

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES**

December 22, 2009

CALL TO ORDER

Chair Proud called the meeting of the December 22, 2009 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Chair Proud, Commissioners Feldsien, Ferrington, Mons, Schumer, and Solomonson.

Commissioner Wenner arrived late.

APPROVAL OF AGENDA

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to approve the agenda as submitted.

ROLL CALL: Ayes - 6 Nays - 0

APPROVAL OF MINUTES

Page 3: Under the *Discussion* portion of the motion, Commissioner Mons clarified his comment that Demar is a local street without a sidewalk, and that minimizes the appearance of the encroachment.

MOTION: by Commissioner Schumer, seconded by Commissioner Feldsien to approve the November 24, 2009 Planning Commission meeting minutes as amended.

ROLL CALL: Ayes - 5 Nays - 0 Abstain - 1 (Ferrington)

Commissioner Ferrington abstained as she was absent from the November 24th meeting.

REPORT ON CITY COUNCIL ACTIONS

City Planner Kathleen Nordine announced that the Clear Wire permits will be considered by the Council at the January 4th City Council meeting. She will report the Council's action at the January 26th Planning Commission meeting.

Students from the University of Minnesota in the forestry program have been doing field work in the City. Last week they gave public presentations on their work. A tape was made for viewing, and a CD was made for CTV for local viewing. The final reports prepared by the students range

in topics from storm water management to energy efficiency. They will be posted on the website. Commissioners can get hard copies or a CD of the reports. Staff will be reviewing the recommendations from the reports to explore the feasibility of implementation.

Commissioner Ferrington stated that she attended the presentations and congratulated the students who did a lot of good hard work for the City. They presented interesting, feasible ideas for consideration.

Chair Proud noted Commissioner Wenner's arrival at this time.

NEW BUSINESS

COMPREHENSIVE SIGN PLAN

FILE NO.: 2381-09-37
APPLICANT: PaR Systems/LEROY SIGN, INC.
LOCATION: 707 COUNTY ROAD E

Presentation by Senior Planner Rob Warwick

The proposal is for a Message Center sign of approximately 10 square feet that will be integrated with a freestanding sign that was previously approved but not yet installed. Because the site is not occupied by a public or quasi-public use, a Message Center sign would be a deviation from City's Sign Code. All sign code deviations must be reviewed through the Comprehensive Sign Review process.

The property is developed with a manufacturing facility of 71,000 square feet, which is the headquarters for PaR Systems. The property is zoned BPK, Business Park. The proposed Message Center sign would sit on top of the freestanding monument sign. It would add 10.5 inches in height to the monument sign and extend 10.5 feet along the entire width of the freestanding sign. The Message Center will be double-faced and visible from both directions on County Road E. The proposed setback is 5 feet from the front property line, east of the main driveway. This is the same location as the existing sign on the property. The Message Center will have a single line of text and use 5inch letters with a red LED display on a black background. The message will not be changed more than once daily and will not scroll, flash or otherwise have motion. The brightness is pre-set by the manufacturer at 4,000 nits and includes an auto dimmer.

Staff has reviewed the application. City standards set a size maximum of 30 square feet, a minimum one-hour display, amber background in a residential district, limited text and maximum brightness of 5,000 nits. This application complies with all City standards. The location of PaR on County Road E is at a straight section of the road. The speed limit is 40 mph. The letters will be legible for approximately 200 feet. While staff would prefer larger letters to give drivers more time to read the message, this sign differs from an on-premises advertising sign. It is unlikely the sign is intended to generate walk-in business. It is meant to serve as

identification for PaR Systems. The company manufactures integrated systems, and the sign is meant to project that theme with the integration of the Message Center and monument sign.

Property owners within 350 feet of the site were noticed of this proposal. No comments were received. Staff is recommending the application be forwarded to the City Council for approval with the conditions listed in the staff report.

Commissioner Wenner asked if the sign will be lit during non-operational hours. Mr. Warwick deferred this question to the applicant.

Commissioner Ferrington noted that it does not appear any residents would live within 350 feet of the property to receive notices. It may only be the apartment residents who would see it. She asked who notices were sent to. Mr. Warwick stated that notices were sent to Deluxe campus, a second building owned by PaR, Roberts development, Soo Line Railroad, and the owners of Midland Terrace Apartments. Notice was not mailed to individual tenants at the Midland Terrace Apartments.

Commissioner Solomonson stated that he prefer to have the discussion about the text amendment before approving this application.

Mr. Scott Logge, Leroy Signs, stated that PaR has integrated the Message Center with the freestanding sign to give it an advanced, technical look, similar to their manufacturing. The sign can be turned on or off at anytime. Because there is no flashing or moving, he does not believe it will glare or shine into apartment windows at night.

Commissioner Feldsien asked what messages will be on the sign and for what audience. **Ms. Karen Knobloch**, Marketing Director, PaR, stated that one example is “Automating the Reach of the World”, which is a tag line used by the company in marketing materials and press releases. The text is definitely a tie to what PaR Systems is and a representation of what PaR does in a text format. Soon PaR will celebrate 50 years in the community, and there may be additional messages, such as “50 Years Strong.” The intent is to strengthen the recognition of PaR Systems not only in the world but throughout the community. The messages are for the community and business associates.

Commissioner Mons expressed his discomfort also that there has not been a public hearing or adoption of the proposed ordinance regarding this issue before consideration of this application and asked if it would be possible to wait with the Message Center until the ordinance is adopted.

Mr. Gary Manner, Mission Construction, stated his company will be installing the sign. Referring back to the apartments, he stated that the apartments are south of the site and the proposed sign will be directed east and west and not shine toward the apartments. The main focus is for clients coming to PaR as well as employees. This is a package that presents a complete message. If adopting a new ordinance takes two or three months, that puts PaR at a disadvantage. The company has experienced a lot of growth and needs the sign to be completed to welcome its clients and support its growth.

Chair Proud asked if there is a technical barrier to delaying the Message Center portion of the sign. **Mr. Manner** answered that the freestanding sign could be done without the Message Center, but PaR makes integrated systems and the completed sign is a full integration of their message to the world.

Commissioner Mons asked the reason PaR chose 5-inch letters instead of the 6 inches proposed by staff. **Ms. Knobloch** stated that the issue was to choose a standard non-custom built message board. PaR does not want the letters on the Message Center to overpower the freestanding sign. **Mr. Manner** added that there is also a price point difference. The sign being installed is not inexpensive. He stated he was not aware an ordinance is being proposed. Commissioner Mons stated that staff has drafted an ordinance to address Message Center signs because what is proposed is not allowed at this time. **Mr. Manner** stated that is the reason they applied for a variance.

Commissioner Solomonson agreed with Commissioner Mons but added that this will be a good pilot project to be able to see what the sign will be like in a quiet area.

Mr. Warwick stated that after the workshop in September, staff began drafting an ordinance for Message Center signs for non-institutional uses. The intent is to permit them with commercial uses by using the Comprehensive Sign Plan Review process. In 2007, the City put a moratorium on video and Message Center signs, and the City subsequently adopted a variety of regulations addressing video signs. With the current revisions under consideration, the City has not placed a moratorium on Message Center signs, and so it is appropriate that the Commission act on the application.

Commissioner Solomonson suggested tabling this action to the next meeting so the Commission would have the opportunity to discuss the ordinance before making a decision.

Commissioner Mons suggested tabling the matter until the end of the meeting at the call of the Chair in order to discuss the ordinance first. After that discussion, he would be more comfortable considering a decision on this application.

City Attorney Filla noted a concern that the ordinance approved may be different from what is requested in this application. A public hearing will not occur until January or February. He agreed that it would be best to look at the new regulations before making a decision. He further noted that there are no guarantees that the City Council will accept the Planning Commission recommendation. Ms. Nordine added that the Economic Development Commission is also being asked to review the proposed ordinance

MOTION: by Commissioner Mons, seconded by Commissioner Solomonson that this matter be tabled to the call of the Chair following item C. under the *Miscellaneous* portion of the agenda.

VOTE: Ayes - 7 Nays – 0

MISCELLANEOUS

City Council Meetings

Commissioners Schumer and Mons are respectively scheduled to attend the January 4th and January 19th City Council meetings.

Appointment of Commission Chair & Vice Chair

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to move this item to the end of the agenda.

VOTE: Ayes - 7 Nays - 0

Electronic Sign Regulations

Chair Proud suggested that the Commission review each page.

Staff Report:

Page 1: No comments

Page 2: Commissioner Mons asked if any mockups have been done that would illustrate what a 75 square foot display would look like as discussed in paragraph 2. Mr. Warwick answered, no, applicants would be responsible for designing their sign. Design criteria are included in the Code, and Message Center signs would be required to go through the process of a Comprehensive Sign Plan Review. Commissioner Mons explained that he is trying to determine if a maximum 75 square foot display area is a reasonable limit and asked how that limit was selected. Mr. Warwick responded that with no firm direction from the Planning Commission or City Council, staff believes a larger display area should be allowed for graphics and copy area. He referred Commissioners to the photograph examples included in the report that provide the display area dimensions.

Commissioner Mons questioned the meaning of the second sentence in the second paragraph. Mr. Warwick corrected it to read that “the smallest building size would be allowed a maximum of 30 square feet of display area.” Commissioner Mons stated that the proportion of the display area to the size of the monument sign is the issue. The largest example in the photographs is 37.5 square feet, but it is difficult to know what that looks like on the street. Mr. Warwick stated that staff is less concerned about size because no sign will be allowed that is greater than 150 feet without a deviation and any deviation must go through the Comprehensive Sign Plan Review process. The reason to address the size is for safety so as not to create a road hazard.

Commissioner Feldsien suggested that only the percentage be stated without stipulating square

footage.

It was the consensus of the Commission to further consider the issue of size with review of the specific provisions on pages 5 and 6 in the draft ordinance.

Page 3: Chair Proud asked the reason for the provision that “display of a logo cannot be prohibited.” Mr. Warwick stated that is a First Amendment free speech issue that has been decided by the Supreme Court. Commissioner Solomonson stated that assuming graphics are not allowed, if there is a graphic, only the text could be displayed. City Attorney Filla stated that the size can be regulated but if it is part of a logo, the business has a right to display it.

Chair Proud asked how the number of brightness nits will be measured at night. He asked if there is an intention to measure brightness. He finds it inconsistent to stipulate a brightness standard, but it cannot be measured. Mr. Warwick referred to the text on page 4 of the draft ordinance where a variety of standards of lightness and brightness are listed and some of which tend to be subjective.

Page 4: Commissioner Mons asked how a 1-minute message duration was determined. Mr. Warwick stated that it is an arbitrary time and noted that 8 seconds is standard. Commissioner Mons felt 1 minute is too long and 30 seconds would be more acceptable. Commissioner Solomonson stated that setting a longer time may encourage larger displays because the whole message must be stated in that time.

Text Amendment

Page 1: Chair Proud suggested a provision that states a goal that signage cannot be detrimental to the community. He recommended such language be added under the recitals in A or listed in B.

Page 2: Commissioner Solomonson referred to the definition for Message Center and stated that if the display area is required to be less than 50% of the monument, it cannot be “dominant,” as stated. Mr. Warwick clarified that “dominant” only refers to the Message Center portion.

Chair Proud suggested replacing the words, “defined by,” stated in the first sentence of the first paragraph with “including but not limited to” because of the number of varieties and types.

Page 3: No comments.

Page 4: Commissioner Solomonson asked if the listed minimum letter heights corresponding to driving speeds are too small for signs located off the roadway. His concern is for safety, distraction and ability of drivers to read the signs. He asked how text sizes are determined. Mr. Warwick stated that there is a lot of research on legible text. Staff believes that substituting specific letter heights may be appropriate for wall and monument signs. The idea is to understand the sign at a glance. It is possible that too much information is in this one table.

Commissioner Mons hypothesized a small building where only a small sign would be allowed. Because of the speed limit, large letters would be required.

Commissioner Solomonson suggested two tables, one that would address the basis of setback and one for monument signs that are close to the street and do not need such large letters. He agreed that too much is being put into one table to address monument, wall and Message Center signs. Earlier staff recommended a monument sign 5 feet from the road with a 40 mph speed limit and 6-inch letters. That does not fit this table. There are other factors that determine letter size. This table is conservative and favors larger letters. Mr. Warwick stated that the monument sign needs to be seen from a further distance for drivers to respond and be in the right lane if they are looking for that location. Mr. Warwick agreed to look into these questions further.

Under No. 10, Chair Proud agreed with the signage brightness being a percentage of the ambient light level.

Page 5: No comments.

Page 6: Mr. Warwick noted the provision in the first paragraph, “Each principal structure is entitled to one Message Center sign only in a yard abutting a Collector or Minor Arterial roadway.” This was included to prevent Message Center signs along I-694 or I-35, which are principal arterials.

City Attorney Filla stated that if the intent is that each principal structure located in a collector or minor arterial roadway is entitled to a Message Center sign, he will give staff clarified language that will not change the substance.

Commissioner Solomonson stated that in item (a) he would prefer to stipulate square footage rather than percentage. If the total sign area is referenced, then He wants to make sure that whatever is built the copy and graphic area would be 50% or less.

Chair Proud suggested that real estate signs might have changeable copy. That would be a good marketing tool, and he would propose this as an amendment to this ordinance once it is in place.

Page 7: Chair Proud suggested that before adopting paragraph (g) which stipulates a maximum brightness of 5000 nits, he would like the Commission to actually view this level of brightness at night. Commissioner Mons noted that this paragraph is not a change to the ordinance. His understanding is that the stipulated brightness is controlled by the manufacturer. Anything in excess cannot be installed. He asked if a case could be prosecuted if a sign meets the standard, but the City determines that it is too bright. Mr. Filla answered, no. It would be too subjective. Specifics can be stipulated in a sign permit that is approved. If 5000 nits are modified by other standards, then reasons for the modifications need to be stated, similar to findings for a variance.

Commissioner Solomonson stated that under item (g) if there is a lack of ability to measure, he would like to see a certification of brightness. His concern is that the manufacturer pre-sets the brightness, but the owner can turn it brighter after installation. He also suggested under

paragraph (i) that the setback be increased from residential lots or the size of signs be decreased.

Page 8: No comments.

Page 9: Commissioner Solomonson recommended that in the second table the maximum size of the Message Center sign be listed in parentheses. As the signs get bigger, he would like to see bigger setbacks. Chair Proud agreed with these comments.

Page 10: No comments.

Page 11: No comments

Page 12: Mr. Warwick noted that pages 12-14 relate to the administrative review. Page 13 has the provision that a Message Center is required to go through the Comprehensive Sign Plan Review process.

Page 13: Commissioner Ferrington asked for clarification of item (2)(c)(ii). Mr. Warwick suggested two sections for dimension criteria. A second one would be only for Message Center signs. City Attorney Filla asked if it is the intent is to allow deviations to all provisions of the sign code through a Comprehensive Sign Plan Review. Ms. Nordine responded that the reference is made to the standards of Section 208, in the Sign Code. City Attorney Filla stated that this needs to be more clearly stated. He wants to be sure of the intent of Commission regarding the deviation process so that language is made clearer and stronger in the ordinance.

Commissioner Mons suggested that would also apply to the section listing prohibited signs. City Attorney Filla stated that if that is the right criteria on page 13, (2)(c), it needs to be clear whether it just to applies to Message Center Signs.

Commissioner Ferrington asked if it is legal to not grandfather in certain existing signs in Section 208. City Attorney Filla explained that a current sign is to be grandfathered in, unless it is expanded. However, a sign could be doubled with the same base. There is non-conforming language that he will review that talks about replacement without having to meet the new criteria. He will work with staff to make sure this is clear.

Page 14: Commissioner Solomonson suggested that “legible” refer to the table on page 4.

Chair Proud again requested that a provision state that a Message Center sign will not be a detriment to the community. Commissioner Mons asked for an example. Chair Proud stated that it is the same as maintaining the character of the neighborhood. Mr. Warwick noted the reference in item 1. to 208.010, the purpose and findings which discuss aesthetics. He agreed to include such language in the next draft. City Attorney Filla added that 208.010A is the purpose of the ordinance and 208.010B is the findings. It is possible that a sign is not allowed because of the character of the neighborhood. That is subjective, but the Commission deals with this subjectivity in deciding every variance. It is the Planning Commission that determines what

changes the character of the neighborhood.

Commissioner Mons stated that the three criteria on pages 13 and 14 should also reference Section 208.010B. City Attorney Filla agreed.

Commissioner Ferrington stated that she would like to have the percentage stated when a dimension is given.

It was the consensus of the Commission for staff to redraft the proposed ordinance and allow review by the Planning Commission before a public hearing.

Chair Proud recessed the meeting and reconvened the meeting at 9:20 p.m.

RECONSIDERATION OF COMPREHENSIVE SIGN PLAN

FILE NO.: 2381-09-37
APPLICANT: PaR/LEROY SIGN, INC.
LOCATION: 707 COUNTY ROAD E

Chair Proud stated that he can support the motion based on judgment and trust of staff and the applicant. This is a low-risk approval and in a quiet location.

Commissioner Solomonson asked if a 5” letter size is a safety issue. Mr. Warwick answered that the environment around this location is uncluttered and the road is straight. Staff has few concerns about the letter height. The message is geared internally and the road has low volume traffic. Commissioner Solomonson stated he would support the motion.

Commissioner Ferrington requested an additional condition that the Message Center light be turned off at night by 11:00 p.m. to reduce light pollution and because it will be seen by apartment residents.

Mr. Manner stated that there is no challenge from the applicant to turn off the sign. PaR would like to be able to turn the sign on by 5:00 a.m. because people begin coming at that time.

MOTION: by Commissioner Schumer, seconded by Commissioner Wenner to recommend to the City Council approval of the Comprehensive Sign Plan application submitted by Leroy Signs for 707 County Road E, subject to the following conditions:

1. The signs shall comply with the plans dated 10-21-09 for the Comprehensive Sign Plan application. Any significant change will require review by the Planning Commission and City Council.
2. The applicant shall obtain a sign permit prior to the installation of any signs on the property.
3. Any temporary signs must be affixed to the principal building. Temporary business signs must be associated with a temporary promotional sale and shall be in place for a

maximum of 7 days. No more than two temporary business signs are permitted per year (excludes window signs). A permit shall be obtained prior to installing any temporary signs.

4. This approval will expire after one year if a sign permit has not been issued and work has not begun on the project.

And with the addition of condition No. 5:

5. The Message Center light shall be turned off between 11:00 p.m. and 5:00 a.m.

The recommendation for approval of the Comprehensive Sign Plan is based on the following findings of fact:

1. The Message Center Sign is designed in compliance with adopted City standards for this sign type. The installation for a commercial use requires approval of a Comprehensive Sign Plan.
2. The Message Center sign is located where it does not appear to be a distraction or safety hazard to vehicular traffic.

VOTE: Ayes - 7 Nays - 0

MISCELLANEOUS

Appointment of Commission Chair and Vice Chair

MOTION: by Commissioner Mons, seconded by Commissioner Schumer to nominate Commissioner Wenner as Chair.

Discussion:

Commissioner Mons stated that his motion is based on the fact that Chair Proud has served two years as Chair. Chair Proud stated that he has served one year. Commissioner Mons withdrew his motion.

MOTION: by Commissioner Wenner, seconded by Commissioner Schumer to nominate Chair Proud to continue as Planning Commission Chair through January 31, 2011.

VOTE: Ayes - 7 Nays - 0

MOTION: by Chair Proud, seconded by Commissioner Schumer to nominate Commissioner Wenner as Vice Chair.

VOTE: Ayes - 7 Nays - 0

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Feldsien to adjourn the December 22, 2009 Planning Commission meeting at 9:34 p.m.

ROLL CALL: Ayes - 7 Nays - 0

ATTEST:

Kathleen Nordine
City Planner