

**THE MEETING OF THE PLANNING COMMISSION BOARD HELD ON SEPTEMBER 15, 2014, AT
7:16 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

The meeting was called to order at 7:15 P.M., by Jack Edmonds. Members present were Jeff Reynolds, Eldon Johnson, and Jim Kusler (Princeton Twsp. Rep.). Staff present were Carie Fuhrman (Comm. Dev. Director) and Mary Lou DeWitt (Comm. Dev. Assistant).

Absent were Mitzi Mellott and Chad Heitschmidt.

APPROVAL OF MINUTES OF REGULAR MEETING ON AUGUST 18, 2014

REYNOLDS MOVED, SECOND BY JOHNSON, TO APPROVE THE MINUTES OF AUGUST 18, 2014. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS:

Edmonds would like to add to the agenda under Old Business where he has a couple questions on the Sign Ordinance.

PUBLIC HEARING: None

OLD BUSINESS:

A. Sign Ordinance Discussion:

Edmonds said he got a call from someone regarding if a Building Permit application needs to be taken out for a sign. He was not sure and asked Fuhrman.

Fuhrman said yes. The Building Inspector signs off on them.

Edmonds said the caller intends to put a window sign in and when he was talking with the person, he was unsure of the procedure.

Fuhrman said when he gets those questions, to have the person contact City Hall, and we would be happy to answer them.

NEW BUSINESS:

A. Family Pathways Pylon Sign

Community Development Director Memo:

Background: Troy Rheaume, on behalf of Family Pathways Thrift Stores, is requesting review of a proposed digital pylon sign at 605 Rum River Drive South. This site is legally described as Lots 1, 2, and 3, Holiday Village Addition. The property is zoned B-2 Neighborhood Business District.

Pylon Sign: The pylon sign will be placed in the grass area of the front of the building facing Rum River Drive. A detailed site plan indicating the exact location of the sign has not been

submitted – the applicant is aware the sign must be located inside the property lines. In addition, the sign cannot extend over public sidewalks or streets.

The Zoning Ordinance allows pylon signs with a maximum sign area of 75 square feet and height of 20 feet. The applicant has proposed two different sign sizes and both would be within the 75 square feet sign area. The applicant indicated that the sign height would be under the 20 foot maximum height requirement. In addition, ten feet of clearance is required between grade levels and the bottom of the sign.

The sign will contain an LED electronic message center as part of the sign face. This type of sign is not allowed within 125 feet of any existing residence (including single family homes, townhomes, multi-family residential buildings, apartments, etc.) according to the recently adopted Ordinance. There are single family homes and an apartment building directly across Rum River Drive. It would be the applicant's responsibility to prove that the sign would meet this setback requirement. This information would be required on the site plan.

The brightness standards of the Sign Ordinance shall be required to be met as a condition of approval. In addition, flashing signs are prohibited. As well, in the event of a malfunction, the sign shall be designed to freeze the display, and the owner shall discontinue the display immediately upon malfunction, or upon notice from the City.

Conclusion/Recommendation: Staff would recommend approval of the proposed pylon sign, subject to the following conditions:

1. The sign is required to be located inside the property lines.
2. The sign cannot extend over public sidewalks or streets.
3. It is the applicant's responsibility to prove that the sign meets the 125 foot setback requirement from residences.
4. The sign shall meet the size (75 square feet) and height (20 feet) requirements.
5. Ten feet of clearance is required between grade levels and the bottom of the sign.
6. A detailed site plan shall be submitted prior to Building Permit issuance.
7. A Building Permit must be applied for and approved prior to sign placement.
8. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during the daylight hours, and a maximum illumination of 500 nits between dusk to dawn, as measured from the sign's face at maximum brightness:
 - a. The sign owner shall be required to provide an accurate field method of ensuring that maximum light levels are not exceeded if requested by City officials.
 - b. The sign owner shall sign a license agreement supplemental to the building permit agreeing to operation of a sign in conformance with these regulations. Violation of these regulations shall result in forfeiture of the license, and the City shall be authorized to arrange disconnection of electrical service to the facility.
 - c. Signs shall have an automatic dimmer control or other mechanism to automatically adjust its nit level based on ambient light conditions.

