

**AGENDA  
PLANNING COMMISSION MEETING  
CITY OF SHOREVIEW**

**DATE: DECEMBER 15, 2014  
TIME: 7:00 PM  
PLACE: SHOREVIEW CITY HALL  
LOCATION: 4600 N. VICTORIA**

**1. CALL TO ORDER  
ROLL CALL  
APPROVAL OF AGENDA**

**2. APPROVAL OF MINUTES**  
*November 17<sup>th</sup>, 2015*  
*Brief Description of Meeting Process – Chair Steve Solomonson*

**3. REPORT ON CITY COUNCIL ACTIONS**  
*Meeting Date: December 7<sup>th</sup>, 2015*

**4. NEW BUSINESS**

**A. COMPREHENSIVE SIGN PLAN\***  
*File No: 2600-15-43*  
*Applicant: Sign Maintenance & Lighting / Willow Creek Center*  
*Location: 5910 Lexington Ave*

**5. MISCELLANEOUS**

A. City Council Assignments for *January 4<sup>th</sup>, 2016 and January 19<sup>th</sup>, 2016*  
*Commission Members Peterson and Thompson*

**6. ADJOURNMENT**

*\* These agenda items require City Council action. The Planning Commission will hold a hearing, obtain public comment, discuss the application and forward a recommendation to the City Council. The City Council will consider these items at their regular meetings which are held on the 1st or 3rd Monday of each month. For confirmation when an item is scheduled at the City Council, please contact the Community Development Department at 651-490-4682 or 651-490-4680 or check the City's website at [www.shoreviewmn.gov](http://www.shoreviewmn.gov).*

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES  
November 17, 2015**

**CALL TO ORDER**

Chair Solomonson called the November 17, 2015 Shoreview Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

The following Commissioners were present: Chair Solomonson; Commissioners, Doan, McCool, Peterson, Schumer, and Thompson.

Commissioner Ferrington was absent.

**APPROVAL OF AGENDA**

MOTION: by Commissioner Schumer, seconded by Commissioner Peterson to approve the November 17, 2015 Planning Commission meeting agenda as presented.

VOTE: Ayes - 6 Nays - 0

**APPROVAL OF MINUTES**

MOTION: by Commissioner Schumer, seconded by Commissioner McCool to approve the October 27, 2015 Planning Commission meeting minutes as presented.

VOTE: Ayes - 6 Nays - 0

**REPORT ON CITY COUNCIL ACTIONS**

**Presentation by City Planner Kathleen Castle**

The following items were approved as recommended by the Planning Commission:

- Minor Subdivision at 175 Sherwood Road for Gerald and Linda Walsh
- Conditional Use Permit/Site and Building Plan Review for the Minnesota Veterinary Hospital at 4545 Hodgson Road for a fence for an outdoor animal exercise area a final plan showing the final location of the fence with a setback of 5 feet.

**NEW BUSINESS**

**PUBLIC HEARING – CONDITIONAL USE PERMIT\***

**FILE NO: 2598-15-41**  
**APPLICANT: MIKE HEINZE**  
**LOCATION: 223 EAST OWASSO LANE**

**Presentation by Economic Development and Planning Associate Niki Hill**

This application for a Conditional Use Permit (CUP) is to build a detached accessory structure that would be 256 square feet for storage. The property is zoned R1, Detached Residential District and has a lot area of 20,037 square feet. There is single family home of approximately 1,400 square feet on the property and a detached garage of 396 square feet. A CUP is required because the property is less than one acre and the proposed structure exceeds an area of 150 square feet.

The application meets or exceeds Development Code standards. The total square footage of accessory structures will be 46.6% of the foundation area of the dwelling, less than the limit of 90%. The setbacks meet requirements with 10 feet from the side lot line and 30 feet from the rear lot line. The exterior will be hardie-board with roof shingles to match the existing home. The new shed would be in the rear yard and does include a 6-foot second story storage area. The height does meet Code requirements.

Notice of the public hearing was published and mailed to property owners within 350 feet of the subject property. No comments have been received. Staff finds the proposal to be consistent with the Comprehensive Plan and meets all standards and the intent of the Development Code. It is staff's recommendation to hold the public hearing and forward the proposal to the City Council with a recommendation for approval.

Commissioner McCool asked if the motion should include a condition for screening on the north side. Ms. Hill

City Attorney Beck stated that proper notice has been given for the public hearing.

Chair Solomonson opened the public hearing. There were no comments or questions.

**MOTION:** by Commissioner Schumer, seconded by Commissioner Thompson to close the public hearing.

**VOTE:** Ayes - 6 Nays - 0

**MOTION:** by Commissioner McCool, seconded by Commissioner Schumer to recommend the City Council approve the Conditional Use Permit application submitted by Mike Heinze, 223 E. Owasso Ln, to construct a 256 sq. ft. detached accessory structure on

their property. The Conditional Use Permit authorizes 288 square feet of total floor area for detached accessory structures, subject to the following conditions with the modification to condition No. 4 to include the following sentence, "This screening shall include retention of existing screening to the north of the shed."

1. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The exterior design of the shed shall be consistent with the plans submitted and complement the home on the property.
3. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards.
4. The accessory structure shall be screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof.
5. The structure shall not be used in any way for commercial purposes.

Said approval is based on the following findings of fact:

1. The proposed accessory structure will maintain the residential use and character of the property and is therefore in harmony with the general purposes and intent of the Development Ordinance.
2. The primary use of the property will remain residential and is in harmony with the policies of the Comprehensive Guide Plan.
3. The conditional use permit standards as detailed in the Development Ordinance for residential accessory are met.
4. The structure and/or land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.

Discussion:

Chair Solomonson asked what screening is on the north side. **Mr. Heinze**, Applicant, responded that he has obtained a permit for a 6-foot fence on the north side. There are also trees in the neighbor's yard.

Commissioner McCool stated that his amendment to condition No. 4 was based on the belief that there were trees in the applicant's yard. Since that is not the case, he amended the motion to delete the sentence he added to condition No. 4. Commissioner Peterson seconded deletion of the amendment.

VOTE ON ORIGINAL MOTION:                      Ayes - 6                      Nays - 0

**COMPREHENSIVE SIGN PLAN\***

**FILE NO:**                      **2597-15-40**  
**APPLICANT:**                **PHOENIX SIGNS/PRESBYTERIAN CHURCH OF THE WAY**  
**LOCATION:**                    **3382 LEXINGTON AVE**

## **Presentation by City Planner Kathleen Castle**

This application is to replace the existing monument sign with a new electronic message center sign. The sign is located on Lexington Avenue. The property is 4.96 acres and developed with a church facility and single-family home. There is also an off-street parking lot for the church. Access is off Cannon Avenue and Lexington Avenue. The property is zoned R1, Detached Residential. Adjacent land uses include commercial to the north and low density residential to the east, west and south. The City of Arden Hills is immediately to the west.

Existing signage on the site includes a wall sign and a free standing monument sign of 40 square feet in area and 5.3 feet in height. It is on a stone base that compliments the church building. The stone base would be kept and re-used. The existing sign would be replaced with an individual letter sign that has a message center sign. The new sign would be two-sided, with an area of 70 square feet, a height of 8 feet and a sign face height of 5 feet 10 inches. The message center sign area would be 20 square feet. The new sign will identify the church. The message center will be used for worship service times and listing special events.

The Development Code allows a free standing sign as long as it is a monument style. The maximum area permitted is 40 square feet; the maximum height is 6 feet. A Comprehensive Sign Plan is required because the application includes a message center sign and the property is adjacent to residential land uses. Deviations can be permitted through the Comprehensive Sign Plan review. The height, sign face area and height all comply with the Code. The only deviation requested is the total sign area of 70 feet. Deviations are permitted if the sign is attractive, compatible with the use of the property and adjacent development.

