

Planning Memorandum

To: Sunfish Lake Planning Commission

From: Ryan Krzos, AICP, City Planner

Date: August 12, 2020
City Planning Commission Meeting August 19, 2020

Re: 5613 S Robert Trail (Southside Baptist Church) – Right-of-way Setback Variance
WSB Project No. 16487-000

GENERAL INFORMATION

Applicant: Jerry Brantham, Senior Pastor, Southside Baptist Church

Property Owner: Southside Baptist Temple

Project Location: 5613 S Robert Trail, PID# 38-03200-52-020

Existing Land Use / Zoning: Church; Zoned Institutional District, INS

Surrounding Land Use Zoning

North:	Church; Zoned Institutional District, INS
East:	Residential; City of Inver Grove Heights (E-2, Estate (1.75 acres))
South:	Residential; Zoned Single-Family Residential District, R-1
West:	Residential and undeveloped; Zoned Single-Family Residential District, R-1

Comprehensive Plan: The City of Sunfish Lake (2020) Comprehensive Plan guides this property for Institutional land use.

Deadline for Agency Action:

Application Date:	06-26-2020
60 Days:	08-25-2020
Extension Letter Mailed:	N/A
120 Days:	10-24-2020

CONSIDERATIONS RELATED TO THE REQUEST

1. Overview.

Jerry Brantham, Senior Pastor Southside Baptist Church, has applied for a request for a right-of-way setback variance to facilitate construction of a sign on the property located at 5613 S Robert Trail.

The proposed project includes the construction of a dynamic message sign to replace an existing monument sign. In the fall of 2019, the applicant was a part of a request to amend the City's signage ordinance to allow dynamic signage. During the review process of said ordinance amendment the City Council directed staff to postpone action until such time that

in-person meetings continued once public safety concerns were alleviated. Staff was further directed to process signage requests that adhere to the provisions of the proposed ordinance. Signage requests require the review and approval of an Administrative Permit. However, the proposed location of the is 25 feet from the street right-of-way, where 50 feet is required. Therefore, the applicant is seeking a variance from this setback requirement. Variance requests require review and recommendation by the Planning Commission, followed by City Council review and consideration. The Council may at its option conduct a public hearing on the request.

2. General Zoning Review

The subject site contains an existing church building located within the southwestern corner of the subject property. The proposed dynamic sign would be constructed to the east of the church's parking area. An existing monument sign that would be removed as part of the project is currently in this vicinity. The applicant is requesting that the sign be constructed up to 25 feet from the property line adjoining the S Robert Trail right-of-way. The applicant is proposing the sign be located in this vicinity to allow for snow storage, clearance from the parking lot travel lane, and for visibility. The proposed dynamic signage ordinance requires a minimum of 50 feet from rights-of-way. Below is a summary table of the proposed dimensional requirements for dynamic signage in the INS District. As noted, the sign would comply with all applicable standard with the exception of the right-of-way setback.

	INS Minimum Requirement	Proposed
Minimum Sign Setback: rights-of-way	50 ft.	25 ft.
Minimum Sign Setback: Property lines adjoining R-1 Zoned Property	100 ft.	South: approx. 150 ft. West: approx. 350 ft.
Minimum Sign Setback: Property lines adjoining INS Zoned Property	50 ft.	North approx.. 700 ft.
Maximum Sign Height	10 ft	9 ft - 6.75 in
Maximum Sign Area	50 sf per side	Two-sided; 40 sf ('5x'8') message area per side

3. Ordinance Authority

SECTION 1206.02 VARIANCE PROCEDURES provides the process for review of a regular (non-minor) variance. Regular variance requests require review and recommendation by the Planning Commission, followed by City Council review. The Council may at its option conduct a public hearing on the request.

PROPOSED SECTION 1222.04.B.3.d.(1) INS DISTRICT DYNAMIC SIGN SETBACK REQUIREMENTS establishes a setback of fifty (50) feet from all public rights-of-way for dynamic signage.

4. Variance Criteria

In considering all requests for a variance and in taking subsequent action, the Planning Commission and the Council shall make a finding of fact that the proposed action will not:

- a. Impair an adequate supply of light and air to adjacent property.

The proposed variance would facilitate the construction of a 9.5 ft tall by 8 ft wide "V" shaped monument sign with an electronic message area. The improvements would not impair light or air from reaching adjoining property.

- b. Unreasonably increase the congestion in the public street.

The proposed signage facilitated by the variance would not contribute additional traffic onto surrounding public streets.

