

**CITY OF COLOGNE  
CITY COUNCIL  
RESOLUTION NO. 26-15**

**RESOLUTION APPROVING A VARIANCE RELATED TO SIGNAGE AT 409 PAUL  
AVENUE SOUTH**

**WHEREAS**, Mid-County Co-op Oil Association (“Applicant”) is the property owner for a variance related to property located at 409 Paul Avenue South and PIDs #401500010 and #401500021; and

**WHEREAS**, the property is legally described as:

Lot 1 and 2, Block 1, Ehalt Addition, Carver County, Minnesota

Referred to herein as the “Subject Property;” and

**WHEREAS**, the Subject Property is zoned C-3 General Business; and

**WHEREAS**, the Applicant had applied for a variance to construct signage in excess of that allowed by ordinance as follows:

1. Permit more than one freestanding sign per building/lot (refacing two freestanding sign structures are proposed, in addition to four new small non-illuminated directional signs);
2. Permit the height of a freestanding sign in excess of the 20-foot maximum (the existing "MID Sign B" pylon is shown on the submitted plans at a pole height well in excess of the ordinance maximum);
3. Permit the aggregate square footage of freestanding signage in excess of the 80-square-foot maximum (100 square feet for a multi-tenant structure) permitted per freestanding sign structure; and
4. Permit wall and canopy-mounted signage on multiple accessory structures (the fuel canopy, the truck diesel canopy, and the detached car wash building) in excess of the signage otherwise contemplated for a single principal building under the ordinance.

**WHEREAS**, Minnesota Statute Section 462.357, subd. 6 provides:

- a. Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the variances are consistent with the comprehensive plan.
- b. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. “Practical difficulties,” as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

**WHEREAS**, the public hearing was properly noticed and scheduled for September 2, 2026 Planning Commission meeting; and

**WHEREAS**, the application and staff report were reviewed by the Planning Commission at its meeting on September 2, 2026 at which the Planning Commission recommended approval of the variance subject to conditions; and

**NOW, THEREFORE, BE IT RESOLVED**, the City Council acting as the Board of Appeals and Adjustments makes the following findings:

1. The proposed variance is a reasonable use of the land. The property is developed with a multi-structure fuel/convenience retail complex — a principal store building, a fuel canopy, a separate truck diesel canopy, and a detached car wash building — each of which functions independently and benefits from its own identification, wayfinding, and safety signage. The Cologne sign ordinance's freestanding- and wall-sign standards appear to contemplate a single principal building on a lot rather than a multi-structure fuel/car wash complex of this type. Much of the requested signage (the two price signs, the fuel canopy fascia, and the car wash decals) replaces existing sign structures in the same locations and, in most instances, the same dimensions as the existing (legacy) signage; it is a reasonable use of the property to rebrand existing structures.
2. The property's multiple structures (main store, fuel canopy, truck diesel canopy, and detached car wash) are unique physical circumstances not created by the current Applicant. The prior signage on the site, which appears to predate current ownership and for which the City holds no permit record, was apparently not constructed in conformance with the ordinance. The Applicant is not the party that created the underlying nonconformity, though the Applicant's rebranding request is what has brought the issue before the City.
3. The variance would not alter the essential character of the locality. The site has functioned as a gas station/convenience store with a comparable signage presence for a number of years. The proposed Circle K signage generally follows the footprint and location of the existing Holiday signage, with a modest net increase in overall square footage. Granting the variance would not meaningfully alter the character of this commercial corridor.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, City Council acting as the Board of Appeals and Adjustments makes the following findings:

1. Granting a variance will not adversely affect the public health, welfare and safety and will not be detrimental or injurious to property or improvements

in the neighborhood. The proposed signage is consistent in scale and character with the existing commercial use of the property and with signage found on comparable fuel/convenience uses along this corridor.

2. Strict interpretation or enforcement would result in a practical difficulty or unnecessary hardship that is neither self-created nor inconsistent with the intent of this chapter and the comprehensive plan. The ordinance's sign standards do not readily account for a multi-structure fuel/convenience/car wash site, and much of the requested signage replaces legacy, apparently unpermitted signage already present on the property.
3. There are exceptional or extraordinary circumstances or conditions applicable to the property, use or facilities that do not apply generally to other properties in the same district. The property contains four separate structures requiring identification and/or safety/wayfinding signage (store, fuel canopy, truck diesel canopy, and car wash), which is not typical of other properties in the C-3 District.
4. Strict or literal interpretation would deprive the applicant of the use and enjoyment of his property in a manner similar to others in the same district. Without the variance, the Applicant would be unable to identify the fuel canopy, truck diesel canopy, and car wash building, or to provide directional information, in a manner comparable to other fuel/convenience uses in other communities.
5. Granting of the variance will not allow a use which is otherwise not a permitted use in the zoning district in question. The self-service gasoline station and convenience store use is a permitted use in the zoning district; the variance relates solely to signage, not use.

**BE IT FURTHER RESOLVED**, the City Council approves a variance related to signage, subject to the following conditions:

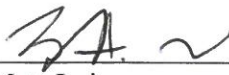
1. This variance rescinds and replaces all previous variances related to signage for the subject property.
2. Signage shall be constructed in substantial conformance with the plan set dated June 8, 2026 for Circle K Exterior Signs prepared by Corporate ID Solutions and included within the City Council packet.
3. A building permit shall be secured for signage as required by Building Code prior to installation.
4. Applicants, their successors, and assigns, shall reimburse the City for all administrative, legal, and professional costs incurred for the enforcement of this Variance. Applicants agree to pay all such costs within 30 days of billing by the City. Bills not paid within

30 days of billing by the City shall accrue interest at the rate of 6% per year. Further, if Applicants fail to pay said amounts within the time permitted, the City may specially assess such costs against the property. Applicants by accepting this Variance voluntarily waives any and all rights to appeal any certification/assessment under any applicable statutes, the Constitution, and case law.

5. All funds owed to the City for the processing of this application shall be paid in full prior to the issuance of a building permit.
6. The variance shall expire if these conditions are not met and a building permit application is not received for the property by September 8, 2027.

Date: September 8, 2026

Approved:

  
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Matt Lein  
Mayor

Attested:

  
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Michelle Morrison  
City Clerk