The message center sign complies with City requirements. Any visual impact will be mitigated due to the sign color, orientation of the existing homes, existing vegetation, distance, and limited display hours. No display is allowed between the hours of 11:00 p.m. and 6:00 a.m.

Staff finds that the color, size and materials of the sign are consistent throughout the site. The sign plan is effective, functional, attractive and compatible. The deviation of total sign area addresses the practical difficulty of the location of the sign on an arterial road. Approval will not be a special privilege. The new sign will be an improvement in providing information efficiently and will improve the look of the sign. The portable sign now being used is not allowed. The message center is to provide a better method of advertising church information.

Property owners within 350 feet were notified of the application. One response was received from a neighbor expressing concern about the size and impact to adjacent residents.

Neither Ramsey County nor the City of Arden Hills expressed any concerns. Deviation for a larger sign face is reasonable due to the proximity of this sign to commercial land uses on Lexington Avenue. Staff believes visual impact is minimized by the sign location, orientation, design, separation for residential land uses and landscape screening. Staff recommends approval subject to the conditions listed in the staff report.

Chair Solomonson asked if the entire structure of the sign is illuminated. Ms. Castle responded that only the church name and logo will be lit internally.

Chair Solomonson opened discussion to public comment.

**Mr. Pompey Stafford**, 1093 Carlton Drive, expressed concern about the size which will be twice the existing size. That is a big sign. The berm is not included in the measurement. The proposed message center is 2 feet by 10 feet, which is much bigger than the current message center of 2 feet by 8 feet. The new sign will have bright colors that are intrusive with many moving parts. This will illuminate his property. At the present time from his living room and dining room the existing sign is seen. There is a bright flood light as well. During the winter months there is little vegetation to block the light. He questioned the hours of illumination. He believes it will be programmed, but last night the existing sign was lit until after midnight. He requested that additional sizable evergreen trees be added. He appreciates the church position, and the new sign is more attractive. But that does not help his property. He does not believe a deviation in size should be granted.

Commissioner Schumer explained that a flashing sign is not permitted. Ms. Castle stated that the color is amber and no other color will be used. Mr. Warwick added that there is no scrolling or flashing. A message can change in minimum of 8 seconds. Mr. Stafford responded that every 8 seconds amounts to flashing as he sees it.

Mr. Stafford thanked the Commission for listening to his concerns and requested that his concerns be addressed.

**Mr. Rick Cargilani**, 1272 Bucher Avenue, stated that he is a member representing the church. He stated that Mr. Stafford is the only neighbor who can see the sign. The new sign will not be more intrusive. The portable sign being used is not permitted. There will be less light without use of the portable sign.

Commissioner Thompson asked if it would be possible to plant some large trees as suggested. Mr. Cargilani stated that could be a cost issue for the church, but fast growing trees could be put in. A large amount of buckthorn was removed that probably provided screening for Mr. Stafford.

Chair Solomonson asked if the whole face of the sign is illuminated. Mr. Cargilani responded that the illuminated face of the new sign will only be the letters that will be back lit. The illuminated portion of the new sign will be less than what now exists.

Commissioner McCool asked if the church would consider further restricting hours of illumination. Mr. Cargilani stated that could be considered. Ms. Castle clarified that only the message center portion is under the time restrictions. The name of the church could be lit all night. Commissioner McCool stated that he likes the new sign, but he believes Mr. Stafford's concerns need to be addressed. He would support further restriction of hours of illumination and additional screening.

Commissioner Peterson asked if there are screening requirements for signs that are comparable to accessory structures. Ms. Castle stated that the Code does not require screening, but the impact to adjacent residents must be considered. Generally, if a new conifer is planted, it would be 6 feet tall. Commissioner Peterson agreed that added screening should be required.

Chair Solomonson stated that this is a big improvement to the current sign. The illuminated portion is less, and a large portion will be turned off at night. He would support additional screening.

Commissioner Thompson agreed that the sign will be an improvement and she supports requiring added screening.

Commissioner Doan agreed with other Commissioners regarding screening. He stated that he would like to see condition No. 3 changed to increase the time between new information on the message sign from 8 seconds to a longer time as recommended by staff. His concern is that the message center sign not change frequently but be changed on an as needed basis. Mr. Warwick stated that the time of 8 seconds is a result of study done on reading signs at certain speeds on a roadway. Eight seconds gives drivers enough time to read the sign.

MOTION: by Commissioner Schumer, seconded by Commissioner McCool to recommend the City Council approve the Comprehensive Sign Plan submitted by Phoenix Signs on behalf of Presbyterian Church of the Way, 3382 Lexington Avenue N., for a freestanding monument sign with a message center, subject to the following:

1. The signs shall comply with the plans submitted 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. The message center sign shall:
  - a. Display text shall be of a sufficient size so as to be readable by passing motorists to read the entire copy with minimal distraction. The minimum display period for any message shall be 8 seconds.
  - b. The use of audio or pyrotechnics is prohibited.
  - c. Lighting shall be set at a minimum level which the message center sign is intended to be read and shielded to minimize glare.
  - d. The light level shall not exceed .3 foot candles as measured in accordance with the Sign Code. Said sign shall comply with the City's standards regarding brightness and dimmer control
  - e. Messages shall be presented in a static display, and shall not scroll, flash, blink or fade in and out in any manner to imitate movement.
  - f. Display of messages is limited to the events and services offered on-site and time/temperature display.

- g. The message center sign shall not be operated between the hours of 11:00 pm and 6:00 am.
  - h. The color of the sign message or display shall be amber.
4. Temporary signs (including banners) , with the exception of window signs, sandwich board/T-frame signs placed adjacent to the building and incidental display signs, shall not be placed on the property.

This approval is based on the following findings of fact:

1. The property is zoned R1, Detached Residential and quasi-public uses are a permitted use.
2. The Sign Code permits freestanding monument signs and message signs on properties that have a quasi-public use. With the exception of sign area, the sign complies with Sign Code Requirements.
3. The Comprehensive Sign Plan is complies with the findings as stated in Section 203.040 (C) (2) (C) .

Discussion:

Commissioner McCool offered an amendment, seconded by Commissioner Peterson to change two conditions: No. 3.g. would read, “The message center sign shall not be operated between the hours of 10:00 p.m. and 6:00 a.m.” Condition No. 5 would be added to read, “Applicant shall install screening along the south property line to screen views of the sign from the property located at 1093 Carlton Drive. City staff shall review proposed screening prior to the issuance of a sign permit.”

VOTE ON THE FIRST AMENDMENT: VOTE: Ayes - 6 Nays - 0

Commissioner Doan offered a second amendment to include the following under 3.a., “The minimum display period for any message shall be 10 seconds.” Commissioner Peterson seconded this amendment.

Commissioner McCool asked the rationale for 8 seconds v. 10 seconds. Mr. Doan stated that he understands the safety perspective of 8 seconds based on traffic speed. He does not see a difference in safety between 10 seconds and 8 seconds.

Chair Solomonson stated that he does not see a safety advantage for increasing the time to 10 seconds. He will not support this amendment.

Commissioner Doan stated that with slower auto speeds, it would be safer to have a slower time period between messages. Commissioner Thompson noted that at the time of adopting City standards, 2 seconds were added to this standard. She would not vote to further increase the time period between messages.



VOTE ON THE SECOND AMENDMENT:

Ayes - 0      Nays - 6

VOTE ON MOTION INCORPORATING FIRST AMENDMENT;

Ayes - 6      Nays - 0

**MISCELLANEOUS**

**City Council Assignments**

Chair Solomonson and Commissioner McCool will respectively attend the City Council meetings on December 7, 2015 and December 21, 2015.

Commissioners Peterson and Thompson will respectively attend the City Council meetings on January 4, 2016 and January 19, 2016.

**Planning Commission Schedule**

A Planning Commission Workshop was held immediately prior to this meeting on November 17, 2015 at 6:00 p.m.

