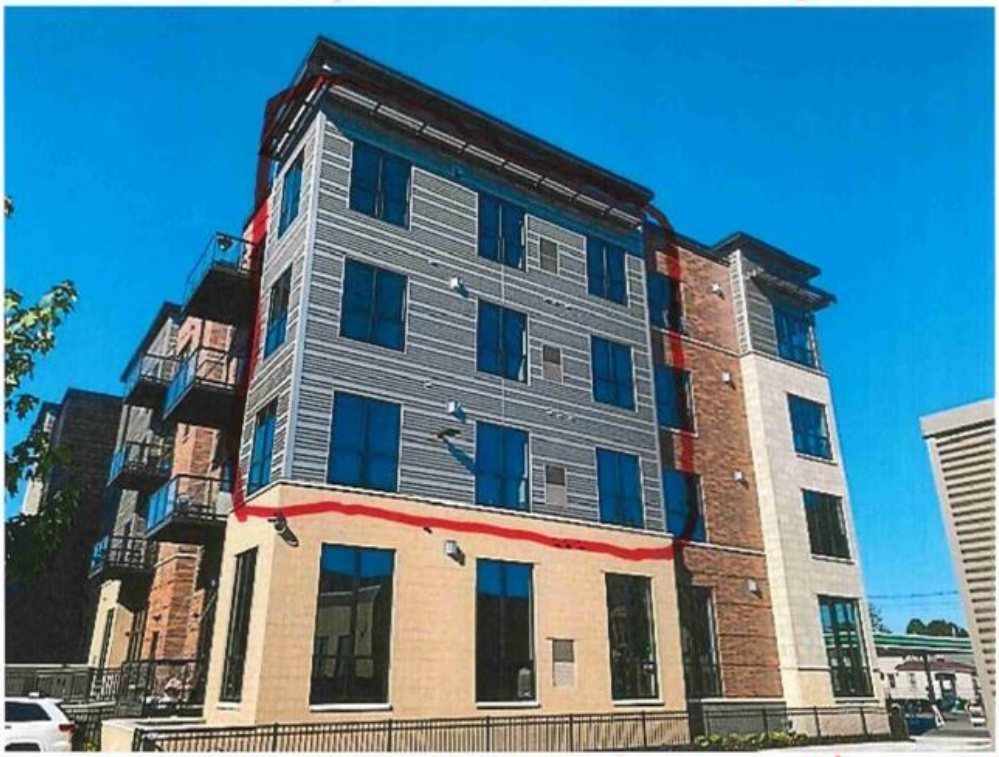
Attachments:
Exhibit #1 – Houston County Beacon Aerial Map – Parcel Map
Exhibit #2 – Variance Findings Form
Exhibit #3 – Portions of La Crescent Zoning Code
Exhibit #4 – Application - Variance Request

Exhibit #1

Houston County Beacon Aerial Map – Parcel Map

La Crescent
Montessori &
STEM School
CHEVROLET

Job We did in WINONA wit the MX 1+2 Alternating wall panels



ilver metalic wall panels Are the wall panels I Am recomending we instalk.

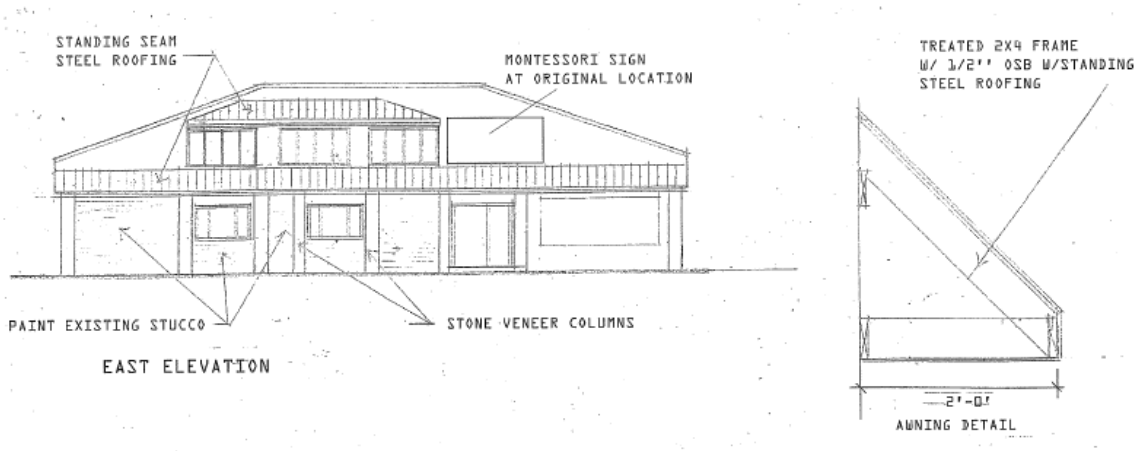

STANDING SEAM
STEEL ROOFING
MONTESSORI SIGN
AT ORIGINAL LOCATION
PAINT EXISTING STUCCO
STONE VENEER COLUMNS
EAST ELEVATION
TREATED 2X4 FRAME
W/ 1/2'' OSB W/STANDING
STEEL ROOFING
2'-0"
AWNING DETAIL

Exhibit #2

Variance Findings Form

1. Is the request in harmony with the general purposes and intent of the ordinance?

The variance **is/is not** in harmony with the purpose and intent of the zoning ordinance based on the following findings of the Planning Commission because: _____

_____

_____

_____

2. Would granting the variance be consistent with the Comprehensive Plan?

Granting the variance **is/is not** consistent with the Comprehensive Plan because: _____

_____

_____

_____

Practical Difficulties Analysis

3. Does the property owner propose to use the property in a reasonable manner not permitted by the ordinance?

The property owner **does/does not** propose to use the property in a reasonable manner not permitted by the ordinance, given the purpose of the protections because: _____

_____

_____

_____

4. Is the plight of the landowner due to circumstances unique to the property owner not created by the landowner?

There **are/are no** circumstances unique to the property that would prevent compliance with the ordinance because: _

_____

_____

_____

_____

5. Would granting the variance allow the essential character of the locality to stay the same?

Granting the variance **will/will not** alter the essential character of the locality because: _____

_____

_____

_____

Exhibit #3

Portions of La Crescent Zoning Code

4. Exterior building materials shall be classified either primary, secondary, or accent materials. Primary materials shall cover at least sixty percent (60%) of the facade of a building. Secondary materials may cover no more than thirty percent (30%) of the facade. Accent materials may include door and window frames, lintels, cornices, and other minor elements, and may cover no more than ten percent (10%) of the facade.

Allowable materials are as follows:

a. Primary exterior building materials may be brick, stone, architectural precast concrete or glass. Bronze tinted or mirror glass are prohibited as exterior materials in the CBD district.

b. Secondary exterior building materials may be any of the primary building materials above or decorative block, integrally colored stucco, or fiber cement siding (color impregnated or painted) in vertical panel design only with hidden seams.

c. Synthetic stucco may be permitted as a secondary material on upper floors only.

d. Accent materials may be wood, metal or fiber cement when used in trim, fascia or soffit if appropriately integrated into the overall building design and not situated in areas which will be subject to physical or environmental damage.

e. All primary and secondary materials shall be integrally colored, except where otherwise stated.

Exhibit #4

Application - Variance Request

PD
$150 Fee
Month

Variance Application Requirements
City of La Crescent
LA CRESCENT, MINNESOTA

The following information must be submitted to the building/zoning department before a variance application can be processed and approved, more detailed information is listed below

Variance Application Form

After a preliminary review, additional information may be required.

Variance Application Form: Application forms are available at the building/zoning department. Complete the form and return it to the building/zoning official with the required fee.

General Information

l. What is a Variance? Each district in La Crescent's zoning ordinances include standards related to building setbacks, percent of lot covered, height of buildings, etc. On occasion, a property owner requests a variance or variation to the zoning standards. The variance application procedure is not intended to allow use of land in a manner that is different from what is normally pennitted in the zoning district. Rather, the intent of a variance is to provide some flexibility where the strict interpretation of the zoning ordinance would result in an unnecessary practical difficulty. Financial hardship and inconvenience are not grounds for granting approval of an application for variance. Approval of a variance demands time, expense and justification. Please consider designing or redesigning the project to meet all zoning standards before submitting an application for variance.

2. What is the typical subject matter for consideration in connection with deliberations upon the question as to whether or not a variance should be granted or denied? 12.07 VARIANCES

   Subda l. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Adjustment, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

Subd. 2.

A. Variances shall only be perinitted

l. When they are in harmony with the general purposes and intent of the ordinance and;

2. 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.

Subd. 3. "Practical difficulties," as used in connection with the granting of a variance, means that :

l. The property owner proposes 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. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14 of the State Statutes, when in harmony with the ordinance. The Planning Commission, serving as the Board ofAdjustment, may not permit as a variance any use that is not permitted under the ordinance for property in the zone where the affected person's land is located. The Board of Adjustment may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The Board ofAdjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

3. What actions help to ensure approval of the application?

a. Review your project before completing the application to make sure it Ineets one or more of the criteria shown.
b. Provide complete and accurate information.
c. Plan your project so that it is compatible with the surroundings and does not disrupt the neighborhood with undue noise or traffic.
d. Attend hearings so that you can speak for your project and respond to questions posed.

4. How do I apply for a variance?

a. Fill out the attached variance application form, sign and date the same.
b. Make a plot plan or map of the property which shows, at a minimum, all lot lines, existing and proposed structures, driveways and parking areas, significant topographical features and mature trees.
c. Show evidence of ownership or an interest in the property.
d. Include the address of the propeny and the legal description.
e. List the addresses and owners name of all properties that abut the propeny.
f. Include the required fee amount of $150.00.
g. Turn all information into the building/zoning official before three weeks prior to a scheduled meeting date, (Planning Commission meets the I st Tuesday of each month.)
h. Turn in any other information as required by the City of La Crescent.

5. A sketch drawn to scale must be attached showing:

a. Lot lines and corner pins;

b. Dimensions of existing buildings and proposed new construction;
c. Distances from lot lines to buildings.
d. All Easements (Utility and drainage)
e. Utility lines entering the property.
f. Corner pins must be established and marked by the owner.
g. Two copies of construction plans must also be submitted

6. When will I have my hearing? You will receive a notice of variance request by mail stating the date, time and place of your variance hearing. (Planning Commission meets the I st Tuesday of each month.)
7. Why do I need to list my neighbors? All adjoining property owners shall be advised of the variance request 10 days before the scheduled meeting to have a chance to appear at the hearing with comments or objections.

8. Why do I need to pay a fee? The fee is for the cost of the mailings, the recording fee from Houston County and the meeting itself.

9. Why do I need to turn all information into the building/zoning official before three weeks prior to a scheduled meeting date? We need time to check the information, schedule the hearing and prepare all mailings to adjoining properties.

10. Please include a response to each of the following items. Please type or print legibly. If your response does not fit within the available space, please attach additional sheets. If the question does not apply to your situation, respond with "Not Applicable.„

a. Please provide a brief description of the project.

Upgrade facade due to deterioration of existing materials and improve the esthetics and curb appeal of the building.

b. What variance to the Zoning Code are you requesting? What is the reason for your request?

Requesting to incorporate a decorative metal material with hidden fasteners as an accent material.

c. Describe specific, unique problems with the property, such as location, surroundings, mature trees, natural obstacles or formations and explain why the improvements you are requesting cannot be made in conformity with Zoning Code stipulations, (Issues of personal hardship such as family size, finances, medical condition should not be considered.)

No specific or unique problems with the property except the existing stucco material has deteriorated again. The stucco material was professionally replaced once and it never looked great because the texture and color

didn't match. It also was never flat and the previous contractor said that the warped appearance could not be fixed. Therefore, I didn't want to attempt to have the stucco repaired and still have it look bad.

d. Explain why, without the variance, you cannot use your property in the same manner as others in the same zone. Also, explain how the variance will not give you an advantage over others in the same zone.

How will completing your project without a variance cause a practical difficulty in planning, design, or construction? (For the purpose of the application, Practical difficulties," as used in connection with the granting of a variance, means that :

I *The property owner proposes 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.

The variance project is strictly intended to improve the aesthetics of the building and find a fix for the current deteriorations. With the deteriorating conditions, this locality could become displeasing to look at, and because of this we believe that there will be practical difficulties ahead for the location.

e. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.)

The requested variance is not for economic considerations. Due to the deteriorated condition of the stucco on the 2nd floor, my architect and contractor advised against other options.

f. What provisions have you made to ensure that the design elements of your project are aesthetically pleasing and harmonious with existing buildings in the area? These design elements include, but are not limited to height, bulk, area openings, breaks in the faqade, line and pitch of the roof, materials, arrangements

of structures on the property, concealment of mechanic and electrical equipment, etc.

We are not changing the shape of the building. We are confident the design elements of the requested improvements will enhance the area. By maintaining the current shape of the building and making moderate visual improvements we will ensure that the changes will be harmonious with the surrounding buildings.

g. What provisions have you made to ensure that will not adversely affect property owners in the zoning district particularly those who own adjacent properties, properties on the same block or properties in the immediate neighborhood? Consider the effect on neighboring properties' existing views, privacy, access to direct and indirect light, etc.

The requested variance is the result of the recommendation of the neighbor to the south, Paul Siegersma. The neighbor to the north, Lee Schwartzhoff is doing the electrical work and He is happy we are making the improvements.

h. How has your own safety and that of others been considered in your plan? Consider fire codes, points of ingress and egress, flow of pedestrian and vehicular traffic, etc.

No safety considerations

i. Are there exceptional or extraordinary circumstances that apply property which does not generally apply to other properties located within the zoning district? (i.e. atypical lot size or shape, atypical topography or other conditions over which the property owner is unable to control).

No extraordinary circumstances. However, the wall under consideration is currently stucco that experts advised to not repair. The wall also has a small relief between the first and second floor that creates a natural place for the sunshade and a break between the materials for the first and second floor.

j. Please indicate what steps you have taken to discuss this project with your neighbors prior to submission.

I discussed the project with the neighbors to the north and south. Their only concern has been how long this project has taken.

k. Please indicate what steps you have taken to discuss this project with the City staff prior to submission.

I originally hired a reputable local contractor and I assumed the general contractor obtained a permit for this work.

If there are any questions as to property lines, please call the Houston County Recorder at 507725-5813.

Questions: If you have any questions, please contact the Building/Zoning Department, Monday through Friday, 7:30 a.m. to 4:00 p.m. at 507-895-4409, or write to, Shawn Wetterlin Building Official, 315 Main Street, City of La Crescent, Minnesota, 55947.

My signature below signifies that:

I hereby declare that I am the owner, or authorized agent of the owner, of the above described property and I agree to construct the building or use herein described in accordance with the regulations and ordinances that govern said improvement within the City of La Crescent and that the foregoing information contained on this application is a true and correct statement of my intentions. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction. I understand that any utility that must be moved as a result of additions or alterations to the property will be at my expense and I will be responsible for the cost of the plan check of this application even though I do not continue the project. I have also read and understand the instructions and information listed on the reverse side of this form.

- I have read the background information and have provided the required information.
- I have reviewed the legal description on my property deed and indicated all recorded easements and deed restrictions on the submitted site plan. (*Please provide a description here of the easements and restrictions shown on your property deed.* NA)
- I believe the information provided in this application is accurate to the best of my knowledge.
- I am aware that City staff and/or Planning Commission members may view my property and proposed construction. (*Please note any special instructions regarding access to your property such as dogs, gates, alarms, etc* We applied a large sample for everyone to view)
- I understand that if this application is approved, a building permit is required for construction and that no construction may commence prior to issuance of the permit. No changes may be made without City approval, and changes may require a new application.

Signature(s) of Property Owner(s) Allan M Crook

Date 2/18/2022