

**THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON DECEMBER 16,
2013, AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

The meeting was called to order at 7:00 P.M., by Jack Edmonds. Members present were Tim Siercks, Chad Heitschmidt, Mitzi Mellott, Dick Dobson, and Jim Kusler (Princeton Twsp. Rep) Staff present were Carie Fuhrman and Mary Lou DeWitt.

APPROVAL OF MINUTES OF THE SPECIAL MEETING ON NOVEMBER 5TH, 2013

HEITSCHMIDT MOVED, SECOND BY SIERCKS, TO APPROVE THE MINUTES OF THE SPECIAL MEETING ON NOVEMBER 5, 2013. UPON THE MOTION, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON NOVEMBER 18, 2013

HEITSCHMIDT MOVED, SECOND BY SIERCKS, TO APPROVE THE MINUTES OF THE REGULAR MEETING ON NOVEMBER 18, 2013. UPON THE MOTION, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS:

Fuhrman would like to add to the agenda, under New Business, Tab A: 211 North Rum River Drive

DOBSON MOVED, SECOND BY SIERCKS, TO ADD TO THE AGENDA UNDER NEW BUSINESS, TAB A: 211 NORTH RUM RIVER DRIVE. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

PUBLIC HEARING:

A. Moratorium on the Installation of dynamic, digital, electronic changeable copy, graphic display and/or video display signs and the issuance of permits in order to study these signs in more depth

At the November Planning Commission meeting, the Planning Commission made a motion recommending a moratorium be placed on dynamic/electronic signs so further investigation and study could take place in regards to adding potential regulations.

A moratorium is passed the same as an ordinance amendment: a public hearing is held by the Planning Commission, a recommendation is sent to the City Council, and the City Council issues the final decision.

Subcommittee Recommendation

A subcommittee was formed several months ago to evaluate dynamic/digital/electronic reader board/video display board signs as they are not addressed in the City's Sign Ordinance. The subcommittee's recommendation was not to allow these types of signs within the B-1 Central Business District and portions of the B-2 Neighborhood Business District, except the portion south of 6th Street. But they would be allowed in all other Commercial and Industrial Districts. This was recommended in an effort to protect the residential neighborhoods and historic nature of downtown.

Some other items addressed by the subcommittee included:

- Requiring review by the Planning Commission of any dynamic sign.
- No flashing signs.
- Limiting the illumination and establishing brightness standards.
- Limiting the number of times an electronic message can change in a certain period of time.
- This would not affect backlit signs.

Chamber of Commerce Informal Survey/Poll

An online survey was emailed to the Chamber members, and 18 responses were received as of December 10, 2013. The following are the results:

SURVEY QUESTION: DIGITAL SIGNS: Many communities place limits on these types of signs for traffic safety and aesthetic reasons (allowing or not allowing them; restricting the number of times the message can change in a certain time period; limiting the brightness; limiting where they can be located; and so on). The recommendation from the sign subcommittee was to allow these signs in the commercial and industrial areas of the city (but NOT allow them in downtown and directly along Rum River Drive south to 6th Street and just north of the roundabout). The main reason being to protect the historic character of downtown and the residential neighborhoods adjacent to some of our business districts.

Should there be a limit on where these signs are allowed to be located?

Responses: Yes – 8; No – 5; Maybe – 5; No written comments were received.

CONCLUSION:

Once the public hearing is held, the Planning Commission can recommend approval to the City Council of the Ordinance that was drafted, which establishes a moratorium, based on the need to further review the subject matter in more depth. The recommendation will then be taken to the City Council. An interim Ordinance establishing a moratorium and study period on the installation of dynamic, electronic changeable copy, graphic display and/or video display signs and the issuance of related permits in the City of Princeton.

Fuhrman said she had spoken to the City Attorney and he said this moratorium could be established up to a year. She handed out information she gathered from other cities for the Planning Commission Board to review for the next meeting on electronic graphic display signs. Fuhrman said the Planning Commission can decide if they would like a special meeting or review the signage at the regular Planning Commission meeting.

Dobson asked as the moratorium stands right now it could be up to a year.

Siercks asked if it can be lifted once it has been decided on what will be allowed.

Fuhrman said yes.

Edmonds asked if this should be reviewed at a workshop or if it can be reviewed at a Planning Commission meeting.

Fuhrman said it was up to the Planning Commission to decide.

Edmonds opened the public hearing.

No one was present in the audience to discuss this item.

DOBSON MOVED, SECOND BY SIERCKS, TO CLOSE THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission Board decided to meet an hour before the January, 2014 meeting, at 6:00 P.M., for a Workshop to continue discussion on signage.