The December Planning Commission Meeting is scheduled for December 15, 2015, at 7:00 p.m.

**ADJOURNMENT**

MOTION:      by Commissioner Schumer, seconded by Commissioner McCool to adjourn the meeting at 8:17 p.m.

VOTE:                      Ayes - 6                      Nays - 0

ATTEST:

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Kathleen Castle  
City Planner

**TO:** Planning Commission  
**FROM:** Rob Warwick, Senior Planner  
**DATE:** December 9, 2015  
**SUBJECT:** File No. 2600-15-43, Sign Maintenance, Lighting and Electrical/ Willow Creek Center, 5910 Lexington Avenue N. - Comprehensive Sign Plan Amendment

## **INTRODUCTION**

On behalf of the Willow Creek Center, Inc., Sign Maintenance, Lighting and Electrical, Inc. submitted an application to amend the Comprehensive Sign Plan. They propose to replace the existing readerboard sign with an electronic message center sign. The intent of the message center sign is to advertise the products and services of the Cenex Convenience Store and other Willow Creek tenants. An amendment to the existing Comprehensive Sign Plan is required.

The application was complete November 21, 2015.

## **BACKGROUND**

Willow Creek Center, 5910 Lexington Avenue North, is located on the southwest corner of Lexington Avenue and Hamline Avenue. The property is in the C-1, Retail Service District, and the existing use conforms to the zoning regulations and previous approvals. The retail center was originally approved in 1987 with a site and building plan review, and a conditional use permit was approved for the fuel station at the same time. In 1996, an amendment to the conditional use permit allowed enlarging the gasoline pump service islands and overhead canopy, and in 2009 a second amendment extended the fuel station's operating hours by allowing "pay at the pump" fuel sales any time the convenience store is closed. Other approvals through site and building plan review have permitted the expansion of the parking lot and retail center, uses that are not subject to the Conditional Use Permit.

In 1998 a Comprehensive Sign Plan was approved allowing a monument sign for the Center, replacing a freestanding pylon sign for the fuel station and retail center. That Sign Plan permitted a reader board, and approved deviations for sign height and area. A drawing of the approved monument sign is attached. Since 1998 the regulations for signs have been amended several times, including differentiating between sign area and the copy and graphics area.

The monument sign was refaced in 2009 with a Cenex sign panel, a gas price display sign, and retained the changeable copy sign (readerboard) located in the bottom portion of the monument. The readerboard advertises goods and services available at the Center. The gas price display is also defined as a changeable copy sign, but because of the sign layout, the gas price display falls inside of the smallest rectangle that encloses the copy and graphics. As such, that display is included in the total sign area. The existing sign is consistent with the 1998 approval.

## **PROJECT DESCRIPTION**

The message center sign will replace the existing readerboard that is incorporated into the monument sign. Overall, the monument sign has a height of 11.3 feet including the base, and an overall sign area of about 98 square feet, including the proposed message center and the gas price display.

This proposal requires a Comprehensive Sign Plan since the electronic message center signs will face adjoining residential properties. The message center sign will have an area of 20 square feet, and has a full color display. Please see the attached plans.

## **DEVELOPMENT CODE REQUIREMENTS**

Signs are regulated according to the provisions of Section 208 of the Development Code. Commercial retail centers, such as the Willow Creek Center, may have a free-standing sign provided it complies with the approved sign plan. For structures less than 20,000 square feet in area, a cabinet-style monument sign is permitted provided the height does not exceed 10-feet and the sign area does not exceed 50 square feet.

Message center signs are permitted in the C-1 District, with an area not to exceed the lesser of 50% of the sign area or 50 square feet. Additional code standards address duration of message display, color, text, and lighting/brightness. (See Attachment A). The area of a message center *is included* when calculating the area of monument sign. For a changeable copy sign, on the other hand, the extra 40-sq. ft. area is permitted *in addition* to area of the monument sign.

In 1998 the City approved a Comprehensive Sign Plan for the property that included deviations for height and area. A copy of the monument sign approved in 1998 is attached. No change is proposed now to the sign structure and base, and the proposed height is consistent with the 1998 approved plan. While the exterior dimensions of the sign will not increase, the individual components of the sign differ from the approved, and the regulations specifying the method used to measure the area of the message center versus a changeable copy sign are not the same, as noted above. As such a deviation is needed for the sign area.

The 1998 approval specified an area of 40 sf for the Conoco display, 30 sf for the Willow Creek portion and 76 sf for the readerboard (including the gas price display). Current Code measures the area using a rectangle to enclose the copy and graphic area, yielding an area of approximately 146 sf, since the readerboard area falls within that rectangle which fully encloses the Conoco and Willow Creek displays. The proposed sign has an area of approximately 98 sf using the same method of measurement. The primary Cenex logo occupies about 30 sf; with 15 sf each for the gas price and secondary Cenex information; and 20 sf for the message center.

When a deviation to the regulations is proposed, the Comprehensive Sign Plan requires review by both the Planning Commission and City Council with the City Council taking final action. Approval of the plan needs to be based on the following findings:

1. The plan proposes signs consistent in color, size and materials throughout the site.

2. Approving the deviation is necessary to relieve a practical difficulty existing on the property.
3. The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site.
4. Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance.
5. The resulting sign plan is effective, functional, attractive and compatible with community standards.

**Freestanding Sign Standards**

The proposed sign will be integrated into the existing monument sign and use the existing brick sign base. The following table summarizes the proposal in comparison with the City’s Sign Code standards. A deviation is being sought for the proposed sign area.

	<b>SIGN CODE STANDARDS SECTION 208</b>	<b>PROPOSED SIGN</b>
<b>LOCATION (MINIMUM SETBACK)</b>	5 feet	2 feet; 16 feet (to trail) No change
<b>SIGN HEIGHT</b>	10 feet	11.3 feet (no change)
<b>SIGN AREA</b>	50 square feet	98 square feet*
<b>SIGN TYPE</b>	Cabinet	Cabinet

\*Deviation required

The proposed 98-square foot sign area exceeds the maximum 50 square feet permitted. When a freestanding sign faces property planned for residential use, this stricter standard is imposed to minimize the visual impact on the residential land uses. The proposed sign will be visible from the surrounding residential development.

**Message Center Standards**

The applicant has stated that the sign will comply with the general standards identified in the Development Code related to audio/pyrotechnics, brightness and dimmer control. The following table reviews the proposed message center sign with the Code requirements for public/quasi-public use in residential zoning districts.

	<b>SIGN CODE STANDARDS SECTION 208</b>	<b>PROPOSED SIGN</b>
Maximum Area	50% of the total sign area (49 square feet) or 50 square feet whichever is less	20 square feet
Minimum Area	20 square feet	20 square feet

Location and Orientation	Minimizes visual impact on adjoining residential properties	Yes – see discussion below
Hours of Display	11:00 pm to 6:00 am	11:00 pm to 6:00 am

Location and Orientation

The monument sign is located about 2-feet from the north lot line, less than the 5-foot minimum required from the lot line abutting the Lexington Ave. right-of-way. It appears the original pylon sign location, established in 1987, was reused for the monument sign in 1998. In the early 1990s the County acquired an added 7-foot for the right-of-way, reducing the sign setback. Code allows use of the sign to continue in its current location.

The Center is adjacent to single-family residential land uses. While the location of the sign is not changing, the message center sign will be visible from some of the adjoining residential uses. While the nearest residence is located about 150-feet north of the sign, staff believes the sign will be most visible from properties directly to the west and east. These dwellings are more than 250-feet from the sign location.

To reduce the visual impact on adjoining residential properties, the Sign Code limits use of the message center sign to between 11:00 pm and 6:00 am.