- c. Have the effect of allowing any district uses prohibited therein, permit a lesser degree of flood protection than the flood protection elevation for the particular area, or permit standards which are lower than those required by State law.

The proposed variance would not allow for a use that is otherwise prohibited, nor will it allow a lesser degree of flood protection or state permit standards.

- d. Increase the danger of fire or endanger the public safety.

The improvements facilitated by the variance request would not increase fire or public safety risks. The proposed sign would not be in the vision triangle established to maintain visibility for motorists entering and existing from the driveway.

- e. Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this Title.

Locating the proposed sign closer to the road than what is otherwise permitted would not appreciably change the impacts of the sign on adjoining property values.

- f. Violate the intent and purpose of the Comprehensive Plan.

The subject site is guided for institutional land use by the comprehensive plan. The requested variance would not result in the use of the site in conflict with the Plan's guidance.

- g. Violate any of the terms or conditions of Item 2, below.

See below.

Additionally, a variance from the terms of the Zoning Ordinance shall not be granted unless it can be demonstrated that:

- a. Practical difficulties will result if the variance is denied due to the existence of special conditions and circumstances which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.

- (1) Special conditions may include exceptional topographic or water conditions or, in the case of an existing lot or parcel of record, narrowness, shallowness, insufficient area or shape of the property.

- (2) Practical difficulties caused by the special conditions and circumstances may not be solely economic in nature, if a reasonable use of the property exists under the terms of this Title.
- (3) Special conditions and circumstances causing practical difficulties shall not be a result of lot size or building location when the lot qualifies as a buildable parcel.

An existing non-dynamic sign is currently located in what appears to be a compliant location with regard to the 50-foot setback. This sign is visible from the street; therefore staff finds that the applicant's rationale to maximize the visibility of the sign would not meet this standard due to the lack of a hardship.

However, the request for the encroaching location also addresses practical difficulties related to providing sufficient area between the parking lot travel lane and the sign for safety reasons and to provide clear area for snow storage between the parking lot surface and the sign. The other institutionally-zoned properties in the City generally do not have site improvements configured in this manner.

- b. Compliance with the requirements of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance or deny the applicant the ability to put the property in question to a reasonable use and the proposed variance permits the owner to use the property in a reasonable manner.

Signage for the church is a reasonable use of the property as the ordinance was in the process of being amended to allow the specific type of sign being requested. While denial of the variance would not deprive the owner of the ability to install a sign, it would however, likely result in the need to place the sign in an area near or on the parking lot circulation lane. An alternative setback-complaint location elsewhere on the site would likely result in the sign lacking visibility and visually connectedness with the church building. For example, if the sign was located north of the existing driveway a row of trees, fencing would render the sign less visible and less visually appealing.

- c. The special conditions and circumstances causing the practical difficulties do not result from the actions of the applicant.

The existing site was developed in 1977 by the Southside congregation. While the driveway was configured by the church, the need to address snow storage and clearance does not result from their action.

- d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district under the same conditions.

The resulting variance would not be a special privilege denied to other property owners. The conditions creating the hardship are unique to the subject property.

- e. The request is not a use variance.

The variance request would not allow for a use of the property that is otherwise prohibited. The City is in the process of amending the Ordinance to allow dynamic message signage.

- f. The variance requested is the minimum variance necessary to accomplish the intended purpose of the applicant.

Staff finds that the hardships related to snow storage and vehicle clearance created by the right-of-way setback requirement in this instance would be alleviated without allowing an encroachment the full 25 ft distance requested. Accordingly, staff finds that the purpose of the variance could reasonably be achieved by allowing the sign no closer than 40 feet from the right-of-way. Therefore, staff recommends that the setback variance allow no more than 10 addition feet closer to the right-of-way.

- g. The request does not create an inconvenience to neighboring properties and uses.

The nearest residential properties across Robert Trail are setback a significant distance from the sign and have significant vegetation between the sign and the buildings. Residences to the south similarly have vegetation between the buildings and the sign. No residences are located near the site to the north. Therefore, no inconveniences to neighboring properties are likely to be generated as the sign would not be largely visible to those residents.

- h. The variance requested is in harmony with the purpose and intent of the Ordinance.

The general purpose and intent of the Zoning Ordinance is to promote the general health, safety and welfare of the community. The proposed variance request and the resulting right-of-way setback encroachment is not likely to threaten the health, safety, and welfare for residents or occupants of adjoining properties.

- i. The variance requested is consistent with the Comprehensive Plan.

The subject site is guided for institutional land use by the comprehensive plan. The requested variance would not result in the use of the site in conflict with the Plan's guidance.

- j. The variance requested will not alter the essential character of the locality.

The City is in the process of amending the Ordinance to allow this type of signage. The requested variance relates to the distance between the proposed sign and the right-of-way line. The essential character of the neighborhood is not anticipated to be impacted; provided the sign is setback no further than that which is sufficient to alleviate the hardship related to snow storage and clearance from the parking lot circulation lanes.

RECOMMENDATION

Based on the foregoing considerations and applicable ordinances, staff recommends conditional approval of a variance to reduce the right-of-way setback by ten (10) feet to 40 feet subject to the following findings of fact and conditions of approval:

Findings of Fact:

1. The address of the subject property is as follows:

5316 S ROBERT TRAIL
SUNFISH LAKE, MN 55118

2. The planning report dated August 12, 2020 prepared by WSB is incorporated herein by reference.
3. Requests for variances require Planning Commission review and City Council approval.
4. The Sunfish Lake Planning Commission reviewed the applicant's request for variance for a reduction in the right-of-way setback at the August 19, 2020 Planning Commission meeting.
5. Upon review of the planning report and application information, the Planning Commission found that the proposed variance, if limited to a ten (10) foot reduction, meets Ordinance requirements. The following findings support the Planning Commission's recommendation for approval:
 - a. The request would not impair an adequate supply of light and air to adjacent property.
 - b. The request would not unreasonably increase the congestion in the public street.
 - c. The request would not have the effect of allowing any district uses prohibited therein, permit a lesser degree of flood protection than the flood protection elevation for the particular area, or permit standards which are lower than those required by State law.
 - d. The request would not increase the danger of fire or endanger the public safety.
 - e. The request would not unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this Title.
 - f. The request would not violate the intent and purpose of the Comprehensive Plan.
 - g. The request would not violate any of the terms or conditions of Section 1206.01(C)(2)

Conditions of Approval:

1. The proposed sign shall be located no closer than 40 feet from the S Robert Trail right-of-way.
2. No additional building or structure encroachment into the setback area is authorized through approval of the requested variance.
3. The applicant must obtain all other permits as may be required including building permits.
4. The applicant shall comply with all applicable federal, state, and local laws, rules and ordinances.
5. The applicant must adhere to and remain in compliance with the requirements of this Resolution, applicable performance standards, and such other requirements as may apply.
6. All conditions of the variance must be complied with, shall run with the land, and shall not in any way be affected by the subsequent sale, lease or other change from current ownership of the Property.
7. This Resolution is subject to the condition that all representations, written and oral, made by the Applicant and its agents and representatives to the City contained in and concerning the Applicant's application for the site plan review must have been true, complete and accurate at the time they were made, and that they remain true and accurate for the duration of the development.
8. By undertaking the activities approved by the requests, the applicant agrees to all conditions.

Subject Site



Street View of Vicinity of Proposed Signage



CITY OF *Sunfish Lake* MINNESOTA

**Planning Commission
Findings of Fact &
Recommendation
(Approval)**

Applicant's Name: Jerry Brantham, Senior Pastor, Southside Baptist Church

Request: City approval of a right-of-way setback variance for 5613 S Robert Trail.

Planning Commission Meeting Date: August 19, 2020

Findings of Fact: Based on review of the application and evidence received, the Sunfish Lake Planning Commission now makes the following findings of fact and recommendation:

Findings of Fact:

1. The address of the subject property is as follows:

5316 S ROBERT TRAIL
SUNFISH LAKE, MN 55118
2. The planning report dated August 12, 2020 prepared by WSB is incorporated herein by reference.
3. Requests for variances require Planning Commission review and City Council approval.
4. The Sunfish Lake Planning Commission reviewed the applicant's request for variance for a reduction in the right-of-way setback at the August 19, 2020 Planning Commission meeting.
5. Upon review of the planning report and application information, the Planning Commission found that the proposed variance, if limited to a ten (10) foot reduction, meets Ordinance requirements. The following findings support the Planning Commission's recommendation for approval:
 - a. The request would not impair an adequate supply of light and air to adjacent property.
 - b. The request would not unreasonably increase the congestion in the public street.
 - c. The request would not have the effect of allowing any district uses prohibited therein, permit a lesser degree of flood protection than the flood protection elevation for the particular area, or permit standards which are lower than those required by State law.

