

**THE SPECIAL MEETING OF THE PLANNING COMMISSION BOARD HELD ON NOVEMBER 5,  
2013, AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

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The meeting was called to order at 7:00 PM, by Jack Edmonds. Members present were Tim Siercks and Chad Heitschmidt. Staff present was Carie Fuhrman, Mary Lou DeWitt, and Dick Schieffer (City Attorney).

Absent were Mitzi Mellott and Dick Dobson.

Joe Holtz, owner of Neighbors Eatery & Saloon, and Troy Rheaumes, RHL Super Graphics, have asked for this special meeting to review the sign request for Neighbors Eatery & Saloon.

The following is the information contained in the memo presented to the Planning Commission (Fuhrman summarized the information to the Planning Commission): RHL, Inc., on behalf of "Neighbors Eatery & Saloon," has submitted a permit application for the replacement of two existing pylon signs at 509 5<sup>th</sup> Avenue North. This site was the prior home of "Northern Attitudes" and is located at the eastern corner of Rum River Drive North and west of Fifth Street North.

The Planning Commission tabled the request at the October meeting in order to get clarification from the City Attorney in regards to the regulations and to address the traffic safety concerns of the dynamic sign close to the roundabout. A special meeting has been called to bring the item back on the table.

**Zoning Provisions:** The property is zoned B-1 Central Business District. The Zoning Ordinance allows pylon signs with a maximum sign area of 75 square feet and maximum sign height of 20 feet, and only one pylon sign is allowed per lot.

**South Sign:** The existing southernmost sign is 52" x 100" (~36.1 square feet) and has a yellow background with changeable black letters. The replacement sign will be a dynamic LED sign and will be 51"x 101" (35.8 square feet), slightly smaller than the existing sign, but utilizing the existing pole. At the October meeting, there was concern in regards to traffic safety and the dynamic sign coming north off of the roundabout. The sign company has indicated that automatic dimmers can be installed in the sign to address brightness concerns.

**North Sign:** The existing sign is 72.75" x 96" (48.5 square feet) and has two overhead lamps to illuminate the signs. The new sign will be the same size/dimension as the existing sign, using the same pole and structure, but change out the sign copy.

**Legal, Non-conforming Status:** According to Statute, legal, non-conforming structures may be continued through "repair, replacement, restoration, maintenance, or improvement, but not including expansion." However, in order to be valid "legal, non-conforming" status, the sign must conform to the City Sign Ordinance at the time of erection.

Staff research files and found the following:

- The south sign was erected when it was a City owned property and served as the City Municipal Liquor Store. This sign has been existing since at least 1982. No record of the sign was found in the property file.
- The north sign received Planning Commission approval and a building permit in 1999.
- Ordinance #386A (adopted 1988) allowed free standing signs in the B-1, B-2, B-3, and MN-1 areas, but did not limit the number of freestanding signs allowed.
- Ordinance #601 (adopted 2007) limits the number of pylon signs to one. Other sign changes were made in between this time period, but this is the first case that staff can verify that the Sign Ordinance addressed the number of pylon signs.

**Conclusion/Recommendation:** The request is to replace two existing signs without increasing the square footage of the signs and utilizing the existing poles. The applicant has indicated that the existing sign on the roof of the building will remain in place.

It is clear that having two pylon signs is not in compliance with the current Zoning Ordinance. However, legal, non-conforming structures have right for repair, maintenance, and even replacement and improvement, according to Statute. According to staff's research, it appears that the number of pylon signs was addressed in a 2007 amendment to the Sign Ordinance; therefore, multiple pylon signs were likely allowed prior to this time.

According to this research, it appears that the signs meet the definition of "legal non-conforming" signs and can be replaced, according to State Statute. The City Attorney will be present to answer any questions.

Troy Rheaume, RHL Super Graphics, said that if the Planning Commission Board is concerned with safety with the traffic; he has installed this type of sign in Big Lake and it works very well. The City has had no complaints. He has a video clip of it, but forgot to bring it to tonight's meeting. These signs work well if they are used properly. Princeton has a lot of signs already in town and they are not causing accidents.