**Comprehensive Sign Plan Review**

The Comprehensive Sign Plan is intended in part to provide a method to allow flexibility from the sign standards without formal approval of a variance. When deviations from the standards are proposed, the outcome should result in an attractive sign that is compatible with the premises and adjoining development. Findings for the following criteria are necessary to approve a deviation:

1. *The plan proposes signs consistent in color, size and materials throughout the site.*
2. *Approving the deviation is necessary to relieve a practical difficulty existing on the property.*
3. *The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site.*
4. *Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance.*
5. *The resulting sign plan is effective, functional, attractive and compatible with community standards.*

**STAFF REVIEW**

The proposed sign plan was reviewed in accordance with the City’s sign standards and previous approvals. The existing signage for the Center includes wall signs for the tenants, the freestanding monument sign, including the readerboard and gas price display, and canopy signs

for the fuel station. The proposal has been reviewed in accordance with the standards for message center signs as well as those for the Comprehensive Sign Plan.

### **Message Center Standards**

The applicant has stated that the sign will comply with the standards identified in the Development Code related to audio/pyrotechnics, brightness and dimmer control.

The proposed sign will have a full color graphic display, and so will be capable of using color, graphics, and text to display messages. These messages will be displayed in a manner so that they are legible and minimize distraction to motorists. Staff expects that the 8-second minimum display duration will insure that messages are legible to passing motorists. The display is not permitted to flash, scroll, fade, blink, or imitate motion, and the applicant is aware of these use limitations. The display is expected to be used for alpha-numeric messages, but also to have the capacity for graphic displays.

Willow Creek Center is adjacent to single-family residential land uses on all sides. While the location of the sign is not changing, the message center sign will be visible from the adjoining residential uses. Staff concerns about the visual impact the sign may have on those residential uses, specifically during the night time hours, are reduced since the applicant identifies that with text displays that change instantaneously there will not be changes in the luminescence that will be noticeable to nearby residents. This is consistent with information provided in the research reports on the traffic safety implications of digital signs that have been prepared by federal agencies. Staff also notes that the existing readerboard is constructed with an internally illuminated cabinet, and also provides constant illumination. The approved landscape plan for the center identified black hills spruce trees along the west side of the parking area to mitigate the center's impact on the adjoining residences. Several of the trees are no longer present and staff recommends new plantings in this area for screening.

When the conditional use permit for the fuel station was amended in 2009 to permit the expansion of the fuel pump islands, there was discussion about the potential impacts this could have on the nearby residential neighborhoods. As a result, hours of operation for the convenience store were established from 6:00 am to 11:00 pm, with 24 hour a day pay at the pump service. When the store is closed, only 6 canopy lights can be used to illuminate the fuel islands. The message center sign will operate only during those same hours.

### **Comprehensive Sign Plan Review**

The intent of the Comprehensive Sign Plan is to allow flexibility from the sign standards without formal approval of a variance provided it results in an attractive sign that is compatible with the premises and adjoining development. The following findings must be satisfied for the Plan to be approved.

1. *The plan proposes signs consistent in color, size and materials throughout the site. The overall design of the sign will remain as is and not change with this proposal. The sign will remain a cabinet style sign with internally lit sign panels identifying Cenex. The gas*

price display sign will also remain the same. The existing reader board will be removed and replaced with a smaller message center sign.

2. *Approving the deviation is necessary to relieve a practical difficulty existing on the property.* The Willow Creek Center is a multi-tenant shopping center approximately 14,500 square feet in floor area. With multiple tenants, there is a greater need for signage, especially for temporary sales or events. The replacement of the existing readerboard with the message center sign provides a more efficient and aesthetic method to display or advertise products, services and special events than the use of temporary signs.
3. *The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site.* The design and size of the monument sign will not be changing as a result of this proposal. The replacement of the readerboard with an electronic message center sign is intended to visually improve the look of the monument sign, as well as improve identification and advertising for tenants. Staff recommends temporary signage be prohibited for the property since the message center sign provides a vehicle for the tenants to advertise special sales or events.
4. *Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance.* The Code allows for a sign area increase in order to permit a message center sign to comply with the minimum required 20 sf area. The retail center is located on Lexington Avenue, an arterial road with a very high traffic volume. The high traffic volume, coupled with the multiple-tenant use supports this type of signage on the property. Staff does not believe this approval will confer a special privilege on the applicant given the history of past City approvals for signs here.
5. *The resulting sign plan is effective, functional, attractive and compatible with community standards.* Staff believes the sign proposes an effective and functional method to advertise the center, in a manner compatible with the commercial use. The intent of the sign is to provide a more efficient method of communicating products, specials or events for tenants within the center.

### **REQUEST FOR COMMENT**

Property owners within 350 feet were notified of this request. One resident submitted three comments expressing concerns with the impact the commercial use has on the residential neighborhood. These comments are attached.

### **RECOMMENDATION**

The Staff reviewed the proposal in accordance with the requirements for signage and a Comprehensive Sign Plan. The proposed deviation from the sign code permitting larger area necessary for the message center sign is reasonable due to the multi-tenant, commercial use of the property on Lexington Avenue, an arterial roadway. The message center sign will improve opportunities for tenants to advertise and allow them to advertise products, services and special

events more efficiently. Staff does remain concerned about the potential impact the visibility of this sign may have nearby residential properties and has addressed this in the proposed conditions. Staff recommends that Commissioners take public comments and review the application. Provided the Commission is able to confirm staff's affirmative findings for the review criteria, staff recommends the Commission forward the Comprehensive Sign Plan application to the City Council with a recommendation for approval, subject to the following:

1. The sign shall comply with the plans submitted 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. The message center sign shall:
  - a. Display text shall be use a minimum 6-inch character height to be readable by passing motorists without distraction.
  - b. Messages shall be displayed in their entirety to allow passing motorists to read the entire copy.
  - c. Messages shall not include telephone numbers, email addresses or internet urls.
  - d. Messages shall be displayed for a minimum of 8 seconds, and shall change instantaneously.
  - e. Messages be presented in a static display, and shall not scroll, flash, blink or fade.
  - f. Advertisement is limited to the goods and services offered on-site. Text shall be the dominant feature of the display.
  - g. The message center sign shall not be operated between the hours of 11:00 pm and 6:00 am.
  - h. Said sign shall comply with the City's standards regarding brightness and dimmer control.
4. Temporary business signs, with the exception of window signs, sandwich board/T-frame signs placed adjacent to the building, and incidental displays in accordance with the Sign Code standards, shall not be displayed on the property.
5. The applicant shall prepare a landscape plan to address screening along the west side lot line. The plan is subject to approval of the City Planner. A landscape surety in the amount of \$2,500.00 shall be submitted to insure installation of the trees if the sign is installed before the landscaping work has been completed.

#### Attachments

1. Attachment A
2. Location Map
3. Aerial photographs
4. Submitted Plans and Written Statements
5. Comment
6. Proposed Motion



## ATTACHMENT A

### ATTACHMENT A – SIGN CODE REQUIREMENTS

#### **208.040 Permitted Signs and Sign Standards:**

##### (B) Standards, by Sign Type

(8) **Message Center.** Message Center Signs shall be integrated into a free-standing sign that is a monument or ground style sign, except as otherwise permitted for Gas Price Display and Incidental Signs. The non message center portion of the sign shall include the name of the building or facility. The name shall be displayed in an individual-letter format in letters that dominate all other names and graphics on said sign.

##### (a) General Provisions

(i) Display. The sign message shall be displayed to allow passing motorists to read the entire copy with minimal distraction. The minimum display period for any message shall be 8 seconds.

(ii) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited.