- d. The request would not increase the danger of fire or endanger the public safety.
- e. The request would not unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this Title.
- f. The request would not violate the intent and purpose of the Comprehensive Plan.
- g. The request would not violate any of the terms or conditions of Section 1206.01(C)(2)

Recommendation:

Based on the foregoing considerations and applicable ordinances, the Planning Commission recommends approval of a variance request to reduce the right-of-way setback by ten (10) feet to 40 feet.

Approved, subject to the following conditions:

1. The proposed sign shall be located no closer than 40 feet from the S Robert Trail right-of-way.
2. No additional building or structure encroachment into the setback area is authorized through approval of the requested variance.
3. The applicant must obtain all other permits as may be required including building permits.
4. The applicant shall comply with all applicable federal, state, and local laws, rules and ordinances.
5. The applicant must adhere to and remain in compliance with the requirements of this Resolution, applicable performance standards, and such other requirements as may apply.
6. All conditions of the variance must be complied with, shall run with the land, and shall not in any way be affected by the subsequent sale, lease or other change from current ownership of the Property.
7. This Resolution is subject to the condition that all representations, written and oral, made by the Applicant and its agents and representatives to the City contained in and concerning the Applicant's application for the site plan review must have been true, complete and accurate at the time they were made, and that they remain true and accurate for the duration of the development.
8. By undertaking the activities approved by the requests, the applicant agrees to all conditions.

Adopted by the Sunfish Lake Planning Commission this 19th day of August 2020.

City of Sunfish Lake

By: _____
Tom Hendrickson
Planning Commission Chair

ATTEST

Catherine Iago, City Clerk

June 1th, 2020

City of Sunfish Lake. (City Planner)

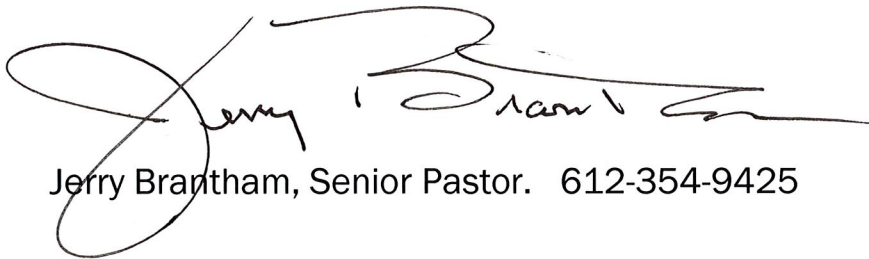
Ryan Krzos

Ryan,

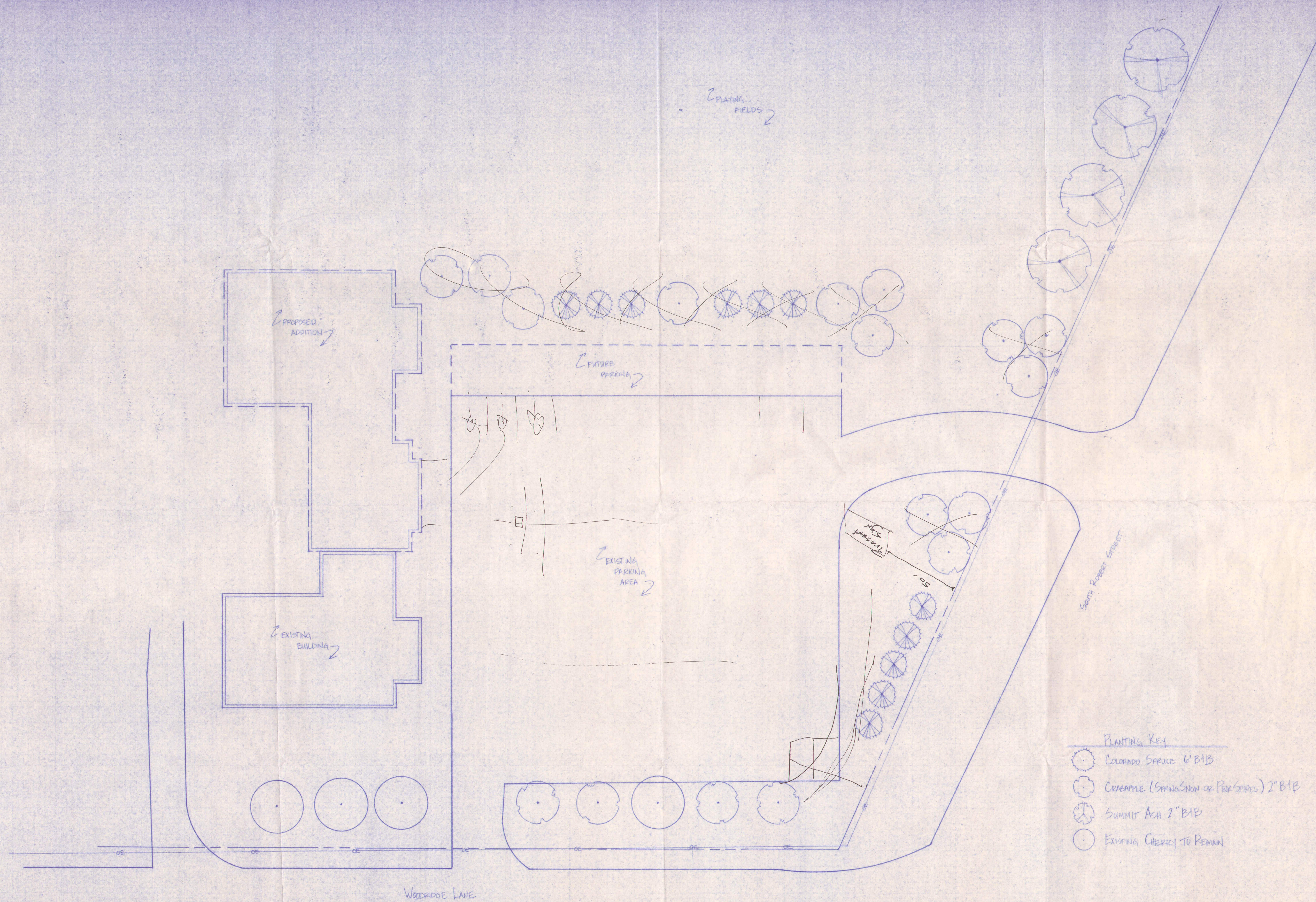
Enclose is a the application to put up a new sign for Southside Baptist Church. There is a picture of the sign. We would like to move the sign a little closer to the road. Right now it sits at 50 feet but that places it too close to the parking lot. The snow plow pushes snow near and under it during the winter. If we could move it a little bit east it would be more readable on the road from both directions and get it away from the lot. 25 feet it would be great.

Thank you for considering our request.

Respectfully

A handwritten signature in dark ink, appearing to read "Jerry Brantham". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Jerry Brantham, Senior Pastor. 612-354-9425



- PLANTING KEY
- Colorado Spruce 6" B1B
 - Crabapple (Spring Snow or Pink Spire) 2" B1B
 - Summit Ash 2" B1B
 - Existing Cherry To Remain

SCALE
1" = 20'

NORTH

4 OF 1

SHEET

DESIGNER TIM LESTER
DRAWN TIM LESTER
DATE 20 MAY 95
REVISED

SOUTHSIDE BAPTIST CHURCH
TREE PLANTING / GREENING PLAN
SUNNYSIDE LAKE, MN

Southview Design
LANDSCAPE CONTRACTORS 455-8238
1870 E 50TH ST, STE 2 INVER GROVE HEIGHTS, MN 55077

Top View
Two Single Sided Signs



8'



6' MAN

Pole,
Pole Cover,
Provided by Local
Sign Company.

NOTE: Final choice of texture and pole covering options TBD between you, and your city, and your sign installer.

TekStar Color 10mm 64x224
CABINET SIZE: 5'x8'

StewartSigns
AN EBS CO COMPANY

ORIGINAL DESIGN DO NOT DUPLICATE

PH. 1-800-237-3928 FAX 1-800-485-4280

1/2"=1' Sk: 909937-3e Cust: 1054807
6/16/2020 O/gWinch PROPOSAL

Paint: ALMOND Draft: WHITE
Cowling vinyl: 4", 4", 4" Black

GRAPHICS DISCLAIMER: This custom artwork is not intended to provide an exact match for ink, vinyl, paint, or LED color. Brickwork and masonry are not included in the proposal; Cornerstone products are an exception. Measurements shown are approximations; final product dimensions may vary. LED images shown are simulated to replicate optimum viewing distance. Your sign was designed for an illuminated graphic. Sketches are based off of this premise. Non-illumination during daylight hours may result in graphics of varying appearance.

Approved as shown:

Sign _____

Date _____

Approved with listed changes:

Sign _____

Date _____

LED CAPABILITIES: 1 to 8 Rows, 2.8" to 25.2" characters.
This sign can display video clips, animations and static images, with access to an extensive graphics library.

Powered by
SignCommand
signcommand.com

UL LISTED **UL Energy Verified**