DOBSON MOVED, SECOND BY SIERCKS, TO APPROVE AND FORWARD TO THE CITY COUNCIL THE INTERIM ORDINANCE ESTABLISHING A MORATORIUM AND STUDY PERIOD ON THE INSTALLATION OF DYNAMIC, ELECTRONIC CHANGEABLE COPY, GRAPHIC DISPLAY AND/OR VIDEO DISPLAY SIGNS AND THE ISSUANCE OF PERMITS THEREFORE, IN THE CITY OF PRINCETON THAT WILL LAST NO LONGER THAN 365 DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE, UNLESS EXTENDED BY THE CITY. THERE WILL ALSO BE A SPECIAL WORKSHOP MEETING ON JANUARY 21, 2014, AT 6:00 P.M., TO CONTINUE DISCUSSION ON SIGNAGE. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

OLD BUSINESS:

A. Review of Neighbor's Eatery & Saloon Sign

The Special Planning Commission meeting held on November 5, 2013, the Planning Commission approved the dynamic sign for Neighbor's Eatery and Saloon, subject to the illumination being adjusted for nighttime use to meet public safety requirements relative to motorists using the roundabout, and the issue would be reviewed by the Planning Commission at their December 16, 2013, meeting.

Since the dynamic sign was installed, City Hall has received three complaints regarding the brightness, and one Council member has received four phone calls.

At the Special Meeting, Mr. Joe Holtz agreed to work with the Planning Commission in regards to the brightness. Mr. Holtz is in attendance to discuss the brightness with the Planning Commission.

Edmonds asked if the calls were from motorist or neighbors.

Fuhrman said one of the calls were from a neighbor and the other from motorist.

Edmonds said the red coloring in the sign is a louder color.

Joe Holtz said they are going more with the black and the teal colors and staying away from the reds now. They had the signage at 20 % illumination and dialed it back to 15%. During the day it has a photo sensing eye and they have it at 100% where it adjusts down for in evening.

Edmonds asked if he would have to abide by the illumination if we change it next year.

Fuhrman said she will have to talk to the City Attorney and ask if they have to abide by the illumination that would be in the Ordinance for 2014. Other cities put in their Ordinance the nits for measuring the brightness. We do not have the machinery to measure the nits.

Holtz believes the Holiday Station is set at 15-17 nits and Frontier Steakhouse is 15% nits.

Dobson said some people mentioned to him that they did not like the brightness and now they can see it has been toned down. He has not had anymore complaints.

Edmonds asked when the complaints were.

Fuhrman said when it was first put up.

Edmonds said what bothers him about the Holiday sign is that it simulates an emergency vehicle.

Fuhrman said it cannot flash or simulate an emergency vehicle.

The Planning Commission Board was in consensus that the Neighbor's Eatery & Saloon southernmost pylon sign at 509 5th Avenue North is okay now that the illumination has been toned down.

Holtz thanked the Planning Commission Board on working with him on the sign and if anything comes up just call him.

B. Sign Discussion (Continued)

A) Roof Signs: The Sign Ordinance defines a roof sign as any sign erected over or on the roof of a building, but the Ordinance does not place any regulations on them. The number of signs, placement, and height need to be addressed.

Comment: The Planning Commission has discussed this topic extensively. One option discussed was to specifically define which portions of a structure the signs were attached to and then potentially allowing those signs. Such as allowing signs that are secured to the fascia or soffit and are essentially parallel to the building walls.

Another idea discussed was not allowing any “roof signs” located above the roof line. This could be defined as the intersection of the outside wall with the roof. Clearance, size parallel to the wall or the roof slope, and whether these are allowed with wall signs should be discussed, if allowed.

Fuhrman had in the packet a diagram that outlined the soffit and fascia locations on a building. She had also included the City of Bloomington Ordinance for roof signs. The concern is the installation and maintenance of roof signs can negatively affect roofing materials. Roof signs have been found to be unwarranted and unsightly additions to the overall clutter of streets and thoroughfares.

Edmonds said Pizza Hut has a mansard roof style with a sign.

Siercks said so does Spire Bank.

Edmonds does not believe anyone should be allowed to put a roof sign up. He does not like someone poking holes in their roof to put one in.

Dobson sees nothing wrong with a roof sign that is attached to the fascia and below the peak of the roof. He would not want it mounted past the supporting walls.

Mellott said anything under the roof line she is okay with. No signs extend above the roof line.

Dobson, Edmonds, Mellott, and Heitschmidt agree the roof line is the horizontal line where the wall meets the roof.

Siercks does not agree.

Edmonds said the top of the sign cannot extend about the roof line.

Dobson said it cannot be any higher than the horizontal roof line.

Fuhrman would include a diagram where the roof line is shown in the Ordinance.

