

RESOLUTION 2025-35

RESOLUTION GRANTING A VARIANCE TO INSTALL A SIGN THAT EXCEEDS THE REQUIRED SIZE LIMITATION AT 1401 SIOUX DRIVE IN THE CITY OF PIPESTONE

WHEREAS, JBS Foods (“Applicant”) submitted an application for a variance to the City of Pipestone (“City”) to construct a sign on property located at 1401 Sioux Drive (PID 18.750.0095), which is owned by Swift Port Company (“Owner”) and is legally described on the attached Exhibit A (“Property”); and

WHEREAS, the Applicant and Owner’s request for a variance seeks to install a sign that totals 265.58 square feet, which exceeds the size limitation for business signs on the Property; and

WHEREAS, the proposed placement and depiction of the sign is set forth in Exhibit B attached hereto; and

WHEREAS, on May 13, 2025, upon proper and sufficient published notice, notice to affected properties and notice to properties in the area of the Property, the City of Pipestone Board of Appeals and Adjustments held a public hearing regarding the requested variance, considered the information presented, and voted to forward the application to the City Council with a recommendation that the variance be approved; and

WHEREAS, the City Council considered the requested variance at its meeting on June 2, 2025 and finds as follows:

- a. The Property is currently zoned I-2 Central Industrial District;
- b. Section 153.32 (T)(2) of the City Code limits the size of a business sign in the I-2 Central Industrial District to a maximum of 100 square feet;
- c. As part of a rebranding for the business, the Applicant and Owner propose to construct a new sign on the Property that totals 265.58 square feet;
- d. In accordance with Section 153.27 of the City Code and Minnesota Statutes, section 462.357, subd. 6, the Board of Appeals and Adjustments found and determined as follow:

- (1) The Property cannot yield a reasonable use if permitted to be used only under conditions allowed by the regulations governing the district in which the Property is located. The Property is part of a large industrial park, and the large footprint of the business requires a larger business sign;
 - (2) The plight of the Owner is due to unique circumstances not normally applicable to land holdings within the same district. The Property is part of a large industrial park, and the large footprint of the business requires a larger business sign;
 - (3) The proposal is in harmony with the general purpose and intent of the City Code. The sign replaces an existing business sign that is consistent with the industrial uses in the area;
 - (4) The proposal is consistent with the City's Comprehensive Plan and will be compatible with present and future land uses of the area. The sign replaces an existing business sign that is appropriately sized and is consistent with the industrial uses in the area;
 - (5) The variance, if granted, will not alter the essential character of the locality. The business sign is consistent with the industrial uses in the area;
 - (6) The Owner intends to use the property in a reasonable manner not permitted in the City Code; and
 - (7) There are unique circumstances to the Property not created by the Owner that creates a practical difficulty.
- d. The City Council additionally finds and determines that the criteria for approval of a variance set forth in Section 153.27 of the City Code and Minnesota Statutes, section 462.357, subd. 6 have been met by the proposal.

NOW, THEREFORE, BE IT RESOLVED, that, based on the record of this matter, including the application, information presented at the public hearing and the findings and determinations contained herein, the City Council hereby approves and issues a variance to construct a business sign on the Property, which exceeds the sign size limitation for business signs in the I-2 Central Industrial District, subject to all of the following conditions, restrictions, and requirements:

1. Scope of Variance. This variance allows the Owner to install a business sign on the Property as depicted in Exhibit B and in accordance with the plans and specifications submitted with the variance application, which is incorporated herein by reference. The sign must be constructed and placed in accordance with the conditions imposed on this variance, the requirements of the City Code, and all other applicable regulations.

2. Commencement of Work. If construction in accordance with the plans and specifications submitted with the variance application is not substantially started within two years from the date of the issuance of the variance, the variance shall become void. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete.
3. Binding Effect. This variance and its conditions 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.
4. Legal Compliance. This variance is subject to the requirements of the City Code and the Owner is required to comply with, and obtain all other permits or permission, as may be required by, all applicable federal, state and local laws, rules and ordinances.
5. Acceptance of Conditions. Utilization of the Property pursuant to the variance shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the variance without qualification, reservation, or exception.
6. No Waiver. A failure by the City to take action with respect to any violation of any condition, covenant or term of this variance shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant or term.

Passed and adopted by the City Council of the City of Pipestone this 2nd day of June 2025.

Dan Delaney
Mayor

ATTEST:

Stephanie LaBrune
Assistant City Administrator/City Clerk

EXHIBIT A

Legal Description of the Property

Lot 1, Block 3, Skyway Industrial Park First Addition to Pipestone, Minnesota, less and except the East 200 feet thereof, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Pipestone County, Minnesota.

EXHIBIT B

Accessory Structure