9. Flashing signs are prohibited.
10. In the event of a malfunction, the sign shall be designed to freeze the display, and the owner shall discontinue the display immediately upon malfunction, or upon notice from the City.

***** End of staff memo*****

Edmonds asked Fuhrman if we do have the wording in the Ordinance in regards to a license agreement supplemental.

Fuhrman said yes it is in the Ordinance. It is located under Chapter VII-Signs, Page 20, Brightness Section 4b-2.

Edmonds asked Troy Rheume if he had any issues with the conditions.

Troy Rheume said he read the conditions and how do you measure brightness. Cities are writing the rules, but how do you measure them. Nighttime is the most concerning. 5,000 nits is hard to read during the daytime. Rheume said he did the Neighbors sign. You can turn the signs off at night and that helps the longevity of the sign. He recommends the orange yellow color at night. He said if people complain it is the best to turn the sign down. Has there been any issues with the Neighbor's sign.

Fuhrman said there were a few complaints and she has asked them to turn it down. The red lettering was the most objectionable.

Wendy Rheume said when the business is closed the sign should be shut off and that is helpful.

Troy Rheume said go to a black screen is what you can do to shut it off.

Edmonds said across the street from Family Pathways has a lot of trees so it might not bother them as much.

Troy Rheume said he drove down Rum River Drive and noticed ACE Hardware has a red letter electronic sign.

Edmonds asked what if the conditions for the nit numbers had to be changed.

Fuhrman said that would require a variance to be changed.

Johnson said if he needs to set the light higher because of the street light, just make sure it is okay with the neighbors.

Reynolds asked on day light hours what would he like to have it set at.

Troy Rheume said 8,000 nits. Some states have the capability of 10,000 nits. Nits reading changes with white background and black text.

Edmonds questioned how you set conditions on the lighting.

Johnson said it is common sense. They understand day and night brightness.

Troy Rheume said the Board seems receptive to listen to sign technology. The Ordinance seemed fair except for the nit value.

Fuhrman said she believes with this technology the City does not have the funds to buy the nits tool and that is the reason the Ordinance reads the owner of the sign has to be responsible to provide an accurate field method of ensuring the light levels.

Troy Rheume said it can be brought down to a very low quality. He spoke of another sign he installed with majority of it having a white background and red letters. It is very bright and he does not agree with that because you cannot read it. Static cabinet sign is the best.

Wendy Rheume said to educate consumers is to tell them the white takes full power for the background use. If they had the black background with white lettering it would show so much better.

Troy Rheume said if this sign is facing north and south it would be best.

Edmonds said as more digital signs are in use, we probably will define it better in the Ordinance.

Reynolds asked if they know which of the two signs examples they would like to use.

Troy Rheume said yes, he believes so. He will now bring the proposed signage to Family Pathways and see if they would like to place one on their site.

EDMONDS MOVED, SECOND BY REYNOLDS, TO APPROVE THE FAMILY PATHWAYS PYLON SIGN LOCATED AT 605 RUM RIVER DRIVE SOUTH WITH THE FOLLOWING CONDITIONS:

1. THE SIGN IS REQUIRED TO BE LOCATED INSIDE THE PROPERTY LINES.
2. THE SIGN CANNOT EXTEND OVER PUBLIC SIDEWALKS OR STREETS.
3. IT IS THE APPLICANT'S RESPONSIBILITY TO PROVE THAT THE SIGN MEETS THE 125 FOOT SETBACK REQUIREMENT FROM RESIDENCES.
4. THE SIGN SHALL MEET THE SIZE (75 SQUARE FEET) AND HEIGHT (20 FEET) REQUIREMENTS.

5. TEN FEET OF CLEARANCE IS REQUIRED BETWEEN GRADE LEVELS AND THE BOTTOM OF THE SIGN.
6. A DETAILED SITE PLAN SHALL BE SUBMITTED PRIOR TO BUILDING PERMIT ISSUANCE.
7. A BUILDING PERMIT MUST BE APPLIED FOR AND APPROVED PRIOR TO SIGN PLACEMENT.
8. THE SIGN MUST NOT EXCEED A MAXIMUM ILLUMINATION OF 5,000 NITS (CANDELAS PER SQUARE METER) DURING THE DAYLIGHT HOURS, AND A MAXIMUM ILLUMINATION OF 500 NITS BETWEEN DUSK TO DAWN, AS MEASURED FROM THE SIGN'S FACE AT MAXIMUM BRIGHTNESS.
 - A. THE SIGN OWNER SHALL BE REQUIRED TO PROVIDE AN ACCURATE FIELD METHOD OF ENSURING THAT MAXIMUM LIGHT LEVELS ARE NOT EXCEEDED IF REQUESTED BY CITY OFFICIALS.
 - B. THE SIGN OWNER SHALL SIGN A LICENSE AGREEMENT SUPPLEMENTAL TO THE BUILDING PERMIT AGREEING TO OPERATION OF A SIGN IN CONFORMANCE WITH THESE REGULATIONS. VIOLATION OF THESE REGULATIONS SHALL RESULT IN FORFEITURE OF THE LICENSE, AND THE CITY SHALL BE AUTHORIZED TO ARRANGE DISCONNECTION OF ELECTRICAL SERVICE TO THE FACILITY.
9. FLASHING SIGNS ARE PROHIBITED.
10. IN THE EVENT OF A MALFUNCTION, THE SIGN SHALL BE DESIGNED TO FREEZE THE DISPLAY, AND THE OWNER SHALL DISCONTINUE THE DISPLAY IMMEDIATELY UPON MALFUNCTION, OR UPON NOTICE FROM THE CITY.

UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

B. Zoning Ordinance General Update Discussion

Staff has been accumulating a list of updates needed to the Zoning Ordinance. Most are general updates that are needed due to industry and general construction changes, as well as responses to local needs. The changes are generally in relation to landscaping, swimming pool fencing requirements, traffic visibility, and R-1, R-2, and R-3 front yard setback standards. Fuhrman said she has been making a list of items that need to be changed in the Ordinance and wanted the Planning Commission to review the changes she put together and have it on October's Planning Commission meeting.

Fuhrman said in Section One, Landscaping requirements for single-family, two-family dwellings, twinhomes, and townhomes the wording has been changed slightly. The landscape requirements for the Business Districts she has added HC-1, Health Care District. She also added to the wording for landscaping in the Industrial Districts to have the landscaping along

the front of the building. It was fifty percent of the exterior footprint of the building needed to be landscaped and that is excessive so she can see that going down.

In Section Two, Swimming Pools requirements has changed where no pool shall be located beneath any overhead utility line or over any underground utility line of any type. Fuhrman said the above ground are more popular. The current Ordinance reads that no pool shall be located within 18 feet from any underground or overhead utility line. The Building Inspector said he believes that wording was in there for those that use the long handle cleaning tool so if the pool was not directly under a power line that it should be okay. There is a change in the setback requirements where swimming pools shall meet accessory structure setback regulations. The current code requires a six foot fence and surrounding communities require a four foot fence. Fuhrman said she changed the wording to a structure or safety fence at least four feet in height, but not greater than eight feet in height, shall enclose the pool to inhibit children from gaining uncontrolled access. There is wording added to address the safety issues such as gates and the latching of them. Wording has been added that an automatic pool cover could be an alternative to a fence. For an above ground pool the pool wall may count as the safeguard if it meets the height requirements as stated in the Ordinance and the removable ladder is installed and removed when not in use.

Jim Kusler informed Fuhrman that the wording needs to be corrected from automotive pool cover to automatic pool cover.

Fuhrman thanked him for pointing out the correction. She continued on to Section Three, Traffic Visibility the wordage has changed to read that no fence, wall, hedge, screen, sign, structure, vegetation, planting, snow pile, or other obstruction shall be higher than three (3) feet above grade on any corner lot within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two street lines at points which are thirty feet distance from the point of intersection, measured along or within twenty feet distant from the point of intersection. Fuhrman had a graphic for an example.

In Section Four, Five and Six, Yard Requirements changes are in R-1, R-2, and R-3 Districts addresses the front yard setback. Wording has been added that if 50% or more of the then existing dwellings having frontages on the same side street or road for three blocks have an average front yard setback different from that specified herein, then all buildings thereafter erected, altered, or moved may conform to that average front yard depth as a minimum. She explained that if you are wanting to put a house up or an addition, 50% of the dwelling can meet the average setback. The Ordinance currently reads that on the street or road it has to meet the predominant front yard setback which would be the majority of the setbacks in that block. She believes the wording should be changed from predominant to average. She also added three blocks to the wording. She has not had the City Attorney review the changes yet. This would just help administer the Ordinance.

Kusler said the intention is to maintain the natural look of the neighborhood.

Fuhrman said yes, that is what it was written for. Some of our right-of-ways are so wide like 80 feet. She understands why this Ordinance was written because of the different widths in right-of-ways.

Edmonds said it is nice to be a little flexible in that area of the required front yard setback.

Fuhrman said it mostly is staff to make the determination. She suggest this Ordinance amendment comes back next month to the Planning Commission for a Public Hearing.

Reynolds asked on the three foot height for the triangle of visibility if a snow pile is the land owner's responsibility.

Fuhrman said yes it is. If it is the City plowing who made the snow pile, then it is not the property owner's responsibility.

Johnson said to take the snow word out of there. If there was an accident it should not be the home owner's responsibility if the City plowed the snow that high.

Edmonds questioned if the pool area has an underground power line. He has so many underground lines by his house that you cannot dig underground if there are utilities there.

Fuhrman said fences could be over utility easements and if utility work is needed to be done, it is at the owner's expense to remove the fence.

Kusler said even an above ground pool needs to have the ground underneath it dug down 12 – 14 inches so the water does not press so much on the walls of the pool.

Fuhrman will suggest to Mark Karnowski to have this Ordinance amendment brought back for further discussion.

Johnson and Edmonds agreed that they would like to have a public hearing on the Ordinance amendment at the October meeting.

Fuhrman will get it ready for staff to have it on the October Planning Commission agenda for a public hearing.

COMMUNICATION AND REPORTS:

A. Verbal Report

1) Fence Ordinance Updates (City Council Action)

Fuhrman said the City Council passed the first reading of the Fence Ordinance amendment, but there was not enough Council members to pass it for the second reading so it will be on the next Council meeting.

2) Small Cities Development Program Update (Lakes & Pines)

Fuhrman said Dana from Lakes and Pines, who is administrating the Small Cities Development Program is back after maternity leave and will keep the City posted on the program. The Policy & Procedure manual was approved by the City Council. This program pertains to the homeowners and businesses that have applied to the program for improvements of their property.

3) Regional Housing Study Update

Fuhrman said they are providing a draft on Wednesday and she will be able to review it then. When the results are completed, she will have it shared with the Planning Commission Board.

4) MN Design Team Visit – Invitation to Participate

Fuhrman informed the Planning Commission Board that the MN Design Team's visit is September 26th and 27th. On Friday will be the informational meeting with a "Community Potluck and Town Meeting" and Saturday night at the High School Performing Arts Center is the final reveal of the MN Design Team ideas. Fuhrman encourages the Planning Commission Board to attend. She would like a lot of input from people.

The turnout from the outdoor theatre night was very good. In order to keep people engaged in this process, they need to see small changes. She encourages the Downtown Committee to prioritize the changes from the MN Design Team. None of the projects are on a budget list because we do not know what they are. She invited the townships to join the visit also. Fuhrman would like to see a lot of input.

5) Community Development Director Position Update

Fuhrman said this will be her last meeting. She has enjoyed working with them on all the changes in the last year on the Zoning Ordinance. She has brought the changes to them slowly and they have done a good job making the changes. Mark Karnowski will cover the next meeting if no one is hired. She will be here till September 27th, 2014.

Edmonds told Fuhrman that she worked hard on getting things setup and he hopes that others will pick up the slack.

Fuhrman said it will be up to the City, Planning Commission, and EDA Board to help make the changes move forward in the future.

Edmonds said he served with three directors and Fuhrman has done by far the best job. Hopefully some of the applicants have history with us already and can fill the job.

Johnson said he appreciates Fuhrman's work and her knowledge and abilities.

B. City Council Minutes for August, 2014

The Planning Commission Board had no comments.

REYNOLDS MOVED, SECOND BY JOHNSON, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 8:19 P.M.

ATTEST:

Jack Edmonds, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant