

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: VI.B.

From: Cary Teague, Community Development Director

Action

Discussion

Date: August 18, 2015

Information

Subject: PUBLIC HEARING – Appeal of a decision of the Planning Commission Denying a Wall Sign variance at 7301 Ohms Lane by SunOpta, Resolution No. 2015-82.

Action Requested:

Uphold the decision of the Planning Commission and deny the variance.

Information / Background:

John Ruelle on behalf of SunOpta is requesting an appeal of the Planning Commission decision to deny their request for a Variance to allow a wall sign that does not have frontage on a public street. (See attached appeal.)

The applicant states in his appeal letter that two businesses in the area, Regis and International Dairy Queen, have similar signage as to the signage he is requesting. However, these two signs that he is referring to are legal, and conform to Edina's sign ordinance. These two buildings have frontage on a public roadway.

Sun Opta is requesting a variance to allow the installation of a 58.75 square foot wall sign on the top floor (6th story) of the east elevation of their building at 7301 Ohms Lane. The subject property has one street frontage on Ohms Lane; the east elevation abuts the office building at 7300 Metro Boulevard. Sun Opta is a tenant within this office building. (See the attached Planning Commission Staff Report.)

Edina's sign code # 36 - 1715 provides for one wall sign and one monument sign per street frontage in the POD Planned Office District. For buildings five stories in height or greater, the total sign area of the two signs may not exceed 120 square feet total, with no individual sign being greater than 80 square feet in area.

Currently there is one monument sign on the west elevation facing Ohms Lane measuring 56 square feet, advertising One Corporate Center with tenant identification.

The code would allow for a wall sign measuring up to 64 square feet to be added to the west elevation.

Planning Commission Consideration: On July 8, 2015, the Planning Commission considered the request and denied the Variance. Vote: 5 Ayes and 2 Nays. (See attached minutes.)

ATTACHMENTS:

- Appeal letter from SunOpta dated July 17, 2015
- Minutes from the July 8, 2015 Planning Commission meeting
- Planning Commission Memo, July 8, 2015



**RESOLUTION NO. 2015-82
RESOLUTION DENYING A WALL SIGN VARIANCE
AT 7301 OHMS LANE FOR SUNOPTA**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, as follows:

Section 1. BACKGROUND.

- 1.01 SunOpta ("Applicant") at 7301 Ohms Lane is requesting a variance to allow a wall sign to be erected on the east face of the building that does not have street frontage.
- 1.02 The applicant is requesting a variance to allow the installation of a 58.75 square foot wall sign on the top floor (6th story) of the east elevation of their building at 7301 Ohms Lane. The subject property has one street frontage on Ohms Lane; the east elevation abuts the office building at 7300 Metro Boulevard. Sun Opta is a tenant within this office building.
- 1.03 Edina's sign code # 36 - 1715 provides for one wall sign and one monument sign per street frontage in the POD Planned Office District. For buildings five stories in height or greater, the total sign area of the two signs may not exceed 120 square feet total, with no individual sign being greater than 80 square feet in area.
- 1.04 Currently there is one monument sign on the west elevation facing Ohms Lane measuring 56 square feet, advertising One Corporate Center with tenant identification. The code would allow for a wall sign measuring up to 64 square feet to be added to the west elevation.
- 1.05 On July 8, 2015, the Planning Commission denied the variance. Vote: 5 Ayes and 2 Nays.
- 1.06 On August 18, 2015, the City Council held a public hearing on the proposed variance.

Section 2. FINDINGS.

- 2.01 The proposed sign does not meet ordinance standards for a wall sign in the proposed location.
- 2.02 The variance standards have not been met:
 1. The proposed variance is not reasonable since the proposed wall sign can be installed without a variance on the west elevation of the building fronting Ohms Lane.
 2. The proposed sign would set an undesirable precedence for other similarly located buildings in the neighborhood lacking street frontage on Highway 100.

- 3. There are no practical difficulties in complying with the zoning ordinance standards. There are several buildings within this area that are visible to Highway 100, but do not have street frontage facing toward Highway 100.

Section 3. The proposed wall sign variance is denied.

Adopted this 18th day of August, 2015.

ATTEST: _____
Debra A. Mangan, City Clerk

James B. Hovland, Mayor

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)SS
CITY OF EDINA)

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of August 18, 2015, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this ____ day of _____, 2015.

City Clerk



City Council, City of Edina
4801 West 50th Street
Edina, MN 55424

July 17, 2015

Dear City Council,

This letter is a request to appeal a decision made by the Planning Commission at the July 8, 2015 meeting not to grant Variance for a Sign Permit at 7301 Ohms Lane.

Commissioner Platteter and Commissioner Nemerov both voted in favor of our variance request. Commissioner Nemerov disclosed he previously had an office located at 7301 Ohms Lane, in which he had signage in the same location we have requested. We believe based on the precedent that has been set with our Corporate neighbors (*namely Regis Corporation and International Dairy Queen*) that the request should be reconsidered.

We are trying to raise awareness of our existence in the community in order to allow us to compete for the areas scarce high caliber talent. We have brought over 100 jobs to Edina in the last two years and would like to continue to grow here.

We respectfully request you reconsider our signage request.

Sincerely,

John M. Ruelle
Chief Administrative Officer

Attached:

Full Submission to Planning Commission
Star Tribune Article from July 12th
Picture of Regis HQ Signage in Violation of Ordinance
Picture of DQ HQ in Violation of Ordinance

Received
7/17/2015
W. Mangen

BUSINESS

SunOpta, deeply rooted in Minnesota, is a big player in organic, non-GMO food

The organic food processor is the first to have the USDA verify that it uses non-modified ingredients

By Mike Hughlett (<http://www.startribune.com/mike-hughlett/89522247/>) Star Tribune
JULY 11, 2015 — 11:23AM

The company's name, SunOpta, doesn't register much in a state that hosts such food industry giants as General Mills and Cargill.

But the Toronto-based company, which has a deep presence in Minnesota, is ensconced in one of the hottest spots in the food business: organic and non-GMO.

SunOpta supplies packaged food companies with ingredients from sunflower seeds to fruit, and makes its finished products — soymilk and orange juice, for instance — for major food retailers. It also is the nation's largest organic soybean processor.

It's unique in the breadth of its organic offerings, and this spring became the first company to win federal approval for a label verifying its non-GMO sourcing process. The packaging label could give it a competitive advantage as consumers increasingly seek food free of genetically modified ingredients.

"I don't think [the non-GMO label] will initially do much, but it has the potential to do a lot," said Eric Gottlieb, a stock analyst at D.A. Davidson. "It could potentially open the door to more sales. It's a very nice thing to have."

Currently, the food industry relies on one significant packaging label — "Non-GMO Project Verified" — to indicate that a product is free of genetically modified ingredients. SunOpta's "Process Verified" label, which has the imprimatur of the U.S. Department of Agriculture, could become a competitor.