Heitschmidt said City of Elk River describes the deck line of a building with a mansard roof. The flat portion of the roof is the deck line. Add the mansard roof definition to our Ordinance as Elk River describes it.

Dobson suggested that Fuhrman speak to the City Building Inspector on what his definition as roof is.

Fuhrman will ask him.

B) Temporary Signs: The City adopted regulations for temporary signs in 2011.

Comment: The regulations do not allow for-profit businesses to place temporary signs off-site, but do allow non-profit organizations and government units to do so. The Ordinance limits the number of permits that can be issued on any one property per calendar year and does not allow more than one temporary sign on any one property at one time.

The Planning Commission voted to keep the regulations as-is at their September meeting, but then at their October meeting, requested staff to get the opinion of the Chamber and how other communities regulate these signs. Also, included in the Planning Commission packets were the previous memos presented to the Planning Commission when temporary signs were discussed back in September, October, and November of 2011, which highlighted other communities' regulations.

Chamber Survey Results:

Temporary Ground Signs: Currently, these types of signs are allowed with certain regulations, including:

- Sign permit is required for all organizations/businesses.
- Allowed for 14 calendar days.
- Must be located on the property of the business sponsoring the special event.
- Up to 4 permits per calendar year can be issued to any one property.

Non-Profit Organizations/Charitable Event Signs:

- Signs are allowed off-site.
- These signs are not counted towards one of the 4 allowed per property per calendar year, - Limited to no more than 6 in a year.
- Limited to three signs per event.

Should businesses be allowed to advertise on these types of signs off-site (not directly at their business location)?

Yes – 13

No – 2

Maybe – 3

Comments:

- Helps promote a business or event for a short period
- Some business' in the Princeton Mall cannot be seen easily from Rum River Drive. A sign by the road would do a lot to improve awareness.

Should a limit be placed on the number of temporary ground signs allowed on one property at one time?

Yes – 10

No - 8

Comments:

- Limit only 2 per property
- One

Potential Discussion Items:

- What signs should require the Planning Commission approval, versus administrative staff approval?
- Freestanding Flag/Banner Sign regulations.
- Keeping the sign regulations under the Zoning Ordinance or moving to a separate section under the City Code.

Siercks would like to see temporary signs allowed once a year off-site.

Mellot asked where the signs would go.

Siercks said wherever someone will allow it and it meets the setbacks.

Mellot said certain business might have a number of signs per the year because of their location.

Fuhrman said no more than four sign permits per calendar year shall be issued to any one property.

Siercks said the race track cannot advertise on their property because of where the track is located, no one would see it. His business does not have the location either to have a sign.

Edmonds said he would like to follow the recommendation of the Chamber.

Heitschmidt questioned if the Ordinance in place now has been changed.

Fuhrman said the ordinance has not been changed. Temporary signs for non-profit are allowed up to six sign permits a year per organization. For-profit are limited to four signs per calendar year and also per property. So if they allow someone else to advertise on their property would that be included for the number of four being allowed on that property.

Siercks questioned if a property is limited to four times a year would that be four times a year per the property or four times just for that business. Can they have other signs on their property that would not count as one of the four.

Heitschmidt said leave it as it reads, but add off-site businesses can advertise on the property also.

Siercks said take away per property from the language. You can only have four sign permits. He does not want it to go against the property owner if they allow someone to put a sign on their property.

Dobson said instead of per property have it read per business.

Heitschmidt said four permits per calendar year for the property owner and four for non-property owner so there would be a total of eight. Eight permits per location and four would be for the property owner.

Mellott said if we allow off-site sign concept than any off-site business should be able to advertise. She believes it is two for the property owner or two off-site.

Fuhrman said if the property location is limited than a business should have a limit also. Each business is limited to a number of signs per year. Elk River has a limit of 90 days per calendar year, per property and if a non-profit were to advertise on the property it shall count towards that number.

Dobson asked if we could separate for-profit and non-profit in the Ordinance regulations.

Fuhrman said what would need to be changed is Section 5C.2 where it reads signs located on that property of business must relate to the operation conducted on that premise. Also, on Section 5A., Item 3b the number of signs per calendar year.

Dobson suggested leaving 3b as is with a number of signs per.

SIERCKS MOVED, TO ALLOW TEMPORARY SIGNS FOR-PROFIT BUSINESSES ARE ALLOWED FOUR OFF-SITE SIGNS PER CALENDAR YEAR AND THE BUSINESS CAN HAVE FOUR ON-SITE SIGNS PER CALENDAR YEAR.

Heitschmidt said under Section 5D, Item 3, Non-profit signs are not counted as one of the four permits allowed to the property owner.

Dobson said no more than eight permits shall be issued per any property and no more than four for-profit allowed per calendar year.