Siercks said his concern is with the roundabout, and this business is in a residential neighborhood.

Edmonds said the Holiday Station sign is overly bright. You can see it very clear. He likes the LED signs. The brightness of a sign is what he is concerned with.

Rheaume said they can tone down the brightness on the sign. That is no problem. They can turn that down in the software. These types of signs are becoming affordable and they help a business.

Edmonds said the safety issue on the roundabout is the concern.

Rheaume said the Planning Commission could mandate the brightness of the sign. They could put an exact size demo of the sign where the brightness is toned down to what the Planning Commission would like.

Edmonds asked the other members if they would like the sign a little higher.

Siercks said he would like the sign height higher. It should be as high as the other sign. It is above the roof.

Rheaume said that would be a little too high for this type of sign. It would be twenty feet to the top, and they would need to change the structure of the base.

Joe Holtz, owner of Neighbors Eatery & Saloon, said there are 20 watt bulbs in that existing yellow sign and that can be pretty bright. He understands the concern for brightness of the LED sign, but it is not so bright and it can be adjusted for the brightness from day to night.

Rheaume agreed. It could also be put on a schedule where it turns off at different times.

Holtz said he wants people to see the sign and make them aware of the new business. He has one of these signs at his business in Albertville and has had no issues with it.

Siercks asked if we can ask the neighbors for their opinion.

Fuhrman said it is not a required public hearing so the Planning Commission is not required to ask them.

Schieffer agreed that you could ask for the neighbor's opinion, but it is not a required public hearing.

Siercks said that he wants the decision to be from the neighbors.

Holtz said he does not want to put \$25,000 in a sign and not have it visible where you cannot see it. People who see the signs are looking for the signs. Frontier Steakhouse has a sign you see and it is not an issue. If there is a problem with this sign, we will dim it. He is not interested in raising the sign.

Edmonds asked if the one sign could be approved and wait on the other sign where they could put a portable sign up so we can see how it looks.

Holtz said he has had no complaints about his signage in Albertville. They like what he has. He is all for working with the neighbors. What he wants to have here is a dining bar. He does not

want to raise the one sign. If people cannot see it, why put the money into it. He believes this sign is consistent with Frontier Steakhouse sign.

Heitschmidt said we do not have any wording in the Ordinance that says it needs to be a certain height.

Edmonds said we are thinking it is an issue with the roundabout, but we do not know if it will be.

Siercks agreed. We have no regulations on this sign.

Holtz said this sign is like taking old school technology and trading it into new school. He will also allow nonprofits to advertise on it.

Edmonds said we do not have a regulated code in place, but we did allow Holiday Station sign and Frontier Steakhouse.

Fuhrman said Frontier Steakhouse is in B-2 Zoning District, the same as Neighbors Eatery & Saloon.

Attorney Schieffer commented that the sign could be approved, subject to two conditions: (1) that the height cannot be less than a certain distance from the ground; and (2) establish limits on the brightness at night, subject to the Planning Commission review within 30 days.

Siercks said in our past discussions we were not going to allow this type of sign in B-2 Districts.

Heitschmidt said we could ask them to control the brightness.

Rheaume commented that it sounds like they are saying Holtz will not be a man of his word with controlling the brightness if asked and there is no stipulation with Frontier Steakhouse or the Holiday Station. We are doing a sign change.

Fuhrman suggested approving the LED sign with the stipulation that the bottom of the sign can be no lower than a certain height and the brightness can be adjusted so it is toned down some.

Rheaume said he could get a meter to check the level of brightness and you would do that at night, not during the day.

Holtz has the same sign in Albertville. No one has had an issue with that sign and if they did, he would not want another one. He does not want to raise the height of this sign.

