

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:

Kathleen Castle
City Planner