

**RESOLUTION NO. 16-05**

**A RESOLUTION APPROVING SIGN AREA AND MESSAGE INTERVAL VARIANCES  
TO ALLOW FOR THE CONSTRUCTION OF AN ELECTRONIC MESSAGE BOARD  
WALL SIGN ON THE PROPERTY LOCATED AT  
5609-5663 MANITOU RD. – PID 33.117.23.11.0076**

WHEREAS, the City of Tonka Bay is a municipal corporation, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Tonka Bay has adopted zoning regulations in the Municipal Code to promote orderly development and utilization of land within the city; and

WHEREAS, Anderson Property Management (“Applicant”) submitted an application on behalf of PMJ Tonka, LLC (“Property Owner”); and

WHEREAS, the Property Owner owns the property located at 5609-5663 Manitou Rd. which is legally described as follows:

THAT PART OF TRACT A, REGISTERED LAND SURVEY NO. 482, WHICH LIES SOUTHERLY OF A LINE DRAWN WESTERLY AT A RIGHT ANGLE TO THE EAST LINE OF SAID TRACT A FROM A POINT THEREON DISTANT 490.00 FEET SOUTHERLY FROM THE NORTHEAST CORNER OF SAID TRACT A, EXCEPT THE NORTH 100.00 FEET OF THE EAST 100.00 FEET THEREOF AND EXCEPT THAT PART THEREOF EMBRACED WITHIN THE WEST 210.00 FEET OF THE NORTH 220.00 FEET OF THAT PART OF SAID TRACT A WHICH LIES SOUTHERLY OF A LINE DRAWN EASTERLY AT A RIGHT ANGLE TO THE WEST LINE OF SAID TRACT A FROM A POINT THEREON DISTANT 536.00 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF SAID TRACT A; ALSO THAT PART OF TRACT B LYING SOUTHWESTERLY OF A LINE DRAWN FROM A POINT IN THE SOUTHERLY LINE OF SAID TRACT DISTANT 38 FEET EAST OF THE SOUTHWEST CORNER THEREOF TO THE NORTHWEST CORNER OF SAID TRACT; AND THAT PART OF TRACT B LYING NORTHWESTERLY OF A LINE DRAWN FROM SAID NORTHWEST CORNER TO A POINT ON THE EASTERLY LINE OF SAID TRACT DISTANT 12 FEET SOUTH OF THE MOST NORTHERLY CORNER OF SAID TRACT; REGISTERED LAND SURVEY NO. 482; ALSO THAT PART OF TRACT B LYING WESTERLY OF A LINE AND ITS EXTENSIONS DRAWN FROM A POINT ON THE WESTERLY LINE OF SAID TRACT DISTANT 52.00 FEET SOUTH OF THE NORTHWEST CORNER TO A POINT ON THE NORTHWESTERLY LINE OF SAID TRACT DISTANT 50.00 FEET NORTH- EASTERLY OF SAID NORTHWEST CORNER; EXCEPT THAT PART OF TRACT B LYING SOUTHWESTERLY OF A LINE DRAWN FROM A POINT IN THE SOUTHERLY LINE OF SAID TRACT DISTANT 38 FEET EAST OF THE SOUTHWEST CORNER THEREOF TO THE NORTHWEST CORNER OF SAID TRACT; AND EXCEPT THAT PART OF TRACT B LYING NORTHWESTERLY OF A LINE DRAWN FROM SAID NORTHWEST CORNER TO A POINT ON THE EASTERLY LINE OF SAID TRACT DISTANT 12 FEET SOUTH OF THE MOST NORTHERLY CORNER OF SAID TRACT; REGISTERED LAND SURVEY NO. 482; SUBJECT TO HIGHWAY, City of Tonka Bay, Hennepin County, Minnesota, and reserving easements of record.

WHEREAS, the Property Owners’ Property is located within the R-1B Shoreland zoning district; and

WHEREAS, the Applicants are requesting the following:

1. A 49.2 sf variance from the maximum allowable sign area for a wall sign within the C-2 District.
2. A variance from the maximum allowable rate that the sign copy may change on an electronic message board.

WHEREAS, Erin Perdu, City Planner, and Justin Messner, City Engineer, issued a report dated January 5, 2016 on the application made by the Applicants (Planning Report), analyzing the request made in relation to City Ordinance criteria and made recommendations if the requests were approved by the City Council; and January 13, 2016 held a public hearing, following the required notices and publication; and

WHEREAS, two current tenants of the center spoke in favor of the Applicant's proposal; and

WHEREAS, the Applicants presented to the Council reasons for their proposal; and

WHEREAS, the City Council, following the public hearing and deliberation on the variance requests to allow for construction of an electronic changeable message board sign directed staff to prepare a resolution for its consideration, and having considered the application, the Planning Report, the resolution prepared by staff, makes the following findings of fact and conclusions:

1. The proposed use as a commercial shopping center will not change and is consistent with the City's Comprehensive Plan.
2. Granting the requested variance will not impair an adequate supply of light and air to adjacent parcels.
3. Granting the variance will not increase congestion in the public street. The use of the property as a commercial shopping center will stay the same and not increase congestion.
4. Granting the variance will not increase the danger of fire or endanger the public safety. The sign will be located such that the proposed message interval will not create an unsafe distraction for motorists.
5. Granting the variance will not diminish or impair established property values in the neighborhood.
6. Granting the variances will not alter the essential character of the locality. The location of the proposed sign will not contribute to sign clutter in the corridor.
7. The continued use of the property as a commercial shopping center is a reasonable use of the property.
8. The request is in harmony with the general intent of the ordinance. The size and message interval of the proposed sign will not create an unsafe distraction for motorists or adversely impact any residential areas.
9. There is a demonstrated need for the use.

10. The proposed use conforms to all performance standards.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approves the sign area and message interval variances as shown on the Plans attached hereto, as Exhibit A (the Plans); and

BE IT FURTHER RESOLVED, that the approval of the requested variances and shall include the following conditions:

1. The Applicant shall obtain all necessary permits and approvals from the City of Tonka Bay and other applicable entities with jurisdiction prior to any construction. This includes, but shall not be limited to permits from the Minnehaha Creek Watershed District (MCWD) and the Lake Minnetonka Conservation District (LMCD).
2. Construction shall follow the survey and plans as submitted or as required to be updated by the City Engineer.
3. The variance shall expire one year from the date of the resolution. City Council approval will be required for any subsequent extension.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this day of \_\_\_\_\_, 2016.

Motion introduced by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Roll call vote:

Ayes –  
Nays –  
Absent –

\_\_\_\_\_  
Gerry De La Vega, Mayor

ATTEST:

\_\_\_\_\_  
Lindy Crawford, Clerk/Administrator