Edmonds commented that the Planning Commission could allow the change to the one sign to LED with the same height and resurface the other sign. There could be a provision that the

brightness of the LED could be adjusted if need be and the height of the sign raised if it is a safety issue.

Heitschmidt agreed and there also could be a 30 day condition on the approval for time to test the sign height and see if it would need to be raised.

Rheume said if it were raised four feet, the base would need to be re-engineered for wind resistance. We can work with the brightness of the sign. It would not simulate flashing lights like those on emergency vehicles.

Siercks said they can say they will do a change, and then when we ask that it be raised or less bright, but it does not happen.

Rheume said he believes Tim Siercks is adamant for this sign not to be put up. He hates to be blunt, but he can see it from Tim.

Edmonds said in 30 days the Planning Commission could revisit this and see if there are complaints.

**SIERCKS MOVED TO DENY THE LED SIGN FOR NEIGHBORS EATERY & SALOON UNTIL WE GET CLARIFICATION ON WHAT LED LIGHTS SHOULD BE SET FOR BRIGHTNESS.**

THE MOTION DIED FOR LACK OF A SECOND.

Dobson said not complaints determine whether we like the height of the sign. It is the safety of the illumination of the sign with being a distraction for traffic in the roundabout. That is the condition that needs to be in the motion where the lumens will be demonstrated by the applicant and the brightness can be changed in 30 days.

Heitschmidt questioned if the brightness and flash sequence is dim enough at night would that be okay with the safety.

Edmonds commented the sign application could be approved with a 30 day trail review of the signage and after the 30 days if there are issues, the signage has to be turned off to address concerns or if okay, it can be left on.

Fuhrman suggested the Planning Commission could approve the signage subject to review at the December 16<sup>TH</sup>, 2013 Planning Commission meeting. In the meantime, the Planning Commission should review the signage. The brightness can be discussed with the applicants at the December meeting.

Siercks said the height of the sign is not in the motion then.

Rheaume said the cost of the sign goes up raising the height of it.

Holtz said the lumens are more of the issue than the height of the sign. It is the brightness. You can change the brightness. You want the message where someone can see it and read it. Not have a fast moving sign.

Attorney Schieffer confirmed that the Planning Commission has a quorum with three members; a motion could pass with two to one.

HEITSCHMIDT MOVED, SECOND BY EDMONDS, TO APPROVE THE REPLACEMENT OF THE EXISTING SOUTHERNMOST PYLON SIGN AT 509 5<sup>TH</sup> AVENUE NORTH FOR NEIGHBORS EATERY & SALOON WITH A DYNAMIC SIGN, SUBJECT TO THE FOLLOWING CONDITION: THE SIGN ILLUMINATION BE ADJUSTED FOR NIGHT TIME USE TO MEET PUBLIC SAFETY REQUIREMENTS RELATIVE TO MOTORIST USING THE ROUNDABOUT AND THAT WILL BE REVIEWED BY THE PLANNING COMMISSION AT THEIR DECEMBER 16<sup>TH</sup>, 2013 MEETING. UPON THE VOTE, THERE WERE 2 AYES, 1 NAY. (AYES: EDMONDS AND HEITSCHMIDT. NAY: SIERCKS)

Fuhrman said if there are complaints received from the LED sign, she will bring those to the Planning Commission meeting. If there is a need for the lumens to be adjusted down, the Planning Commission will need to decide what that will be and a time limit to have that completed.

HEITSCHMIDT MOVED, SECOND BY SIERCKS, TO APPROVE THE REPLACEMENT OF THE EXISTING NORTHERN PYLON SIGN THAT HAS TWO OVERHEAD LAMPS WITH A NEW SIGN FACE OF THE SAME SIZE AND DIMENSION AS THE EXISTING SIGN AND USING THE SAME POLE AND STRUCTURE. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED.

SIERCKS MOVED, SECOND BY HEITSCHMIDT, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 8:17 P.M.

ATTEST:

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Jack Edmonds, Chairperson

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Mary Lou DeWitt, Comm. Dev. Assistant