But even if the new label proves a dud, the company still stands to post strong sales growth, Gottlieb said.

"SunOpta is one of the few companies that can fully participate in the growing consumer trend for high-quality natural, organic and specialty foods," he wrote in a research note.

The company's stock, after bottoming at less than \$2 in 2009, rose to a range of \$12 to \$14 last fall as the organic market flourished. But the stock dropped to the \$10 to \$12 range after SunOpta fell short of near-term financial expectations. It closed Friday at \$10.17.

SunOpta Foods is rooted in Minnesota, and about 40 percent of its workforce — 550 employees — are employed in the state. SunOpta's corporate office in Edina, which includes a research and development center, employs 120, and its two plants in Alexandria together have about 200 workers. The rest are in other plants around the state.

Last week, the company announced a new CEO effective Oct. 1, Rik Jacobs, who will be based in Edina, instead of Toronto as is the case with the current CEO.

The company got its start in the food business in about 2000 when it bought soybean specialist Sunrich Inc. (based in the southern Minnesota community of Hope) along with soy milk processing and packaging operations in Alexandria.

Over the years, SunOpta bought several small food companies, and today the publicly traded company has about \$1.2 billion in annual sales. It sources ingredients — including nuts and cocoa — from 65 countries and counts as customers such heavyweights as Costco, Target, Starbucks, General Mills and Kraft.

Sales of organic foods are booming, hitting nearly \$36 billion in 2014 and growing at an 11 percent pace in the past two years, according to the Organic Trade Association. Mintel, a market research company, said that last year, 10.7 percent of all new food and beverage products made organic claims, up from 6.4 percent in 2012.

"The demand is far outpacing our ability to add [organic] acreage in the U.S.," said John Ruelle, SunOpta's Edina-based chief administrative officer. "Our governor on growth is going to be access to supply."

SunOpta's business is about evenly split between non-GMO and organic ingredients and



(http://stmedia.startribune.com/images/ows_14365679261895.jpg)
LEILA NAVIDI • LEILA.NAVIDI@STARTRIBUNE.COM

Rhett Peters sampled soy milk containers at a SunOpta plant in Alexandria, Minn. The company is based in Toronto, but its new



(http://stmedia.startribune.com/images/ows_1436567950)

Top: John Mercado mixes the base for coconut milk at the SunOpta plant, which produces aseptic, shelf-stable beverages in Alexandria.

products. Consumer demand for non-GMO products has popped in the past three years.

In 2014, 10.2 percent of all new U.S. food and beverage products contained a “GMO-free” claim, according to Mintel, up from 6.5 percent in 2013 and only 2.8 percent in 2012.

Complex sourcing

SunOpta buys commodities directly from farmers, but converting from conventional to organic agriculture can be a risky venture. While organic crops can be more profitable, it usually takes farmers three years to meet the exacting standards of the USDA’s organic program.

Switching to non-GMO crops is an easier proposition, since the farmer primarily needs only to use seeds that haven’t been genetically modified. (Organic crops use non-GMO seeds, too.)

GMO-free has no federal regulatory definition, unlike organic. Products that have been certified as organic by USDA-approved testers can display the USDA organic label. With non-GMO products, labeling has become a contentious issue.

Makers of packaged foods have successfully fought legislative attempts to force labeling of products with GMO ingredients, a movement born of consumer skepticism about GMO safety. (Federal food safety regulators consider GMOs safe.) But food makers support voluntary GMO-free labeling as a method of marketing to GMO-wary consumers.

They have been largely relying on the nonprofit Non-GMO Project. The Non-GMO Project bestows its label — which features a stylized butterfly — on products proven to be free of genetically engineered ingredients. The organization works with independent testing companies to do the research.

Since its label launched in 2010, the Non-GMO Project has verified close to 35,000 products, including about 10,000 so far this year. Several large makers of packaged foods use the label. About 200 products from Golden Valley-based General Mills — under brands such as Cascadian Farms, Annie’s, Muir Glen and Larabar — sport the Non-GMO Project label.

SunOpta’s non-GMO label is a different animal, but could serve a similar purpose as the Non-GMO Project’s seal.

Dueling labels

In May, the USDA allowed its Process Verified certification to be used by SunOpta for non-GMO food production — a first. The certification has been around for years, and has been used by many agriculture and food companies, including Minnetonka-based Cargill.

The USDA has verified Cargill’s processes for ensuring that some turkey products were raised by independent farmers who didn’t use antibiotics to juice the birds’ growth. SunOpta won the Process Verified certification for non-GMO production, specifically for its grain processing operation in Hope.

“It’s a validation of what we have been doing all along,” said SunOpta’s Ruelle.

The company plans to get Process Verified status for its Alexandria operations and other plants, which would allow the USDA bug to be printed directly onto consumer products, not just ingredients headed for a food manufacturer. Almost 40 percent of SunOpta’s 2014 sales and 48 percent of its profits came from consumer products such as soy milk, snacks and frozen fruit packed under private labels.

SunOpta executives downplay any talk that the USDA Process Verified label could become a competitor to the Non-GMO Project. So did Courtney Pineau-Bos, the Non-GMO Project’s associate director, who said there’s a “stark contrast” between the two labels. But some executives in the ingredient-supply business have a different take.

“It’s a competing certification,” said Lynn Clarkson, president of Clarkson Grain, an Illinois-based organic and non-GMO grain supplier. “There is no one definition of non-GMO.”

Though SunOpta is a competitor, Clarkson tipped his hat to the firm’s labeling efforts. “I thought it was a good marketing move by SunOpta,” he said. “I suspect more companies will do the same. I also suspect there will be 10 to 15 definitions of what non-GMO is.”



City of Edina Planning Department
4801 West 50th Street
Edina, MN 55424

June 19, 2015

Dear City of Edina,

This letter is to request and substantiate the grant of a Variance for a Sign Permit at 7301 Ohms Lane. The Variance requested is for a sign placed on a non-street frontage wall on the East Elevation of the building. The request does not create any impact to commercial or residential property. As the U.S. Corporate Headquarters, it is vital that we have highway exposure.

SunOpta is a leading global company specializing in the sourcing, processing and packaging of healthy, natural, and organic food products.

Since locating our U.S. Corporate Headquarters to Edina in May of 2012, SunOpta has brought over 75 new jobs to Edina and have staff here of over 100. Over 50% of our 1,800 employees, 22 plants and 5,000 suppliers/growers reside within 5 hours of Minneapolis.

Although we are one of the top 30 public companies in Minnesota with revenue of approximately \$1.3 Billion, we are relatively unknown and would like to change our stature in the community. We are of similar stature as TCF Financial, Buffalo Wild Wings and Life Time Fitness and are attempting to bring awareness to our existence in the Community. We believe having signage on our building facing Highway 100 is an integral part of our awareness campaign.

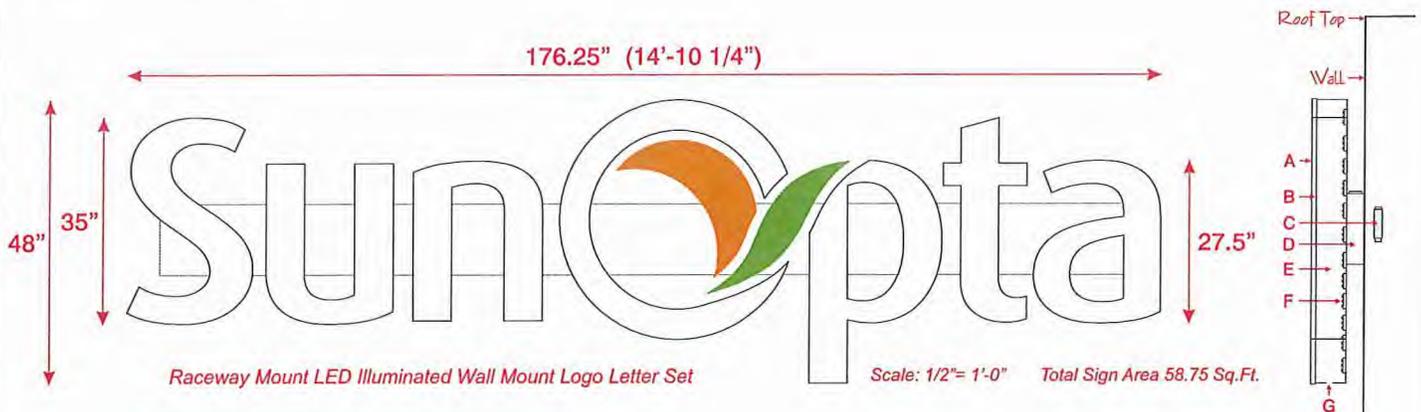
We respectfully request you reconsider our signage request.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Ruelle".

John M. Ruelle
Chief Administrative Officer

2-16-15 SunOpta Exterior Sign Plan



EAST ELEVATION FACING HIGHWAY 100

- WHITE FACES
- BLACK LETTER RETURNS
- ◻ SILVER EDGE TRIM
- ORANGE PMS# 151C
- GREEN PMS# 375C

- A) WHITE Translucent Face Material / Translucent Color Applied In Logo
- B) 1" WHITE Edge Trim
- C) 12 Volt LED Power Supply
- D) Raceway Finished To match Building Bkg Color
- E) BLACK Aluminum Letter cabinets
- F) 12 Volt Bright WHITE LEDs
- G) Drain Holes



7301 Ohms Lane
Edina, MN 55439

Kristi Inveen
Marketing Manager, SunOpta
T: 952-939-3949

- * Letter Set To Carry Required U.L. Approvals
- * Sign Images to secure required City of Edina sign & electrical permits

This is an original unpublished design, created by Twin Cities Sign Images, Inc. It is submitted for your personal use in connection with the project being planned for you by Twin Cities Sign Images, Inc. It is not to be shown to anyone outside of your organization, nor is it to be used, reproduced, copied or exhibited in any fashion without the written permission of Twin Cities Sign Images, Inc. All or any part of this design (except registered trademarks) remain the property of Twin Cities Sign Images, Incorporated. An Artwork Design fee of \$1,000.00 will be charged for this Design if used without written permission from Twin Cities Sign Images, Inc.



DESIGNERS • BUILDERS • INSTALLERS of interior & exterior sign systems
17420 113th Avenue North • Suite E • Maple Grove, MN 55369 • (Fax) 428-1597 • www.signimages.com



VARIANCE APPLICATION

CASE NUMBER _____ DATE _____

FEE PAID _____

City of Edina Planning Department * www.EdinaMN.gov
4801 West Fiftieth Street * Edina, MN 55424 * (952) 826-0369 *
fax (952) 826-0389

FEE: RES - \$350.00 NON-RES - \$600.00

APPLICANT:

NAME: SunOpta (Signature required on back page)

ADDRESS: 7301 Ohms Lane, Suite 600, Edina, MN 55439 PHONE: 952-838-3248

EMAIL: carissa.lund@sunopta.com

PROPERTY OWNER:

NAME: Altus Group, Inc. (Signature required on back page)

ADDRESS: 930 W. 1st Street, Suite 303, Forth Worth, TX 76102 PHONE: _____

LEGAL DESCRIPTION OF PROPERTY (written and electronic form):

**You must provide a full legal description. If more space is needed, please use a separate sheet.

Note: The County may not accept the resolution approving your project if the legal description does not match their records. This may delay your project.

PROPERTY ADDRESS: 7301 Ohms Lane, Edina, MN

PRESENT ZONING: _____ P.I.D.# 09-116-21-24-0025

EXPLANATION OF REQUEST:

Install 58.75 Sq.Ft. LED Illuminated Letter Set in "SunOpta" Logo Style at Top of East Elevation at 7301 Ohms Lane.

(Use reverse side or additional pages if necessary)

ARCHITECT: NAME: Sign Images, Inc. PHONE: 763-428-1599

EMAIL: markr@signimages.com Mark R. Raiche / President

SURVEYOR: NAME: SAME PHONE: _____

EMAIL: _____

Minnesota Statutes and Edina Ordinances require that the following conditions must be satisfied affirmatively. Please fully explain your answers using additional sheets of paper as necessary.

The Proposed Variance will:

YES

NO

Relieve practical difficulties in complying with the zoning ordinance and that the use is reasonable

Correct extraordinary circumstances applicable to this property but not applicable to other property in the vicinity or zoning district

Be in harmony with the general purposes and intent of the zoning ordinance

Not alter the essential Character of a neighborhood

Detailed Application Requirements: Unless waived by the Planning Department, you must complete all of the following items with this application. An incomplete application will not be accepted.

- X Completed and signed application form.
- X Application fee (not refundable). Make check payable to "City of Edina."
- X One (1) Copy of drawings to scale.
- X Seventeen (17) 11x17 copies of drawings, including elevations and survey, photographs and other information to explain and support the application.
- NA A current survey is required. Please refer to "Exhibit A."
- X Variance requests require scale drawings to explain and document the proposal. The drawings are not required to be prepared by a professional, but must be neat, accurate and drawn to an acceptable scale. The drawings may vary with the proposal, but should include a site plan, floor plans and elevations of the sides of the building which are affected by the variance.
- X Elevation drawings of all new buildings or additions and enlargements to existing buildings including a description of existing and proposed exterior building materials. **For single-family home projects, elevations drawings must include a rendering of the proposed home AND the existing homes on either side as seen from the street.**

VARIANCE GUIDELINES AND APPLICATION INFORMATION

The City of Edina Planning Department encourages healthy development within the city of Edina. Although this document is meant to serve as a guide for the application process for development through the Planning Department it is by no means comprehensive. The Planning Staff recommend that you schedule a meeting to answer any questions or to discuss issues that may accompany your project. It is much easier to tackle problems early on in the process. The office number for the Planning Staff is (952) 826-0465.

Variance Information

The Edina Planning Commission has been established to consider exceptions (variances) from the Land Use, Platting and Zoning Ordinance (Chapter 36), the Antenna Ordinance (Chapter 34), the Sign Ordinance (Chapter 36) and the Parking and Storage of Vehicles and Equipment Ordinance (Chapter 26).

The variance procedure is a "safety valve" to handle the unusual circumstances that could not be anticipated by these ordinances. The Commission is charged to only grant a petition for a variance if it finds:

1. That strict enforcement of the ordinance would cause practical difficulties because of circumstances unique to the petitioner's property
2. That the granting of the variance is in keeping with the spirit and intent of the ordinance.
3. Would not alter the essential character of the neighborhood.

"Practical Difficulties" means that:

1. The property in question cannot put to a reasonable use as allowed by the ordinance

2. The plight of the petitioner is due to circumstances unique to his/her property which were not created by the petitioner
3. The variance, if granted, will not alter the essential character of the property or its surroundings.

****Economic considerations alone shall not constitute an undue hardship if reasonable use for the petitioner's property exists under the terms of the ordinance.**

Application: Applications are submitted to the Planning Department. Offices are open Monday through Friday, 8 AM to 4:30 PM.

Deadlines for Applications: Applications need to be submitted at least **fifteen days** before the meeting. This allows the City of Edina time to notify surrounding property owners of the date of the hearing and details of the variance. It is helpful to submit the application as soon as possible to secure an early hearing position.

Notice of Public Hearing: Notice is mailed to all property owners (of record at City Hall) that are located within 200 feet of the site. Notice is mailed ten (10) days prior to the hearing. You are encouraged to contact adjacent or close owners and advise them of your proposal prior to the notice of the hearing. You may wish to provide statements of "no objection to the variance" from the nearby property owners.

Meetings and Public Hearings: Meetings of the Planning Commission are scheduled on the second and fourth Wednesday of each month. The meetings are held at 7:00 pm in the Edina City Hall Council Chambers, 4801 West 50th Street. ***Each meeting is limited to five variance cases on a first come, first serve basis.*** Additional requests are delayed until subsequent meetings. Meetings are formal public hearings with a staff report, comments from the proponent and comments from the audience. It is important the owner or a representative attend the meeting to answer questions.

Staff Report: After review of the drawings submitted and a visit to the site staff prepares a report. This report, along with any supporting drawings and materials, are sent to the Zoning Board in advance of the meetings. Board members may visit the site before the meeting. All plans, emails and written information are public information, and may be used in the staff report and distributed to the public.

Board Membership: The Planning Commission serves as the Zoning Board. Five members are required for a quorum.

Decisions by the Planning Commission: The Planning Commission may approve, deny or amend the variance request and establish conditions to ensure compliance or protect surrounding property owners. The Planning Commission generally makes a decision at the scheduled hearing. Occasionally, however, a continuance to another meeting may be necessary.

Appeals: Decisions of the Planning Commission are final unless appealed to the City Council in writing within 10 days. The proponents, any owner receiving notice of the hearing or the staff may appeal decisions. Appeals are rare and they can be time consuming because a new hearing is required before the full City Council. Appeals must be filed with the City Clerk.

Legal Fee: It is the policy of the City to charge applicants for the actual cost billed by our attorneys for all legal work associated with the application. An itemized bill will be provided which is due and payable within thirty (30) days.

**** Filing an Approved Variance:** The applicant is required to file an approved variance resolution with the County. Documents necessary for filing will be provided by the Planning Department.

APPLICANT'S STATEMENT

This application should be processed in my name, and I am the party whom the City should contact about this application. By signing this application, I certify that all fees, charges, utility bills, taxes, special assessments and other debts or obligations due to the City by me or for this property have been paid. I further certify that I am in compliance with all ordinance requirements and conditions regarding other City approvals that have been granted to me for any matter.

I have completed all of the applicable filing requirements and, to the best of my knowledge, the documents and information I have submitted are true and correct.



Applicant's Signature

John M. Ruelle / Chief Administrative Officer

Date

OWNER'S STATEMENT

I am the fee title owner of the above described property, and I agree to this application.

(If a corporation or partnership is the fee title holder, attach a resolution authorizing this application on behalf of the board of directors or partnership.)

LSREF2 (OREO) DIRECT, LLC

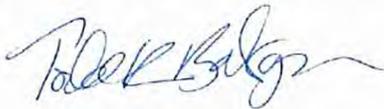
Jones Lang LaSalle Americans, Inc. as Agent

5/14/15

Owner's Signature

Date

Note. Both signatures are required (if the owner is different than the applicant) before we can process the application, otherwise it is considered incomplete.



Digitally signed by Todd R. Balsiger
DN: cn=Todd R. Balsiger, o=JLL,
ou=Group Manager,
email=todd.balsiger@am.jll.com,
c=US
Date: 2015.05.14 14:45:51 -05'00'



May 18, 2015

City of Edina
7450 Metro Blvd.
Edina, MN 55439

RE: Exterior Building Signage
Delivered via email to Tenant

To Whom It May Concern:

Pursuant to Article 9 of The Third Amendment to Lease dated February 2015, by and between **LSREF2 OREO (DIRECT), LLC**, a Delaware limited liability company ("**Landlord**"), and **SUNOPTA FOODS INC.**, a Delaware corporation ("**Tenant**") the Landlord hereby authorizes SunOpta Foods, Inc. to install exterior building signage at One Corporate Center IV located at 7301 Ohms Lane, Edina, MN 55439.

Per Article 9 of the Third Amendment to Lease the Tenant shall have the non-exclusive right, at its sole cost and expense, and with the prior written approval of Landlord (and subject to Landlord's rules, regulations and criteria with respect to signage, which shall not obligate Tenant to alter or remove signage previously approved by Landlord in writing unless such alteration or removal shall be required by applicable laws) and local governing authorities, to install one exterior building sign including Tenant's only name and logo on the exterior façade of the Building (without removal or relocation of address numbers existing on the Building), with the exact location, dimensions, design, materials, colors and methods and materials for attachment to the Building to be determined by Landlord in its reasonable discretion (the "**Building Sign**").

If you have any additional questions, please feel free to call me at 952-228-2880.

LSREF2 OREO (DIRECT), LLC
Jones Lang LaSalle Americas, Inc., its Agent

A handwritten signature in blue ink that reads "Todd R. Balsiger".

Todd R. Balsiger, CPM®, CCIM®
Senior Vice President - Group Manager
Jones Lang LaSalle Americas, Inc.
Todd.Balsieger@am.jll.com
O. 952-228-2880
C. 763-226-0654

Parcel Data for Taxes Payable 2015

Property ID:	09-116-21-24-0025	
Address:	7301 OHMS LA	
Municipality:	EDINA	
School Dist:	273	Construction year: 1981
Watershed:	1	Approx. Parcel Size: W 558X464X550X398
Sewer Dist:		
Owner Name:	LSREF2 OREO LLC	
Taxpayer Name & Address:	LSREF2 OREO LLC C/O ALTUS GROUP U.S. INC. 930 WEST 1ST ST, SUITE 303 FORT WORTH TX 76102	

Tax Parcel Description

The following is the County Auditor's description of this tax parcel. It may not be the legal description on the most recent conveyance recording ownership. Please refer to the legal description of this property on the public record when preparing legal documents for re

Addition Name:	ONE CORPORATE CENTER PHASE 4
Lot:	001
Block:	001
First Line Metes & Bounds:	
Full Metes & Bounds:	Note: To read full tax parcel description, click here .
Abstract or Torrens:	ABSTRACT

Value and Tax Summary for Taxes Payable 2015 Values Established by Assessor as of January 2, 2014

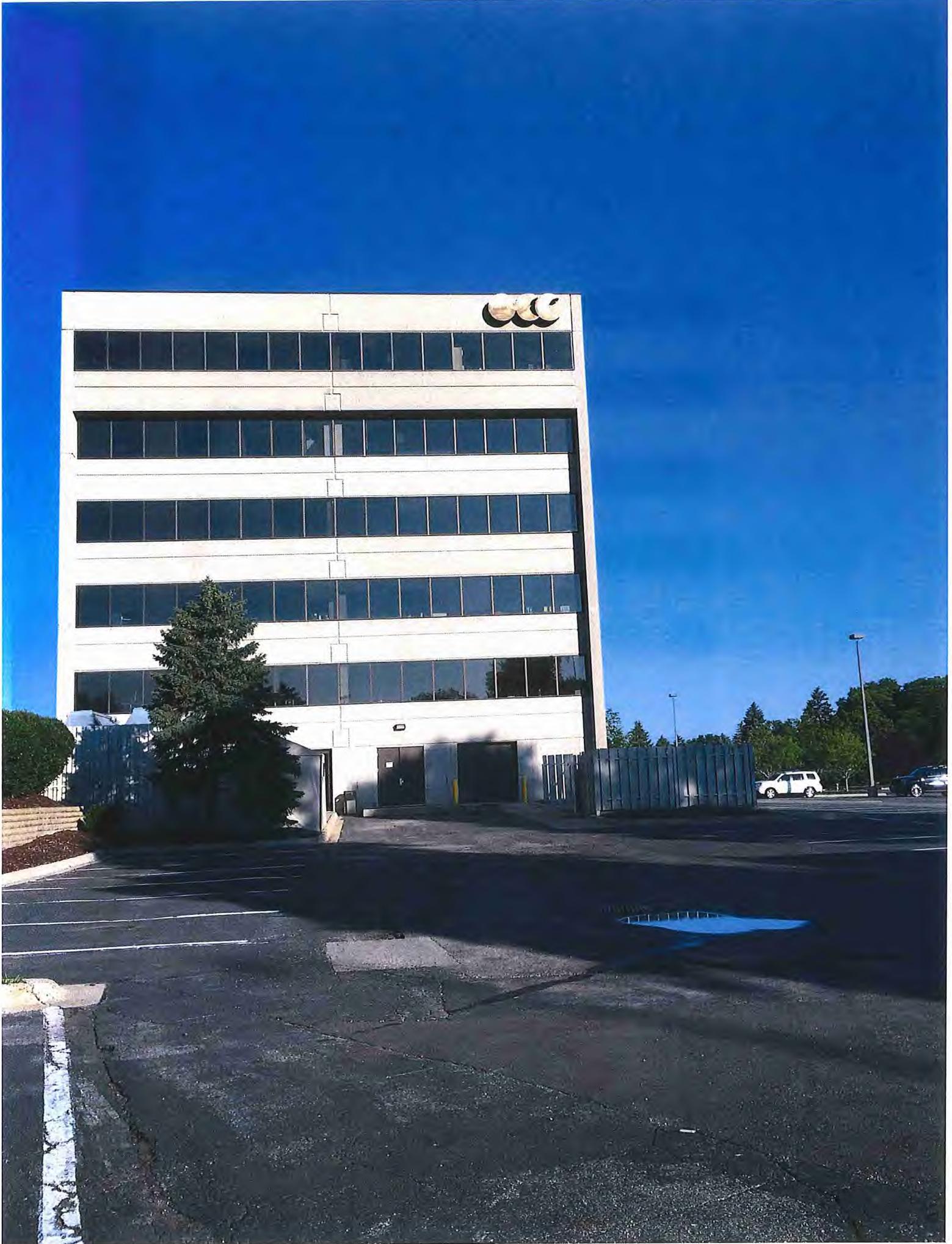
Property Information Detail for Taxes Payable 2015 Values Established by Assessor as of January 2, 2014

	Values:	
Land Market		\$3,798,800
Property Type	Classifications:	COMMERCIAL PREFERRED
Homestead Status		NON-HOMESTEAD
Relative Homestead		
Agricultural		
Exempt Status		



REGIS





**MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
JULY 8, 2015
7:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Answering the roll call were: Hobbs, Lee, Thorsen, Strauss, Halva, Nemerov, Olsen, Platteter

Absent: Carr, Forrest, Seeley

III. APPROVAL OF MEETING AGENDA

Commissioner Hobbs moved approval of the April 22, 2015, meeting agenda. Commissioner Thorsen seconded the motion. All voted aye; motion carried.

IV. COMMUNITY COMMENT:

None

VI. PUBLIC HEARINGS

A. Variance. SunOpta. 7301 Ohms Lane, Edina, MN.

Planner Presentation

Planner Repya informed the Commission Sun Opta is requesting a variance to allow the installation of a 58.75 square foot wall sign on the top floor (6th story) of the east elevation of their building at 7301 Ohms Lane. The subject property has one street frontage on Ohms Lane; the east elevation abuts the office building at 7300 Metro Boulevard. Sun Opta is a tenant within this office building.

Repya explained that Edina's sign code # 36 - 1715 provides for one wall sign and one monument sign per street frontage in the POD Planned Office District. For buildings five stories in height or greater, the total sign area of the two signs may not exceed 120 square feet total, with no individual sign being greater than 80 square feet in area.

Repya reported that currently there is one monument sign on the west elevation facing Ohms Lane measuring 56 square feet, advertising One Corporate Center with tenant identification.

The code would allow for a wall sign measuring up to 64 square feet to be added to the west elevation.

Planner Repya concluded that staff recommends denial of the requested variances based on the following findings:

1. The proposal does not meet the required standards for a variance, because:
 1. The proposed variance is not reasonable since the proposed wall sign can be installed without a variance on the west elevation of the building fronting Ohms Lane.
 2. The proposed sign would set an undesirable precedence for other similarly located buildings in the neighborhood lacking street frontage on Highway 100.

Appearing for the Applicant

John Ruelle, SunOpta

Discussion

Chair Platteter asked Planner Repya what the zoning designations are for the properties surrounding the subject site. Repya responded that the surrounding properties are zoned POD, Planned Office District.

Applicant Presentation

Mr. Ruelle told the Commission he questions the City's definition of street frontage. Ruelle presented to Commissioners photos of neighboring buildings with signage similar to the sign they are requesting. Continuing, Ruelle further pointed out that the subject site also includes an easement to Metro Boulevard and Highway 100; thereby accessing Highway 100. Continuing, Ruelle questioned why the sign ordinance wouldn't allow their sign to face Highway 100, adding its key for their business to "get their name out" so it becomes recognizable to not only residents of Edina but the general public. Concluding, Ruelle told Commissioners SunOpta has a long term lease with this building.

Commissioner Nemerov commented that he assumes the applicant and their landlord are aligned. Brandon Aune, representing the sign owner responded in the affirmative.

A discussion ensued on the photos Mr. Ruelle presented indicating similar signage on nearby buildings. It was noted that the majority of those buildings are in the City of Bloomington; with a different sign ordinance.

Public Hearing

Chair Platteter asked if anyone would like to speak to this issue; being none, Commissioner

Thorsen moved to close the public hearing. Commissioner Strauss seconded the motion. Public hearing closed.

Discussion

Commissioner Nemerov reported he worked in the subject building and at that time there was a sign on the building facing Highway 100. Nemerov said in his opinion allowing the sign makes sense.

Commissioner Lee asked Planner Teague if the sign ordinance was re-written. Planner Teague responded the ordinance wasn't re-written; however, there are unpermitted signs in the City.

Commissioner Thorsen said he does have a concern that similar buildings may also want additional signage if the Commission chooses to support this request. Planner Teague noted that the purpose of the requested sign variance is advertising; not way finding, which could be an issue.

Commissioner Nemerov commented that in his opinion similar buildings should have the same value and should be treated the same with regard to signage. He added he doesn't believe it's unreasonable for a corporation/company to want to "broadcast" their business to the general public. Nemerov further stated that the City of Edina should want businesses to do well.

Commissioner Hobbs said that while he understands the applicant's point of view in wanting additional signage he pointed out the ordinance is clear; no street frontage, not sign. Continuing, Hobbs suggested that the Commission should take another look at the sign code and amend it if needed.

Commissioner Lee commented that personally she finds identifying logos helpful because it provides awareness; however, agrees with Commissioner Hobbs that the ordinance doesn't permit this type of signage.

Motion

Commissioner Thorsen moved to recommend denial of the requested variance based on staff findings:

- **The proposed variance is not reasonable since the proposed wall sign can be installed without a variance on the west elevation of the building fronting Ohms Lane.**
- **The proposed sign would set an undesirable precedence for other similarly located buildings in the neighborhood lacking street frontage on Highway 100.**

Commissioner Strauss seconded the motion. Ayes; Hobbs, Lee, Thorsen, Strauss, Olsen. Nays; Nemerov, Platteter. Motion to deny carried 5-2.



PLANNING COMMISSION STAFF REPORT

Originator Joyce Repya Senior Planner	Meeting Date July 8, 2015	Agenda # VI. A. B-15-12
--	-------------------------------------	--

Recommended Action: Deny the variance requested.

Project Description

SunOpta at 7301 Ohms Lane is requesting a variance to allow a wall sign to be erected on the east face of the building that does not have street frontage.

See attached supporting materials and sign plan – Figures. A-1 thru A-5

INFORMATION/BACKGROUND

Sun Opta is requesting a variance to allow the installation of a 58.75 square foot wall sign on the top floor (6th story) of the east elevation of their building at 7301 Ohms Lane. The subject property has one street frontage on Ohms Lane; the east elevation abuts the office building at 7300 Metro Boulevard. Sun Opta is a tenant within this office building.

Edina's sign code # 36 - 1715 provides for one wall sign and one monument sign per street frontage in the POD Planned Office District. For buildings five stories in height or greater, the total sign area of the two signs may not exceed 120 square feet total, with no individual sign being greater than 80 square feet in area.

Currently there is one monument sign on the west elevation facing Ohms Lane measuring 56 square feet, advertising One Corporate Center with tenant identification. The code would allow for a wall sign measuring up to 64 square feet to be added to the west elevation.

SUPPORTING INFORMATION

Surrounding Land Uses

- Northerly: Office Building
- Easterly: Office Building
- Southerly: Office Building
- Westerly: Multi-Tenant Planned Industrial Building

Existing Site Features

7301 Ohms Lane zoned POD-2; Planned Office District is a 6-story structure with street frontage to the west on Ohms Lane

Planning

Guide Plan designation: Office
 Zoning: POD-2, Planned Office District

Compliance Table

POD Maximum Sign Area	Existing Signage	Variance requested
1 wall sign and one freestanding sign per frontage 120 square feet total	56 square foot monument sign abutting Ohms Lane (west elevation)	1 wall sign measuring 58.75 square feet on the east elevation abutting an interior side yard.
80 square feet maximum for the first sign (buildings in excess of 4 stories)		
Additional sign allowed so total sign area for the building does not to exceed 120 square feet		

Primary Issues

- **Is the proposed sign reasonable for this site?**
 No. Staff believes the proposal is not reasonable for following reasons:
 1. A wall sign is allowed on the west elevation of the building abutting Ohms Lane.
 2. The proposed sign would set an undesirable precedence for other buildings lacking street frontage, but with visibility from major roadways.

- **Is the proposed variance justified?**
 No. Staff believes the proposal is not justified for the following reasons:
 1. The proposed wall sign can be installed without a variance on the west elevation of the building fronting Ohms Lane.
 2. The proposed sign would set an undesirable precedence for other similarly located buildings in the neighborhood lacking street frontage on Highway 100.

Minnesota Statutes and Edina Ordinances require that the following conditions must be satisfied affirmatively. The Proposed Variance will:

1) *Relieve practical difficulties that prevent a reasonable use from complying with ordinance requirements.*

Staff believes the proposed variance will not relieve practical difficulties in complying with the code since they have the ability to erect the proposed sign on the west elevation of building.

2) *There are circumstances that are extraordinary to the property, not applicable to other property in the vicinity or zoning district?*

The circumstances are not unique for this site. This is one of many multi-story office buildings in Edina that are visible from a major roadway, but lack street frontage that would allow for wall sign abutting said roadway.

3) *Will the variance be in harmony with the general purposes and intent of the sign ordinance?*

No. The intent of the sign ordinance is to only allow signage in the Planned Office District on elevations of the building having street frontage. No signage is allowed on interior elevations lacking street frontage.

4) *Will the variance alter the essential character of the neighborhood?*

Yes. The proposed sign will alter the essential character of the neighborhood. No other building in the neighborhood which has visibility from Highway 100 has signage erected on an elevation that does not have street frontage.

Staff Recommendation

Deny the requested variances based on the following findings:

1. The proposal does not meet the required standards for a variance, because:
 3. The proposed variance is not reasonable since the proposed wall sign can be installed without a variance on the west elevation of the building fronting Ohms Lane.
 4. The proposed sign would set an undesirable precedence for other similarly located buildings in the neighborhood lacking street frontage on Highway 100.

Deadline for a city decision: August 19, 2015



City of Edina Planning Department
4801 West 50th Street
Edina, MN 55424

June 4, 2015

Dear City of Edina,

This letter is to request and substantiate the grant of a Variance for a Sign Permit at 7301 Ohms Lane. The Variance requested is relatively minor, as shown in the attached.

SunOpta is a leading global company specializing in the sourcing, processing and packaging of healthy, natural, and organic food products.

Since locating our U.S. Corporate Headquarters to Edina in May of 2012, SunOpta has brought over 75 new jobs to Edina and will have staff here of over 100 by the end of 2015. Over 50% of our 1,800 employees, 22 plants and 5,000 suppliers/growers reside within 5 hours of Minneapolis.

Although we are one of the top 30 public companies in Minnesota with revenue of approximately \$1.3 Billion, we are relatively unknown and would like to change our stature in the community. We are of similar stature as TCF Financial, Buffalo Wild Wings and Life Time Fitness and are attempting to bring awareness to our existence in the Community. We believe having signage on our building facing Highway 100 is an integral part of our awareness campaign.

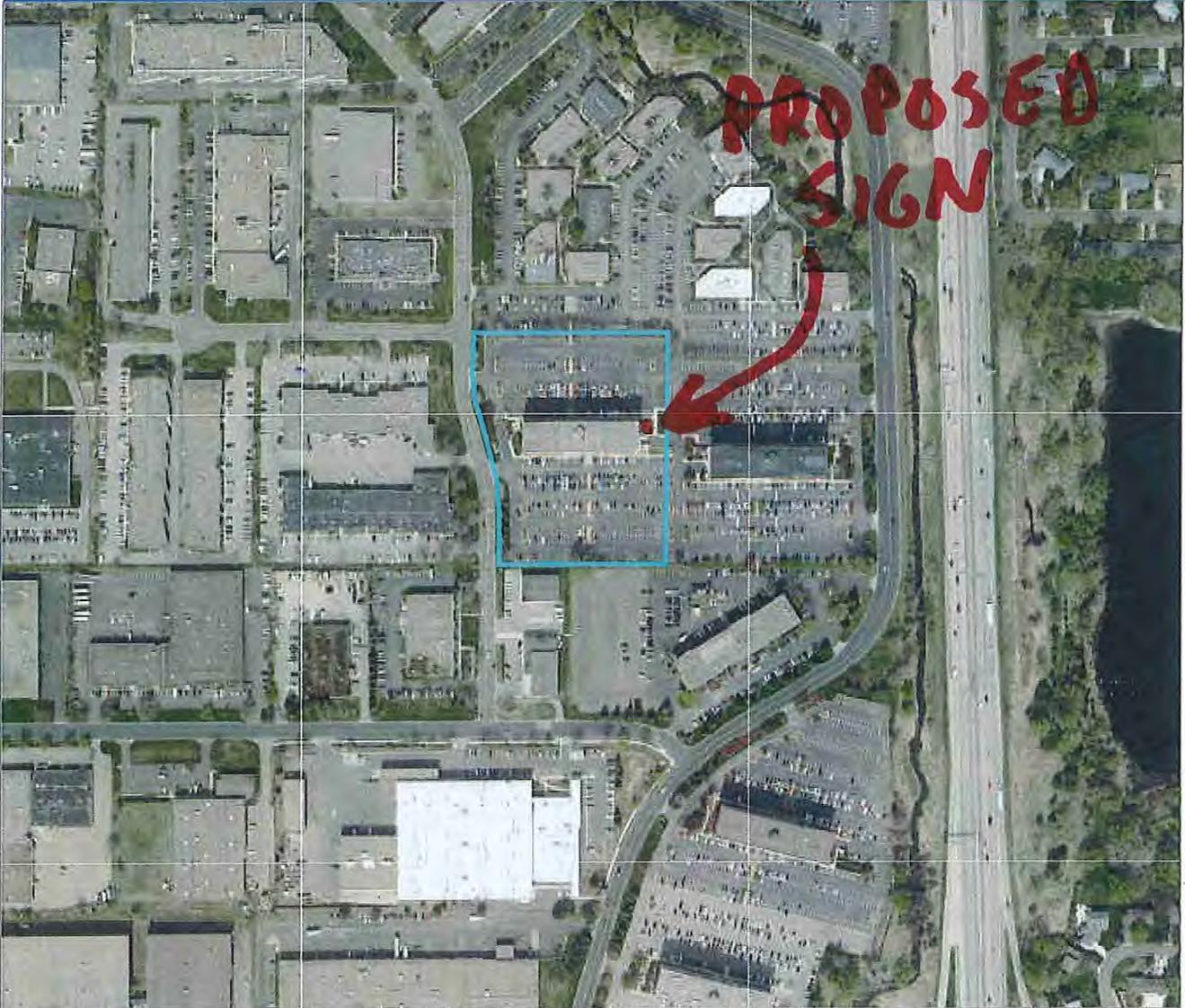
We have included examples of other buildings in the immediate area displaying the address number and company name signage on the same building wall, which is why we believe the request, was originally rejected.

We respectfully request you reconsider our signage request.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Ruelle".

John M. Ruelle
Chief Administrative Officer



Parcel ID: 09-116-21-24-0025

Owner Name: Lsref2 Oreo Llc

Parcel Address: 7301 Ohms La
Edina, MN 55439

Property Type: Commercial-Preferred

Home-stead: Non-Homestead

Parcel Area: 5.41 acres
235,864 sq ft

A-T-B: Abstract

Market Total:

Tax Total:

Sale Price:

Sale Date:

Sale Code:

Map Scale: 1" ≈ 400 ft.

Print Date: 6/26/2015



This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.

COPYRIGHT © HENNEPIN COUNTY 2015





City of Edina Planning Department
4801 West 50th Street
Edina, MN 55424

June 19, 2015

Dear City of Edina,

This letter is to request and substantiate the grant of a Variance for a Sign Permit at 7301 Ohms Lane. The Variance requested is for a sign placed on a non-street frontage wall on the East Elevation of the building. The request does not create any impact to commercial or residential property. As the U.S. Corporate Headquarters, it is vital that we have highway exposure.

SunOpta is a leading global company specializing in the sourcing, processing and packaging of healthy, natural, and organic food products.

Since locating our U.S. Corporate Headquarters to Edina in May of 2012, SunOpta has brought over 75 new jobs to Edina and employ staff here of over 100. Over 50% of our 1,800 employees, 22 plants and 5,000 suppliers/growers reside within 5 hours of Minneapolis.

Although we are one of the top 30 public companies in Minnesota with revenue of approximately \$1.3 Billion, we are relatively unknown and would like to change our stature in the community. We are of similar stature as TCF Financial, Buffalo Wild Wings and Life Time Fitness and are attempting to bring awareness to our existence in the Community. We believe having signage on our building facing Highway 100 is an integral part of our awareness campaign.

We respectfully request you reconsider our signage request.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Ruelle".

John M. Ruelle
Chief Administrative Officer

Minnesota Statutes and Edina Ordinances require that the following conditions must be satisfied affirmatively. Please fully explain your answers using additional sheets of paper as necessary.

The Proposed Variance will:

YES

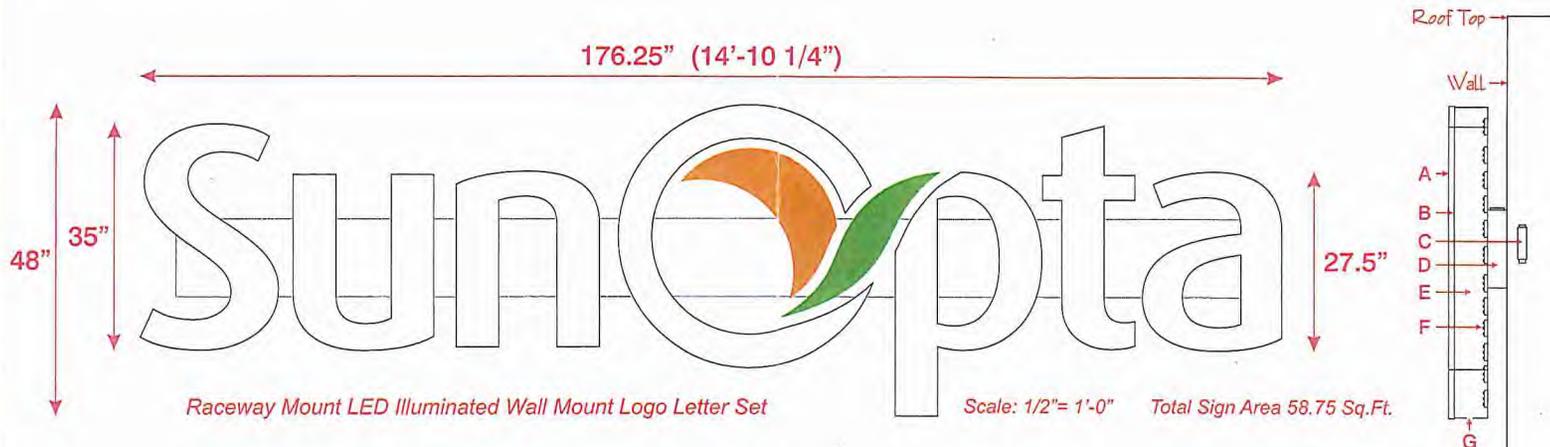
NO

Relieve practical difficulties in complying with the zoning ordinance and that the use is reasonable

Correct extraordinary circumstances applicable to this property but not applicable to other property in the vicinity or zoning district

Be in harmony with the general purposes and intent of the zoning ordinance

Not alter the essential Character of a neighborhood



EAST ELEVATION FACING HIGHWAY 100

- WHITE FACES
- BLACK LETTER RETURNS
- SILVER EDGE TRIM
- ORANGE PMS# 151C
- GREEN PMS# 375C

- A) WHITE Translucent Face Material / Translucent Color Applied In Logo
- B) 1" WHITE Edge Trim
- C) 12 Volt LED Power Supply
- D) Raceway Finished To match Building Bkg Color
- E) BLACK Aluminum Letter cabinets
- F) 12 Volt Bright WHITE LEDs
- G) Drain Holes

- * Letter Set To Carry Required U.L. Approvals
- * Sign Images to secure required City of Edina sign & electrical permits



7301 Ohms Lane
Edina, MN 55439

Kristi Inveen
Marketing Manager, SunOpta
T: 952-939-3949

This is an original unpublished design, created by Twin Cities Sign Images, Inc. It is submitted for your personal use in connection with the project being planned for you by Twin Cities Sign Images, Inc. It is not to be shown to anyone outside of your organization, nor is it to be used, reproduced, copied or exhibited in any fashion without the written permission of Twin Cities Sign Images, Inc. All or any part of this design (except registered trademarks) remain the property of Twin Cities Sign Images, Incorporated. An Artwork Design fee of \$1,000.00 will be charged for this Design if used without written permission from Twin Cities Sign Images, Inc.



A-5

DESIGNERS • BUILDERS • INSTALLERS of interior & exterior sign systems
17420 113th Avenue North • Suite E • Maple Grove, MN 55369 • (Fax) 428-1597 • www.signimages.com

Proposed Sign Plan



The CITY of
EDINA

2-16-15 SunOpta Exterior Sign Plan

176.25" (14'-10 1/4")

48" 35" 27.5"

Raceway Mount LED Illuminated Wall Mount Logo Letter Set

Scale: 1/2" = 1'-0" Total Sign Area 58.75 Sq.Ft.

Roof Top
Wall
A
B
C
D
E
F
G
Side View

7301 SunOpta

EAST ELEVATION FACING HIGHWAY 100

- ☐ WHITE FACES
- BLACK LETTER RETURNS
- SILVER EDGE TRIM
- ORANGE PMS# 151C
- GREEN PMS# 375C

SunOpta
7301 Ohms Lane
Edina, MN 55439

Kristi Inveen
Marketing Manager, SunOpta
T: 952-939-3949

A) WHITE Translucent Face
Material / Translucent Color
Applied In Logo

B) 1" WHITE Edge Trim

C) 12 Volt LED Power Supply

D) Raceway Finished To match
Building Bkg Color

E) BLACK Aluminum Letter cabinets

F) 12 Volt Bright WHITE LEDs

G) Drain Holes

* Letter Set To Carry Required U.L. Approvals
* Sign Images to secure required City of Edina
sign & electrical permits

This is an original unpublished design, created by Twin Cities Sign Images, Inc. It is submitted for your personal use in connection with the project being planned for you by Twin Cities Sign Images, Inc. It is not to be shown to anyone outside of your organization, nor is it to be used, reproduced, copied or exhibited in any fashion without the written permission of Twin Cities Sign Images, Inc. All or any part of this design (except registered trademarks) remain the property of Twin Cities Sign Images, Incorporated. An Artwork Design fee of \$1,000.00 will be charged for this Design if used without written permission from Twin Cities Sign Images, Inc.

sign images
TWIN CITIES SIGN IMAGES, INC.
(763) 428-1599
www.signimages.com

DESIGNERS • BUILDERS • INSTALLERS of interior & exterior sign systems
17420 113th Avenue North • Suite E • Maple Grove, MN 55369 • (Fax) 428-1597 • www.signimages.com

West Elevation



The CITY of
EDINA

Site Plan



The CITY of
EDINA