(iii) Brightness.

i. Lighting. Lighting shall be set at a minimum level which the billboard is intended to be read and shielded to minimize glare.

ii. The light level shall not exceed .3 foot candles above ambient light as measured from a pre-set distance depending on sign size. Measuring distance shall be determined using the following equation: the square root of the message center sign area multiplied by 100. Example: 12 square foot sign  $\sqrt{(12 \times 100)} = 34.6$  feet measuring distance.

iii. Dimmer control. The sign must have an automatic dimmer control that automatically adjusts the sign's brightness in direct correlation to ambient light conditions. Said sign shall be equipped with a photo cell designed to measure the ambient lighting conditions and adjust the sign brightness as needed so as to be in compliance with this ordinance.

iv. No portion of the message may flash, scroll, twirl, fade in or out in any manner to imitate movement.

v. Display of messages shall be limited to those services offered on the property and time/temperature display.

(iv) Message center signs may be permitted as part of an incidental business sign in accordance with Section 208.040(B)(7).

(v) Only one message center sign, not including those as part of an incidental business sign, is permitted for each principal structure.

(b) Residential Zoning Districts

(i) Message Center signs are permitted when displayed on the site of an approved public or quasi-public land use, with a Comprehensive Sign Plan.

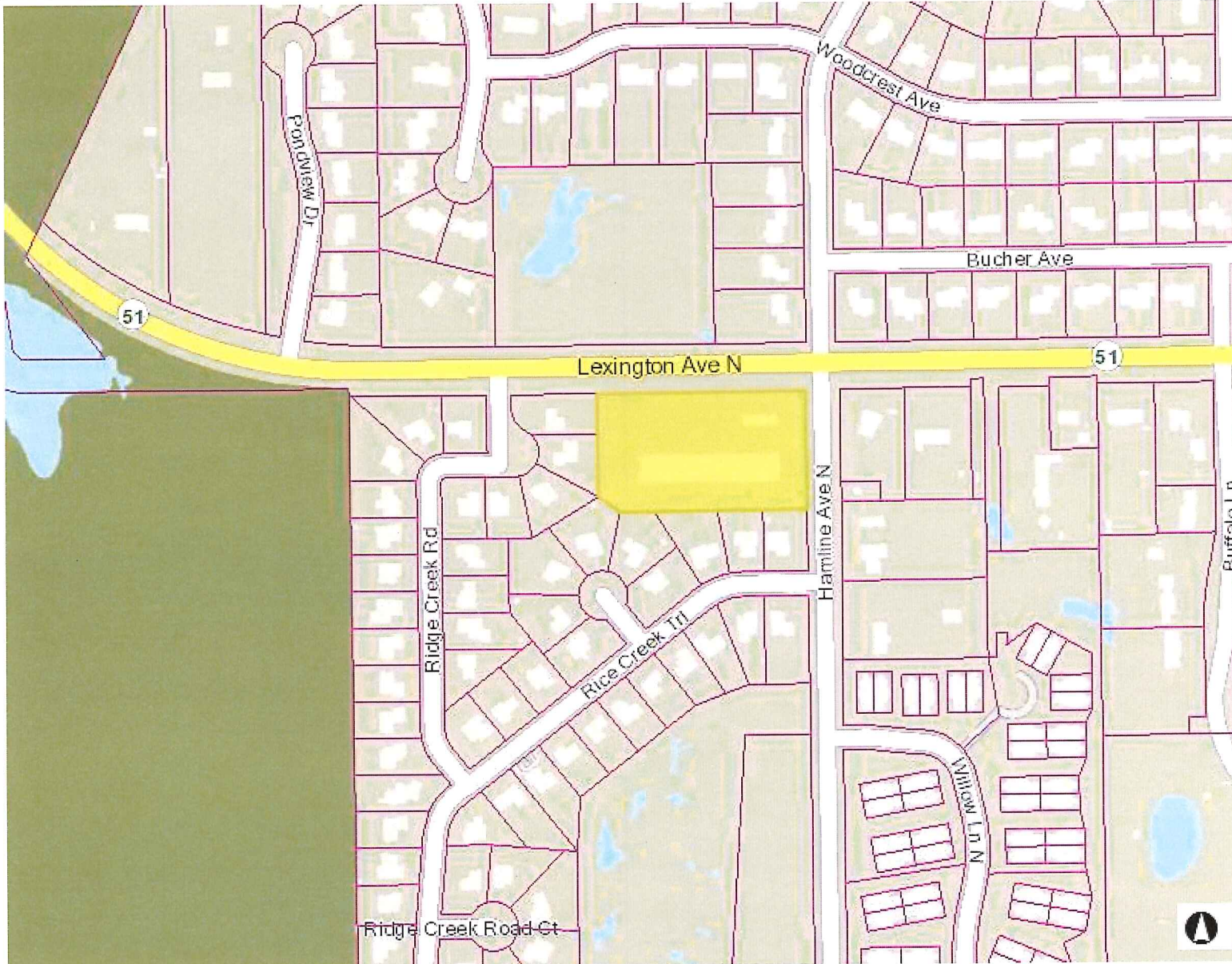
(ii) Maximum Area. The area of the message center sign shall be included in the maximum sign area permitted. The area of the message center shall not exceed 35% of the total sign area for the sign on which it is displayed or 30 square feet whichever is less. The maximum sign area may be exceeded to comply with the minimum sign area required.

(iii) Minimum Area. 20 square feet.

(iv) Location and Orientation. The location and orientation of the sign shall be placed on the property in a manner that minimizes the visual impact on adjoining residential properties.

(v) Hours of display. The sign shall be turned off and shall not display messages between the hours of 11:00 pm and 6:00 am.

(vi) Color. The sign message or display shall be amber in color.



**Legend**



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries
- Airports

**Notes**

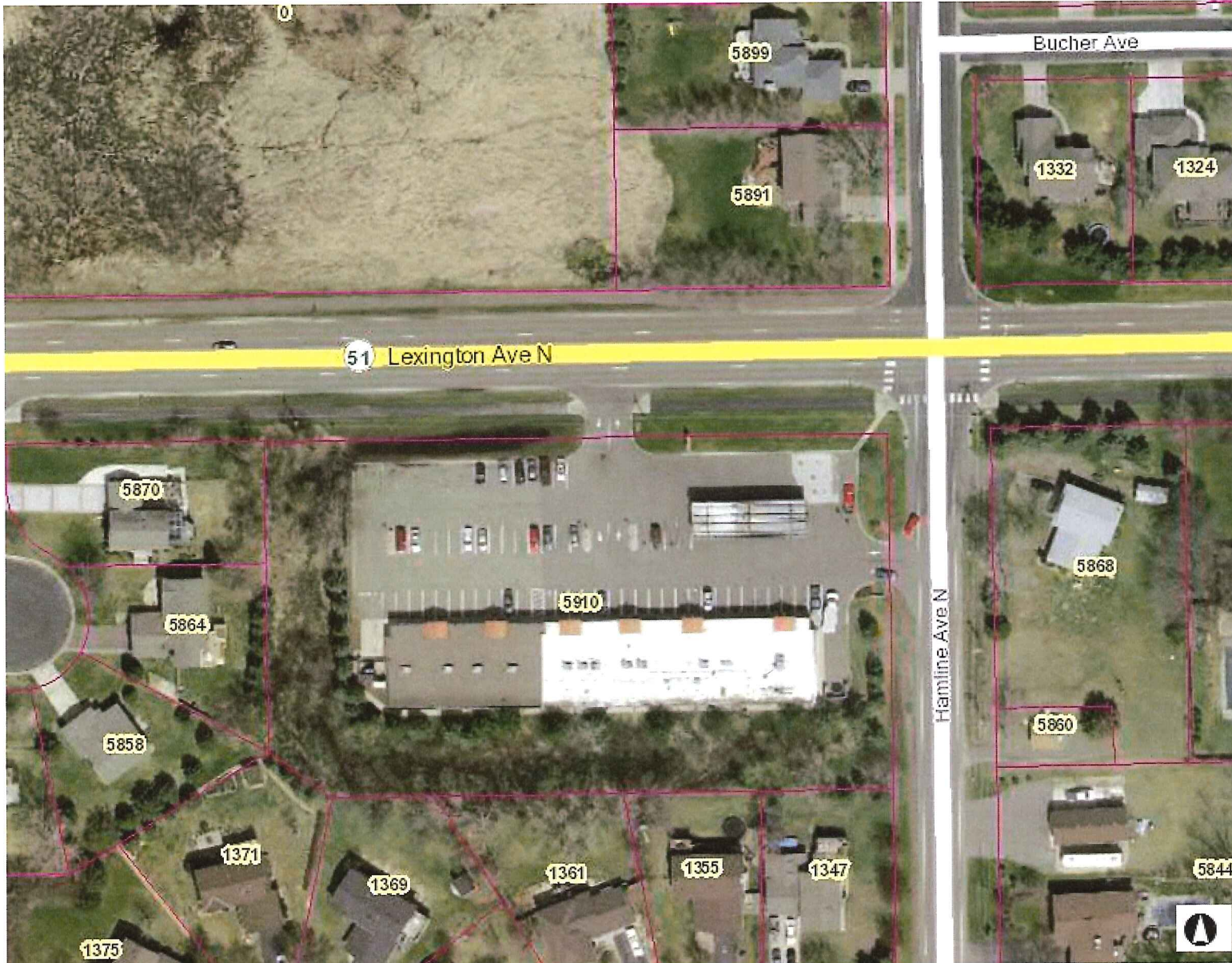
Willow Creek Center

600.0 0 300.00 600.0 Feet

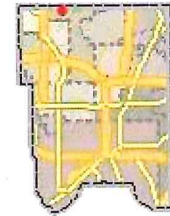
NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
© Ramsey County Enterprise GIS Division










This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



**Legend**



-  City Halls
-  Schools
-  Hospitals
-  Fire Stations
-  Police Stations
-  Recreational Centers
-  Parcel Points
-  Parcel Boundaries
-  Airports

**Notes**

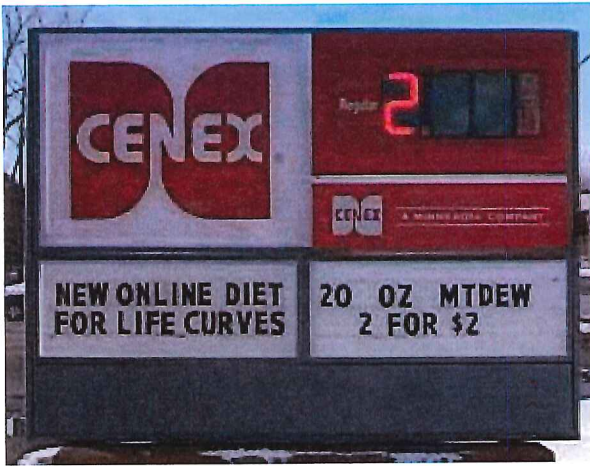
Willow Creek Center

200.0 0 100.00 200.0 Feet

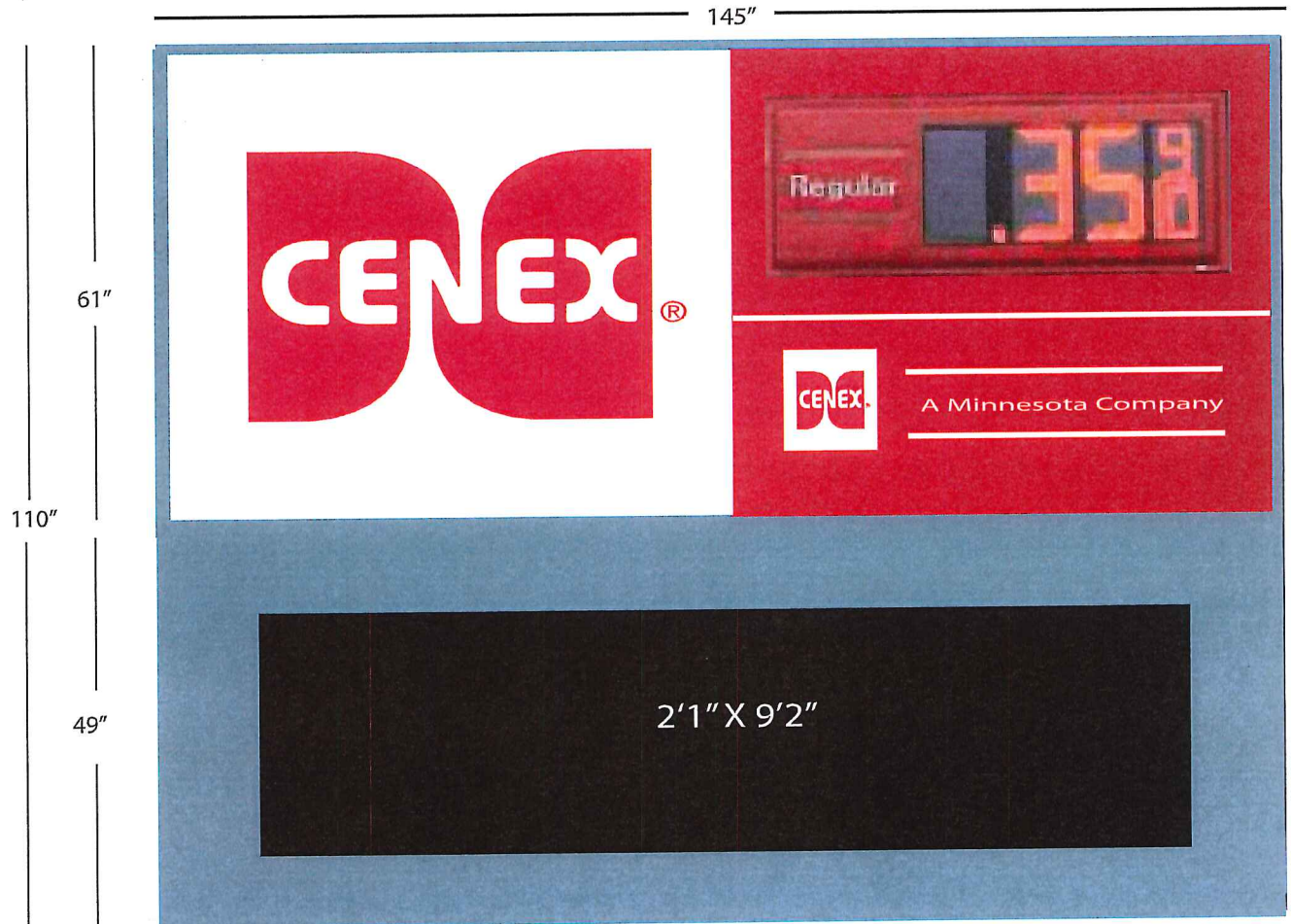
NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
© Ramsey County Enterprise GIS Division

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



EXISTING SIGN



PROPOSED SIGN

Replace manual reader boards with Full color Daltronics electronic message center

19.10 Square feet active area

Automatic timer shut off

Jim Hamilton 651-247-8224.

***Willow creek Center***

***5910 Lexington Ave***

***Shoreview, MN 55126***

***651-786-5591***

***Terry Anderson***

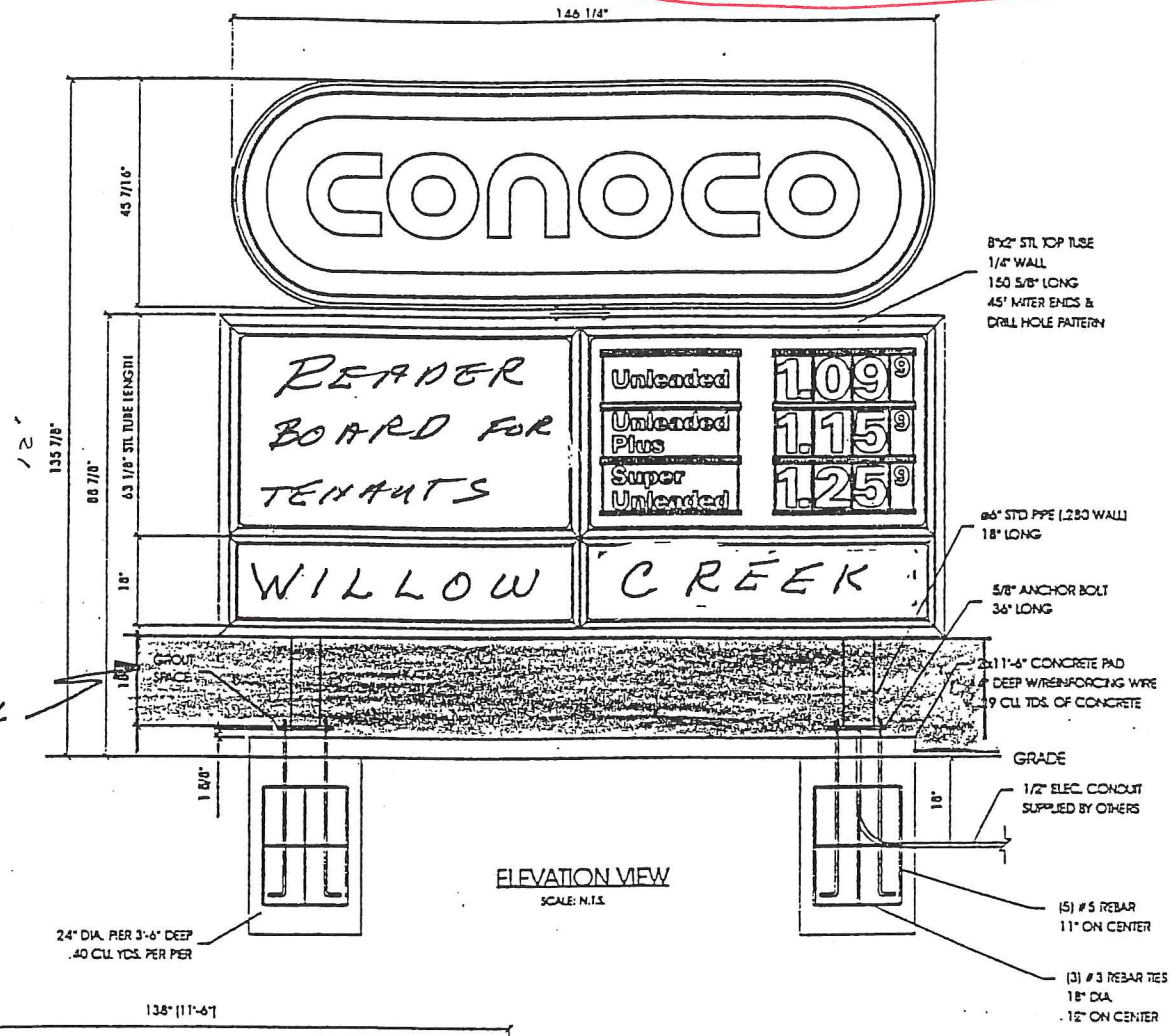
FILE 1708-98-47  
5910 Lexington

Approved Monument Sign  
1998

AREAS: 105 S.F.  
 AREA (81.11 SQ FT)  
 SIGN WEIGHT ... 358 LBS  
 SIGN WEIGHT ... 192 LBS  
 SIGN WEIGHT ... 192 LBS  
 SIGN WEIGHT ... 72 LBS  
 SIGN WEIGHT ... 72 LBS  
 WINDLASS ... 30 PSF

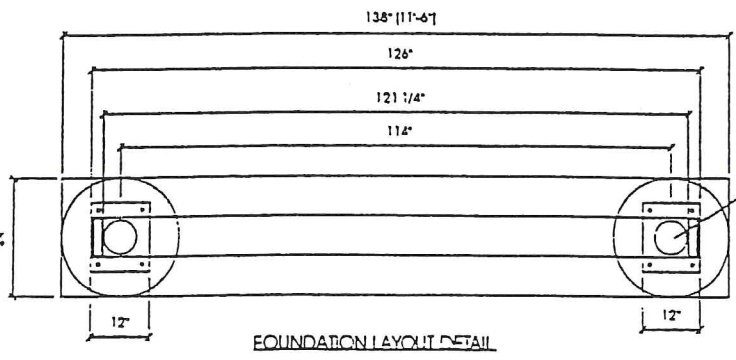
COLORS:  
 CABINET AND SUPPORTS ... CONOCO RED, SPRAYLAT 20-3639

ELECTRICAL:  
 TOTAL AMPS ... 11.2 AMPS  
 CONOCO I.D. SIGN AMPS ... 5.4 AMPS  
 CO'S MART SIGN AMPS ... 2.0 AMPS  
 PRICE SIGN AMPS ... 2.0 AMPS  
 CAR WASH SIGN AMPS ... .9 AMPS  
 DIESEL PRICE SIGN AMPS ... .9 AMPS  
 CIRCUITS ... (1) 20  
 VOLTS ... 120

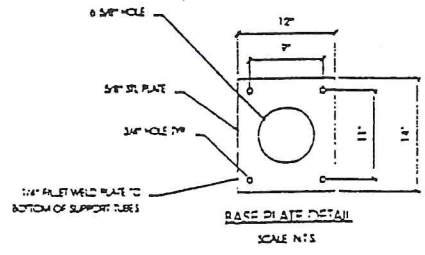


BRICK TO  
 MATCH WALL

ELEVATION VIEW  
 SCALE: N.T.S.



FOUNDATION LAYOUT DETAIL  
 SCALE: N.T.S.



BASE PLATE DETAIL  
 SCALE: N.T.S.

**GENERAL NOTES:**

- CONCRETE TO DEVELOP 3000 PSI COMPRESSIVE STRENGTH AT 28TH DAY.
- REINFORCING BARS SHALL HAVE A MINIMUM YIELD STRENGTH OF 60,000 PSI. REINFORCING BARS SHALL BE PLACED IN ACCORDANCE WITH THE LATEST VERSION OF THE ACI 318 CODE.
- PIPE SHALL MEET THE STRUCTURAL REQUIREMENTS OF ASTM A-53 GRADE B.
- STEEL TUBE SHALL BE ASTM A-500 GRADE B.
- OTHER STEEL STRUCTURAL SHAPES AND PLATE SHALL BE ASTM A-36.

THIS IS ONLY A SUGGESTED TYPICAL SUPPORT PIER FOR 2,500 PSF SOIL BEARING CAPACITIES. PLEASE CHECK LOCAL CODES FOR APPROVED FOUNDATIONS, SOIL BORING AND FROST LINE INFORMATION. FINAL DESIGN SHOULD BE APPROVED BY A LICENSED CIVIL ENGINEER.

DRAWING #CC9711:4 PAGE 13 OF 15  
 SALESMAN: TOM FRY  
 DESIGNER: TMS  
 DATE: 5-1-97

12' MONUMENT SYSTEM INSTALLATION  
 5' X 12' YOKE

THIS DRAWING AND ALL INFORMATION CONTAINED HEREIN IS THE PROPERTY OF CONOCO AND SHALL NOT BE COPIED OR REPRODUCED IN ANY WAY EXCEPT TO FULLY IDENTIFY THE SOURCE.



Robert Warwick &lt;rwarwick@shoreviewmn.gov&gt;

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## Willow Creek Center lighted sign

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Kevin Dunlevy &lt;kevind@bdmnlaw.com&gt;

Wed, Dec 9, 2015 at 12:49 PM

To: "rwarwick@shoreviewmn.gov" &lt;rwarwick@shoreviewmn.gov&gt;

Mr. Warwick, I am writing in response to your request for comments about the application by Willow Creek Center to install an electronic sign.

The Willow Creek Center intrudes on the neighboring residential property. I understand there have been previous neighborhood complaints about the light pollution, sound and nuisance activity in the neighborhood that result from the Willow Creek Center. We previously opposed 24 hour sales and the associated lighting at the gas station. The light and sight of the strip mall intrude into our house, yard and deck, reducing the tranquility of our neighborhood. I understand there was recently a homicide at the strip mall, and I believe criminal activity is attracted to the neighborhood by the Willow Creek Center, including juvenile vandalism. A lighted sign will add to the light and sight blight of the Center. If the city agrees to increase the blight, the property owner should be required to take action to diminish the blight, by planting trees and shrubs, and by other beautification improvements.

Kevin Dunlevy

Barbara Daveloose

5901 Ridge Creek Road

Shoreview MN 55126-8500

Kevin J. Dunlevy

Beisel &amp; Dunlevy, P.A.

Suite 282, 730 Building

730 2nd Avenue South, Suite 282

Minneapolis, MN 55402-2444

612-436-0020 phone (direct)

612-436-4343 phone (general)

612-338-6600 fax

612-963-9046 cell

Licensed in MN, ND &amp; WI

kevind@bdmnlaw .com email



Robert Warwick &lt;rwarwick@shoreviewmn.gov&gt;

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## Willow Creek Center lighted sign

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Kevin Dunlevy &lt;kevind@bdmnlaw.com&gt;

Thu, Dec 10, 2015 at 4:40 PM

To: Robert Warwick &lt;rwarwick@shoreviewmn.gov&gt;

Rob, I saw the sheriff's cars at Willow Creek Center and thought that was where the body was found.

Our house was vandalized with graffiti on our garage by juveniles who made their plans at Willow Creek. I understand the Grivna house about two blocks from my house was similarly vandalized the same evening by the same juveniles. The county sheriff would have records of the incidents.

I understand from the last time I opposed additional lighting at Willow Creek that other neighbors had previously complained about the light from Willow Creek Center, so the gas station put shades on its canopy lights. I may still have photographs of the shades. The canopy has since been changed, but there is still a lot of light coming from the center. I will try to photograph the property after dark this weekend, so you can see, or perhaps you may want to visit the property after dark yourself. When I presented my photographs to the city council last time, a city council member commented that I could have altered the photos, which looked to me like an alien spaceship had landed in Shoreview because the lights were so bright. (I obviously did not vote for that council member again.)

The blight is from having a commercial property in a residential neighborhood, with the high traffic, high intensity lights, nuisance activity like juveniles making vandalism plans, and associated noise. I am glad it hasn't been a dumping ground for homicides. I agree the property is generally well maintained, and is not blighted in the sense of a targeted neighborhood as defined by Minnesota Statutes section 466A.02. However, no effort has been made to blend the commercial property into its residential surroundings. KD

**From:** Robert Warwick [mailto:rwarwick@shoreviewmn.gov]

**Sent:** Thursday, December 10, 2015 4:16 PM

[Quoted text hidden]

[Quoted text hidden]





Robert Warwick &lt;rwarwick@shoreviewmn.gov&gt;

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## Willow Creek Center lighted sign

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**Kevin Dunlevy** <kevind@bdmnlaw.com>

Fri, Dec 11, 2015 at 10:53 AM

To: Robert Warwick &lt;rwarwick@shoreviewmn.gov&gt;

If I could, I will revise my comments to eliminate the reference to the homicide and make some edits. Is there time for that today? If it is too late, you can include both emails and this one as well.

I do like that the lights were recessed. That helped diminish the alien space ship effect. I am planning to take photos tomorrow morning before sunrise. Willow Creek Center is a large part of the view from my living room, deck and kitchen table, especially at night.

Would the city consider planting trees north across Lexington from Willow Creek Center and along Hamline to the east? That would help screen the houses around the swamp from the commercial property. Another alternative would be to plant trees on its side of Lexington and Hamline, but Willow Creek probably wants maximum visibility for traffic on Lexington and Hamline, which is contrary to screening commercial property from residential property. The south side of Willow Creek does not generate the light that the north side does. KD

**From:** Robert Warwick [mailto:rwarwick@shoreviewmn.gov]**Sent:** Friday, December 11, 2015 10:07 AM

[Quoted text hidden]

[Quoted text hidden]

**MOTION**  
**TO APPROVE AN AMENDMENT TO THE COMPREHENSIVE SIGN PLAN**  
**WILLOW CREEK CENTER**  
**5910 LEXINGTON AVENUE**

**MOVED BY COMMISSION MEMBER:** \_\_\_\_\_

**SECONDED BY COMMISSION MEMBER:** \_\_\_\_\_

To recommend the City Council approve the Comprehensive Sign Plan Amendment submitted by Maintenance, Lighting and Electrical, Inc., subject to the following conditions:

1. The sign shall comply with the plans submitted 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. The message center sign shall:
  - a. Display text shall be use a minimum 6-inch character height to be readable by passing motorists without distraction.
  - b. Messages shall be displayed in their entirety to allow passing motorists to read the entire copy.
  - c. Messages shall not include telephone numbers, email addresses or internet urls.
  - d. Messages shall be displayed for a minimum of 8 seconds, and shall change instantaneously.
  - e. Messages be presented in a static display, and shall not scroll, flash, blink or fade.
  - f. Advertisement is limited to the goods and services offered on-site. Text shall be the dominant feature of the display.
  - g. The message center sign shall not be operated between the hours of 11:00 pm and 6:00 am.
  - h. Said sign shall comply with the City's standards regarding brightness and dimmer control.
4. Temporary business signs, with the exception of window signs, sandwich board/T-frame signs placed adjacent to the building, and incidental displays in accordance with the Sign Code standards, shall not be displayed on the property.
5. The applicant shall prepare a landscape plan to address screening along the west side lot line. The plan is subject to approval of the City Planner. A landscape surety in the amount of \$2,500.00 shall be submitted to insure installation of the trees if the sign is installed before the landscaping work has been completed.

Approval is based on the following findings:

1. *The plan proposes signs consistent in color, size and materials throughout the site.* The overall design of the sign will remain as is and not change with this proposal. The sign will remain a cabinet style sign with internally lit sign panels identifying Cenex. The gas price display sign will also remain the same. The exiting reader board will be removed and replaced with a smaller message center sign.
2. *Approving the deviation is necessary to relieve a practical difficulty existing on the property.* The Willow Creek Center is a multi-tenant shopping center approximately 14,500 square feet in floor area. With multiple tenants, there is a greater need for signage, especially for temporary sales or events. The replacement of the existing readerboard with the message center sign provides a more efficient and aesthetic method to display or advertise products, services and special events than the use of temporary signs.
3. *The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site.* The design and size of the monument sign will not be changing as a result of this proposal. The replacement of the readerboard with an electronic message center sign is intended to visually improve the look of the monument sign, as well as improve identification and advertising for tenants. Temporary signage shall be prohibited for the property since the message center sign provides a vehicle for the tenants to advertise special sales or events.
4. *Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance.* The Code allows for a sign area increase in order to permit a message center sign to comply with the minimum required 20 sf area. The retail center is located on Lexington Avenue, an arterial road with a very high traffic volume. The high traffic volume, coupled with the multiple-tenant use supports this type of signage on the property. This approval will not confer a special privilege on the applicant given the history of past City approvals for signs here.
5. *The resulting sign plan is effective, functional, attractive and compatible with community standards.* Staff believes the sign proposes an effective and functional method to advertise the center, in a manner compatible with the commercial use. The intent of the sign is to provide a more efficient method of communicating products, specials or events for tenants within the center.

**VOTE:**

**AYES:**

**NAYS:**

Regular Planning Commission Meeting – December 15, 2015