Fuhrman questioned if non-profit should be limited to a number of sign permits on different properties.

Mellott believes non-profit should be exempt.

Fuhrman said a mall property is limited to eight permits per calendar year and no more than four permits per business.

Mellott said non-profits should not count as one of the eight that are limited per mall property.

Dobson agreed.

Fuhrman will remove Section D.4. where it reads no more than six non-profit signs a year.

Jeff Reynolds said the Chamber has more than four events a year.

Siercks said one sign per property at one time.

Edmonds said there was no second to the motion. Maybe do a consensus instead.

Siercks withdrew his motion.

The Planning Commission Board's consensus is to allow for-profit four temporary signs a year per their property site. There can be a total of eight signs per property where non-profit are allowed up to four a year. There can be only one sign per property up at a time.

NEW BUSINESS:

A. 211 North Rum River Drive

Fuhrman added this item to the agenda. The former gas station located at 211 Rum River Drive North (across from HyTech Automotive) is tax-forfeited. Someone is interested in potentially acquiring the property to be used for a commercial use, not a gas station. In order to do so, they either need to wait until 2015, when the next County public land sale auction is tentatively scheduled to occur or the City can acquire the property and sell it to the interested party in the meantime.

The building has sat empty for quite some time now, and the City has received complaints in regards to the outside appearance of the property. It would be in the City and County's best interests for the property to become occupied again, get cleaned up, and get back on the tax rolls.

Fuhrman is currently working with the MPCA in identifying what type of records there are on this property in terms of the fuel tanks. There is grant funding through DEED's Contamination Investigation and Clean-Up Program to first, investigate the potential environmental impacts on a property like this, and second, to actually clean-up the property.

Fuhrman has requested that the City Attorney research the potential implications of the City going in the "chain of title" on a property that has potential environmental risks. The City

Attorney is looking into what liability issues the City would have on this. Maybe there would be wording added to the purchase agreement to protect the City.

The property is zoned B-1 Central Business District and designated as Downtown on the Future Land Use Plan. The project is very preliminary at this point; however, staff is bringing this in front of the Planning Commission to allow an opportunity to provide comments and/or ask questions. If the project continues to move forward, staff would likely be coming back to the Planning Commission and requesting a motion supporting the acquisition of the property. Fuhrman plans to bring this to the EDA Board at their Thursday meeting.

If the City were to purchase this land and then sell it to the interested party, Fuhrman would make sure the City were to get back what they paid for it. Fuhrman said she met with the County Auditor this morning and was told that it was okay for the City to purchase the property and then resell it. The County has it assessed over \$70,000 and the back taxes would not have to be paid back on that property.

Edmonds supports the City for helping find grants for the clean-up, but not where the City will buy the property and resell it.

Fuhrman said then we have to wait for the County to sell it possibly in 2015.

Dobson said as long as the City is protected from liability issues he supports the City buying the property and reselling it.

Fuhrman said she will ask for a formal recommendation if this moves forward.

COMMUNICATION AND REPORTS:

A. Verbal Report

1) 2013 Building Permit Report

Siercks asked why the City only paid a \$5 building permit fee for the sign at the Public Safety Building. Did the City pull other permits for the construction of that building.

Fuhrman will check on that.

2) 2014 Meeting Date Adjustments

There are three 2014 Planning Commission meeting dates that will need to be rescheduled:

- On January 20th, City Hall will be closed in observation of Martin Luther King Jr. Holiday
- On February 17th, City Hall will be closed in observations of President's Day.

(In the past, these meetings have been rescheduled for either the following day, Tuesday, or the following Monday. The Board can decide which will work best for their schedule.

- On July 21st, Carie will be at a conference that week. The Board can decide if the meeting date should be the following Monday or if they will to have another staff member fill in for her.

HEITSCHMIDT MOVED, SECOND BY MELLOTT, TO RESCHEDULE THE JANUARY MEETING FOR JANUARY 21, 2014 AND THE FEBRUARY MEETING FOR FEBRUARY 18, 2014. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission Board decided to wait until closer to July to decide on the rescheduling of that meeting.

This is Dobson and Siercks last Planning Commission meeting. They were each given a certificate for their time on the Planning Commission Board. Dobson commented that it has been a real pleasure to work on this Board.

Fuhrman thanked them for their service on the Planning Commission Board. She introduced Jeff Reynolds who was in the audience and will be a new Planning Commission Board member starting in January, 2014.

Fuhrman said the Mille Lacs County Depot received a grant for \$245,000 to redo the roof in cedar.

B. City Council Minutes for November, 2013

The Planning Commission Board had no comments.

DOBSON MOVED, SECOND BY HEITSCHMIDT, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 9:11 P.M.

ATTEST:

Jack Edmonds, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant