



# CITY OF CHANHASSEN

**PC DATE:** February 18, 2020

**CC DATE:** March 9, 2020

**REVIEW DEADLINE:** March 17, 2020

**CASE #:** 2020-03

**BY:** MacKenzie Young-Walters

## PROPOSED MOTION:

“The Chanhassen Planning Commission recommends approval of the variance request to allow a 6-foot high ground low profile sign with 35.33 square feet of total display area of which 16 square feet may be an electronic message center, subject to the Conditions of Approval and adopts the attached Findings of Fact and Decision.”

(Note: A motion for denial and appropriate findings of fact are also included at the end of the report.)

**SUMMARY OF REQUEST:** The applicant is requesting a variance to allow for a 6-foot high ground low profile sign with 35.33 square feet of sign display area, 16 square feet of which will be an electronic message center (EMC). The city’s sign code would allow for a 5-foot high ground low profile sign with 24 square feet of sign display area, 12 square feet of which could be an EMC. The existing ground low profile sign and EMC meet the requirements of the city’s sign code.

**LOCATION:** 306 W. 78<sup>th</sup> Street

**APPLICANT:** Ben James  
Blue Label Creative  
2460 Galpin Ct. #120  
Chanhassen, MN 55317

**OWNER:** Chapel Hill Academy  
Kassie Grosz  
306 W. 78<sup>th</sup> Street  
Chanhassen, MN 55317

**PRESENT ZONING:** OI

**2030 LAND USE PLAN:** Public Semi Public

**ACREAGE:** 4.84 acres      **DENSITY:** NA



**LEVEL OF CITY DISCRETION IN DECISION-MAKING:** The city’s discretion in approving or denying a variance is limited to whether or not the proposed project meets the standards in the Zoning Ordinance for a variance. The city has a relatively high level of discretion with a variance because the applicant is seeking a deviation from established standards. This is a quasi-judicial decision.

**Notice of this public hearing has been mailed to all property owners within 500 feet.**

**PROPOSAL/SUMMARY**

The applicant is requesting a variance to increase the height of their existing sign to six feet, a 1-foot variance, and increase the sign’s display to 35.33 square feet, a 11.33 square foot variance, to accommodate a larger EMC panel. The applicant had initially approached staff with a proposal for an 8-foot high sign with 48 square feet of display area; however, after staff expressed concern with the extent of the proposed height variance, the applicant revised their request to minimize the extent of the requested variance. The applicant is proposing to use the existing sign’s base so the location of the sign would not change.

The applicant is requesting the variance because they feel that the size of the sign’s existing EMC panel does not allow them to effectively advertise the various activities that are held at their facility. For example, weekend religious services are held on the property and they have found that the existing EMC does not allow them to effectively convey the name, date, and time of services. As a result, they are required to use banners and other temporary signage to advertise the services. In addition to these secondary uses of the facility, Chapel Hill Academy also hosts numerous after-school meetings, programs, and athletic events, all of which would benefit from additional visibility. The applicant believes that a more flexible advertising space is necessary to promote these events.

The applicant has noted that the OI zoning district does allow public/community signs on property owned or leased by a governmental agency to be up to 8 feet high with 120 square feet of display area, 40 square feet of which may be an EMC. These signs are significantly larger than what they are requesting, and they feel that as a private school they have very similar needs to public school in terms of having a large enough EMC display area to advertise extracurricular events and after hours meetings.

Existing Sign



Proposed Sign



### **APPLICABLE REGULATIONS**

- Chapter 1, General Provisions
  - Section 1-2, Rules of Construction and Definitions
- Chapter 20, Article XXVI, Division 1, Generally
  - Section 20-1253, Variances
- Chapter 20, Article XXVI, Division 1, Generally
  - Section 20-1265, General Location Restrictions
- Chapter 20, Article XXVI, Division 1, Generally
  - Section 20-1267, Uniformity of Construction, design, etc.
- Chapter 20, Article XXVI, Division 1, Generally
  - Section 20-1276, Electronic Message Center Signs
- Chapter 20, Article XXVI, Division 2, Signs Allowed in Specific Districts by Permit
  - Section 20-1302, Neighborhood business, fringe business and office and institutional districts

### **BACKGROUND**

On July 7, 2006, a permit was issued for the existing monument sign and EMC.

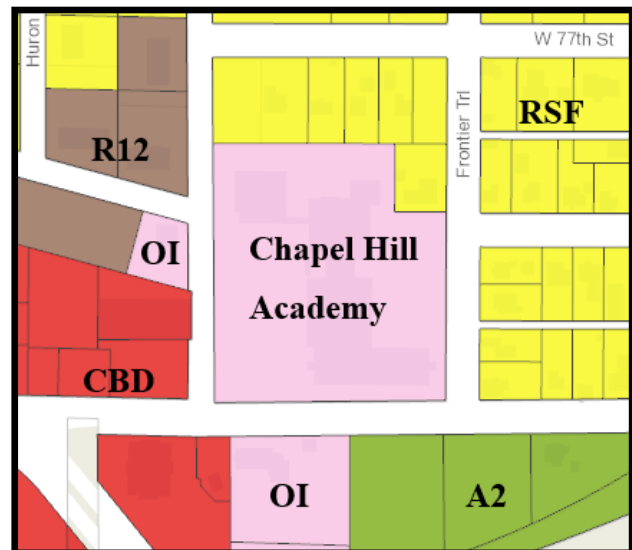
### **SITE CONDITIONS**

The property is zoned Office Institutional District (OI). The parcel has an area of 4.84 acres with frontage along W. 78<sup>th</sup> Street, Great Plains Boulevard, and Frontier Trail. There is a 5-foot high ground low profile sign with 24 square feet of display area, 9.5 square feet of which is an EMC, along the W. 78<sup>th</sup> Street frontage. The principal building also has a 12.2 square foot wall sign on the western elevation and a 41.625 square foot wall sign on the southern elevation.

### **NEIGHBORHOOD**

#### *Surrounding Land Use:*

Chapel Hill Academy is located on the eastern edge of downtown and serves as a transition between downtown's commercial uses and the single-family residential neighborhoods to the east. The properties to the north and east are zoned Single-Family Residential District (RSF). The properties to the south are zoned Agricultural Estate District (A2), Office Institutional District (OI), and Central Business District (CBD). The properties to the west are zoned CBD, OI, and High Density Residential District (R12).



*Sign Variances within 500 feet:*

400-416 W. 78<sup>th</sup> Street: Monument sign within the lot’s 10-foot setback and wall sign along the east façade.

*Non-conforming signs within 500 feet:*

Chan Prairie Laundry Center located at 7720 Great Plains Boulevard has a pylon sign that does not conform to the current ordinance.

**RELEVANT SIGN CODE**

Detached Signs in OI District

<b>Ground Low Profile Business Signs</b>			
<b>User</b>	<b># of Signs</b>	<b>Height</b>	<b>Display Area</b>
Business/Institutional Sign	1	5’	24 sq. ft.
Governmental Unit	1 per frontage	8’	120 sq. ft.

Note: EMCs are allowed for both types of signs; however, EMCs on signs owned by governmental units are limited to 40 square feet in size.

Electronic Message Centers

<b>EMC Maximum Display Area Table</b>	
<b>Sign Display Area (square feet)</b>	<b>EMC Display</b>
0-24	50%
25-64	45%
65-80	40%

- May not be located within 50 feet of a street intersection.
- May not be located within 125 feet of a residential district.
- Use of EMCs within 500 feet of single-family residential homes shall be limited to the hours between 6:00 a.m. and 10:00 p.m.

Note: This is a partial list of standards. Additional provisions govern brightness, glare, distracting images, and other similar issues that can arise with the use of EMCs.

**ANALYSIS**

The City Code states that sign variances may only be granted if “it is shown that by reason of topography or other conditions, strict compliance with the requirements of this article would cause hardship; provided that the variance may be granted only if the variance does not adversely affect the spirit or intent of this article.” In this case, the site is flat with good visibility from W. 78<sup>th</sup> Street

so topography cannot be used to justify granting a variance; however, the city could find that Chapel Hill Academy's institutional nature creates a need for flexible advertising space beyond what is permitted by the ordinance that constitutes "other conditions" creating a hardship.

As was noted earlier in the report, the OI district does allow governmental entities to erect ground low profile signs that are up to 8 feet high with a maximum sign display area of 120 square feet, 40 square feet of which can be an EMC. While Chapel Hill Academy, as a private entity, is not entitled to this larger category of signage, its large number of activities throughout the year and the facility's use by multiple entities gives it a use profile similar to that of a public building. This need to inform people about the time and location of various activities throughout the week necessitates some form of changeable signage and the applicant has stated that the existing 9.5 square feet of display area does not allow them to effectively convey this information. Staff believes that the requested 35.33 square feet of display area, 16 square feet of which will be an EMC, represents a good faith effort by the applicant to request the minimum variance needed to remedy their hardship.

The requested increase in sign height stems from the prefabricated nature of EMC displays. The applicant has stated that the 16 square foot EMC would come in an 8-foot by 2-foot panel and its 10-inch increase in height over the existing EMC required them to request a 1-foot height variance. While the city could require the applicant to reduce the height of the static display portion of the sign, bringing it into compliance with the ordinance would leave the applicant with only a 17-inch high cabinet to display their name and logo. This alteration would also require the applicant to request a 14.26 percent variance from the city's maximum EMC display area ratio, as the EMC would then be 59.26 percent of the sign's display area. Staff believes that maintaining the intended ratio between static and EMC display area on ground low profile signs and allowing the applicant adequate static display area is of greater importance than preventing a relatively minor increase in sign height.

It should be noted that the applicant's proposal does slightly exceed the permitted EMC display area ratio with the EMC being 45.28 percent of the sign's display area. Given the standardized size of EMC displays, the applicant would have to significantly reduce the size of the EMC display to bring the sign under the City Code's 45 percent limit. Staff does not believe that .28 percent or .11 square feet of display area represents a substantive departure from city standards.

In addition to satisfying the hardship requirement, the city must also find that the applicant's proposal does not adversely affect the spirit or intent of the city's sign ordinance. The OI district's limits on ground low profile sign height and display area was intended to prevent the placement of large commercial or advertising signs within a zoning district that is often located near residential uses. The location and orientation of Chapel Hill Academy's sign means that it is not visible from



any of the nearby residential properties and the site's location at the edge of the CBD means that commercial scale signage is already present in the area.

Additionally, the OI district allows signs owned by government entities within this district to exceed the limits imposed on private signs in an acknowledgement that some institutional uses would require larger signage. While there are good reasons not to allow all institutional uses with the OI district signage on this scale, Chapel Hill Academy's use as a private school is a unique one that has similar signage requirements to a public school. For this reason, staff believes granting a variance for a modest increase in sign display area and height would not be inconsistent with the intent of the ordinance.

Finally, the sign ordinance is intended to ensure that signs do not create safety hazards. To date there have been no issues with the existing sign. Since the proposed sign will be in the same location and given the scale of the proposed height and size increase, there are no safety concerns associated with the requested variance.

### **SUMMARY**

The proposed monument sign would require a 1 foot height variance and 11.33 square foot display area variance. While the proposed sign is larger than what the ordinance allows, the unique nature of the applicant's use requires a larger EMC component than would ordinarily be allowed. The proposed variance is the minimum required to provide an adequate EMC display area, and is not a significant departure from the ordinance's standards. The proposed sign does not pose a safety risk.

For these reasons staff is recommending that the Planning Commission recommend the City Council approve the requested sign variance.

### **RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of the variance request to allow a 6-foot-high ground low profile sign with 35.33 square feet of total display area of which 16 square feet may be an electronic message center, subject to the Conditions of Approval and adopts the attached Findings of Fact and Decision:

1. The applicant must apply for and receive a sign permit from the city.
2. The Electronic Message Center (EMC) must comply with the city's Electronic Message Center Standards, save that it may have an EMC Display percentage of 45.29 percent.
3. The ground low profile sign must meet the city's design standards.
4. The ground low profile sign shall be located in the same position as the existing monument sign.

Should the Planning Commission recommend denial of the variance request, it is recommended that the Planning Commission adopt the following motion and attached Findings of Fact and Decision:

“The Chanhasen Planning Commission recommends denial of the variance request to allow a 6-foot-high ground low profile sign with 35.33 square feet of total display area of which 16 square feet may be an electronic message center, and adopts the attached Findings of Fact and Decision.

### **ATTACHMENTS**

1. Findings of Fact and Decision Approval
2. Findings of Fact and Decision Denial
3. Development Review Application
4. Affidavit of Mailing of Public Hearing Notice
5. Variance
6. Exhibit A