

CITY OF CHAMPLIN
PLANNING COMMISSION

REPORT

Presenter: Scott Schulte, City Planner

Meeting Date: April 18, 2016

PUBLIC HEARING

RE: Project 2016-04: A request from Acacia Huss-Zirzow for a 2.1-foot variance to the side yard setback for an existing attached garage located at 13395 Linwood Forest Circle.

BACKGROUND

In 2010, Aaron Zirzow and Acacia Huss-Zirzow purchased the property at 13395 Linwood Forest Circle. Recently they decided to list their home for sale. Prior to listing, their realtor recommended an examination of City building files to verify building permit information. Upon review, the Zirzow's became aware of a 2001 as-built lot survey identifying the existing attached garage encroaching 2.1 feet into the side yard setback. The previous homeowner's were aware of the encroachment, but chose not to seek remedies.

The encroachment occurred at the time of construction (1980). The original lot survey (August 8, 1979) for Barnett Builders indicated a proposed home and attached garage placement meeting setbacks. It is unclear how or why the structure was actually built out of conformance creating an illegal non-conforming structure. As an illegal non-conforming structure, the homeowner's face a hardship in selling the property. In review, there are three options to consider:

1. Do nothing. This maintains the structure as illegal non-conforming and is not recommended.
2. Remove the portion of the garage that is encroaching. This option creates an odd-shaped structure and involves major expense.
3. Request a variance. If approved, the variance would bring the structure into conformance.

In seeking relief, the homeowner's have requested a variance.

REVIEW OF VARIANCE

Variances may be granted when the City determines that there are "practical difficulties" in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the request must meet the following criteria (staff comments in italics):

1. The property owner proposes to use the property in a reasonable manner not permitted by an official control;

The use of the property for a single family home and attached garage is permitted via the underlying zoning.

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner;

The homeowner's were unaware of the encroachment at the time of purchase creating a unique circumstance. Staff is not aware of any other similar situations.

3. The variance, if granted, will not alter the essential character of the locality;

The structure is existing (since 1980) and will not alter the character of the neighborhood.

4. Economic considerations alone do not constitute practical difficulties.

Economic considerations are a factor, but are not the basis for the variance.

Staff opines that the requested variance meets "practical difficulties" standards.

RECOMMENDATION

It is recommended that the Planning Commission recommend approval of the 2.1-foot variance to the side yard setback for the attached garage.

Attachments. Letter from Homeowners
Aerial photo of project area
Proposed Lot Survey from 1979
As-built Lot Survey from 2001

**CITY OF CHAMPLIN
PLANNING COMMISSION**

REPORT

Presenter: Scott Schulte, City Planner

Meeting Date: April 18, 2016

OTHER BUSINESS

RE: **Project 2016-06:** A request from the City of Champlin to amend the Sign Ordinance to permit electronic message signs for certain institutional uses zoned Residential.

BACKGROUND

TOLD development recently completed construction of two multi-tenant retail buildings on the former BP Gas Station site. The buildings are fully occupied and tenant signs have been erected consistent with the City's Sign Ordinance (Section 118.7), including two wall signs and a sign panel on the free-standing monument sign.

During the sign permit review process, TOLD officials requested the City consider allowing a third wall sign for end-cap tenants to maximize exposure. TOLD indicated that other communities allow end cap tenants wall signage on three elevations. The request, not supported by the sign code, could not be granted. However, staff sees merit in the considering a sign code amendment allowing a third wall sign in certain circumstances. Below is an analysis of a proposed sign code amendment.

SIGN CODE AMENDMENT

For Champlin, commercial buildings are permitted to have one wall sign per street frontage not to exceed two wall signs. In review of other communities, commercial wall sign allowances vary. Below is a table outlining results of a recent survey:

City	Commercial Wall Sign Allowances
Anoka	Limits overall sign square footage not number of signs
Brooklyn Park	Allows up to three wall signs
Coon Rapids	Allows up to two wall signs
Maple Grove	Allows up to four wall signs
Plymouth	One sign per street frontage
Savage	No limit (approved by Master Sign Plan at time of site plan approval)

A majority of surveyed cities allow more than two wall signs for businesses. In support of business promotion and improved customer orientation, staff opines that allowing a third wall sign for commercial property is appropriate in cases where the site has multiple street frontages and is not directly adjacent to residential property.

RECOMMENDATION

It is recommended that the Planning Commission recommend approval of the sign code amendment as attached.

The proposed amendments would provide additional signage for a number of multi-tenant commercial buildings, including South Pond Center and Champlin Station.

* This item is tentatively scheduled for City Council consideration on May 9th.

Attachment. Sign Ordinance Amendment

Sec. 118-7. - Commercial districts.

The following subsections concern signs in commercial districts and commercial designated land in planned unit developments, and said signs are regulated according to the requirements set forth below:

- (1) General provisions for all commercial districts.
 - a. Signs may not be located closer than 15 feet of any property line that abuts any of the residential districts.
 - b. Nonilluminated window signs placed within a building and not exceeding 40 percent of the window in sign area shall be permitted.
 - c. A product identification sign may be integrated into a permitted monument or wall sign and shall be included as part of the maximum allowable sign area. Product identification sign area shall not exceed ten percent of the maximum allowable sign area.
 - d. Signs may be attached to a canopy or marquee, but the canopy or marquee shall not be considered as a part of the wall area and thus not warrant additional sign area.
 - e. A temporary banner sign pertaining to the lease or sale of a building or property shall be permitted. Such sign shall not be illuminated and shall not exceed 40 square feet in area.
 - f. Vehicular service canopy signs shall be limited to a business logo and/or graphic design not to exceed ten percent of each canopy face area or ten square feet on each canopy face, whichever is smaller. Service station canopy signs shall be restricted to two faces of the canopy and shall not be located above or below the canopy area.
 - g. Service stations may advertise gasoline prices on reader boards attached to a permitted freestanding sign and included in the total square footage of the allowable signage for an entire site.
 - h. Individual business shall be allowed two ten-day periods in a calendar year to display a temporary banner sign. Class I restaurants shall be allowed to display a building-mounted banner sign for a total of four ten-day periods in a calendar year. For multitenant buildings, in no case shall more than one business at a time be allowed to display a banner. Banner signs require a permit and shall be limited to 40 square feet in size. In the case of grand openings or when used as temporary signage prior to permanent signage installation, temporary banners shall be allowed for a maximum of 20 days. No banner sign permits shall be issued to businesses with more than two sign violations within the previous 12 months.
 - i. Wall signs shall not be permitted on any building wall facing an abutting residential property or properties, unless separated by a city street or highway right-of-way.
 - j. One sandwich board sign is permitted per site or per tenant for multitenant sites subject to the following:
 1. Sandwich board signs may be no larger than three feet in width and four feet in height and no materials, including, but not limited to, balloons, streamers and windsocks, may be added to the sign to increase its height or width. Sandwich board signs may not contain electrical components or be lit.
 2. Sandwich board signs must be placed on private property within 20 feet of the main entrance to the business being advertised.
 3. Sandwich board signs shall be located so as to maintain a minimum four-foot pedestrian walkway and so as not to obstruct vehicular traffic.
 4. Sandwich board signs may be used only during the hours when the business is open to the public.
 5. Sandwich board signs may only be placed on sidewalks that have been cleared of snow and/or other debris.
 6. Sandwich board signs require an annual permit for a fee as established in chapter 22 of City Code.

7. Sandwich board sign regulations shall expire in one year on December 31, 2010, unless extended.
 - k. Each lot may fly a maximum of three noncommercial speech flags and one commercial speech flag. Flagpoles that are permanently mounted in the ground or mounted on a building may not exceed 25 feet in height.
- (2) Single-tenant commercial sites. On commercial property used exclusively for one tenant, only signs as stipulated below or in sections 118-5 and 118-7 may be erected:
- a. Buildings less than 50,000 square feet:
 1. One freestanding monument sign not exceeding 14 feet in height and 80 square feet with a minimum ten-foot setback.
 - (i) For commercial zoned property adjacent to Highway 169, freestanding monument signs may have a zero lot line setback along the property line adjacent to Highway 169, subject to the following:
 - A. The property cannot be separated from Highway 169 by a public or private frontage road.
 - B. The sign may not be located within 70 feet of the traveled road surface of Highway 169.
 - C. The sign shall be limited to eight feet.
 - D. The sign shall not contain an electronic message sign.
 2. One wall sign per public street frontage not to exceed two wall signs. Wall signs shall not exceed ten percent of the front building facade and five percent of any other facade to which it is attached.
 - b. Buildings between 50,000 square feet and 100,000 square feet:
 1. One freestanding monument sign not exceeding 20 feet in height and 160 square feet with a minimum ten-foot setback.
 - (i) For commercial zoned property adjacent to Highway 169, freestanding monument signs may have a zero lot line setback along the property line adjacent to Highway 169, under the following criteria:
 - A. The property cannot be separated from Highway 169 by a public or private frontage road.
 - B. The sign may not be located within 70 feet of the traveled road surface of Highway 169.
 - C. The sign shall be limited to eight feet.
 - D. The sign shall not contain an electronic message sign.
 2. One wall sign per public street frontage not to exceed two wall signs. Wall signs shall not exceed ten percent of the front building facade and five percent of any other facade to which it is attached.
 - c. Buildings greater than 100,000 square feet:
 1. One freestanding monument sign not exceeding 25 feet in height and 250 square feet with a minimum ten-foot setback.
 - (i) For commercial zoned property adjacent to Highway 169, freestanding monument signs may have a zero lot line setback along the property line adjacent to Highway 169, under the following criteria:
 - A. The property cannot be separated from Highway 169 by a public or private frontage road.
 - B. The sign may not be located within 70 feet of the traveled road surface of Highway 169.
 - C. The sign shall be limited to eight feet.

- D. The sign shall not contain an electronic message sign.
2. One wall sign per public street frontage not to exceed two wall signs. Wall signs shall not exceed ten percent of the front building facade and five percent of any other facade to which it is attached.
- (3) Multitenant commercial sites. On multitenant commercial sites, only signs as stipulated below or in sections 118-5 and 118-7 may be erected:
- a. Buildings less than 50,000 square feet:
 1. An area identification sign stating the name of the center and major tenants shall be allowed. The maximum allowable sign area for monument signs shall be as follows:
 - (i) One monument sign, 100 square feet in area not to exceed 20 feet in height;
 - (ii) If the center has frontage on more than one arterial road, business district road, or higher land use classifications, one monument sign is allowed at each frontage. Total aggregate area of monument signage shall not exceed 100 square feet; and
 2. **End-cap** Individual tenants in multitenant commercial buildings may have one wall business signs on three building elevations per street frontage not to exceed two wall signs. No wall signs shall be attached to building elevations adjacent to residential property. Wall signs shall not exceed ten percent of the front facade and five percent of any other facade to which it is attached.
 3. **Internal tenants may have wall signs on two building elevations. Wall signs shall not be attached to building elevations adjacent to residential property. Wall signs shall not exceed ten percent of the front façade and five percent of any other façade to which it is attached.**
 4. The wall signs shall be designed and arranged in accordance with a comprehensive sign plan for the entire multitenant commercial building which has been prepared and submitted to the city by the owner and which has been approved by the city.
 - b. Buildings greater than 50,000 square feet:
 1. An area identification sign stating the name of the center and major tenants shall be allowed. The maximum allowable sign area for monument signs shall be as follows:
 - (i) One monument sign, 100 square feet in area not to exceed 25 feet in height;
 - (ii) If the center has frontage on more than one arterial road, business district road, or higher land use classifications, one sign may be allowed and erected at each frontage. Total aggregate area of monument signage shall not exceed 200 square feet; and
 2. **End-cap** Individual tenants in multitenant commercial buildings may have one wall business signs on three building elevations per street frontage not to exceed two wall signs. No wall signs shall be attached to building elevations adjacent to residential property. Wall signs shall not exceed ten percent of the front facade and five percent of any other facade to which it is attached.
 3. **Internal tenants may have wall signs on two building elevations. Wall signs shall not be attached to building elevations adjacent to residential property. Wall signs shall not exceed ten percent of the front façade and five percent of any other façade to which it is attached.**
 4. The wall signs shall be designed and arranged in accordance with a comprehensive sign plan for the entire multitenant commercial building which has been prepared and submitted to the city by the owner and which has been approved by the city.

(Ord. No. 693, 11-9-2009; Ord. No. 700, 7-12-2010)