

**Excerpt from the
CITY PLANNING COMMISSION MINUTES
Minneapolis Community Planning & Economic Development (CPED)**

Planning Division

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MEMORANDUM

DATE: October 21, 2010

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of October 18, 2010

The following actions were taken by the Planning Commission on October 18, 2010. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Motzenbecker, Carter, Cohen, Gorecki, Huynh, Luepke-Pier and Tucker – 7

Not present: Bates (excused), Bourn and Schiff (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

6. Zoning Code Text Amendment (Ward: All), ([Brad Ellis](#)). This item was continued from the September 7 and October 4, 2010 meetings.

A. Text Amendment: Amending Title 20 of the Minneapolis Code of Ordinances related to the Zoning Code, as follows:

Amending Chapter 543 related to Zoning Code: *On-Premise Signs*

The purpose of the amendment is to make changes to how dynamic signs are regulated.

Action: The City Planning Commission recommended that the City Council adopt the findings and approve the zoning code text amendment, amending chapter 543, with the following changes:

1. Dynamic and dynamic changeable copy signs shall continue to be allowed in the C3A and C3S Zoning Districts.
2. 543.330 (f) *Duration of message*. The copy of the dynamic changeable copy sign shall remain static for a period of not less than ~~one (1) hour~~ 15 minutes.

Staff Ellis presented the staff report.

President Motzenbecker: Did you guys look at the typical square footage needed for a convenience store or gas station, some of the uses that would probably use one of these signs when you took the 12,000 into consideration and kind of weigh that?

Staff Ellis: I didn't break out each commercial property in the city.

President Motzenbecker: In general, what are the types of sizes?

Staff Ellis: It is sort of all over the board. I referenced the 12,000 in this particularly because that is the minimum lot area in order to do a drive-thru use in the city, it's also the minimum usage for an automobile convenience facility. Other types of uses do have a smaller one depending on zoning districts, for example, a place of assembly in certain districts has a minimum lot area of 10,000 square feet and in other ones it's larger. An early childhood learning center has a minimum lot area of 20,000 square feet in all districts but that may be a use that would be willing to use one in a commercial zoning district. That's where the 12,000 sort of falls into, the way we regulated automobile type uses for example.

President Motzenbecker: Then the 660?

Staff Ellis: That corresponds with the way we would regulate locations for fast food restaurants, that's kind of how that comes along. The 660 is the length of a block, of a standard north-south block and so you have to have at least two blocks on a short block way to have this sort of zoning, or a continuous block on a north-south.

President Motzenbecker opened the public hearing.

Mike Cronin (8809 W Bush Lake Rd, Bloomington) [not on sign-in sheet]: We think that the present proposal is greatly improved from the original proposal which you had and I want to thank the commissioners and staff for helping move to that point. Given that, we would ask you to look at two additional changes. We ask that the tables on page three be amended to allow the dynamic sign on walls and freestanding in the C3 and the Industrial Districts. They have been permitted there, we think it continues to be appropriate. We think in the C3, for example, that the signs might even be appropriate where you want the activity, energy and color and in Industrial Districts, I think it's a situation where there's nobody around to really bother it. For example, our

store by the Twins Stadium on 5th St, that's an Industrial District so we wouldn't be able to have that sign under the present code so we would ask you to give strong consideration to allowing them with the conditions that are in the C2, in the C3 and the Industrial Districts as pretty much as going forward now. The second comment would be in Chapter 543.342 which is the 12,000 square foot minimum, we would ask you to consider a change to look at 10,000 square feet. The 12,000 square feet is a standard for a new store. The store in 5th St is about 27,000 square feet. If you're going to build a new store in the city, one of our issues is the scale just changes. I think that a lot of the people that could use this will be existing sites and some of those sites are on irregular shaped sites that might not quite make the 12,000, they're also in areas where the lots were platted at 5000 square feet rather than 6000 square feet so the two lots don't get you that. I think it was very innovative to use that 660 facing. I think if you meet that standard as well as meet the 150 radius standard, it puts you in a commercial district and hopefully having the 10,000 square feet I think will still give you the spacing and the frontage that I think is one of the benefits of using that. We would ask you to consider those changes to the tables to allow the wall entry standing in the C3 and the Industrial Districts and to decrease the minimum lot size to 10,000. Thank you.

Commissioner Luepke-Pier: I would like your input on 543.340 (f), the duration of the message. Doesn't 60 seconds seem a little long?

Mike Cronin: I had a chance to meet with all the neighborhood groups because we thought we were getting conditional use permits for all these things and then the ordinance came out and that really was a concern. In the city, moving into these big commercial block faces and keeping the residents 100 feet away, you still have people that might be living there and I think that we err on the side of...it isn't just motorists and pedestrians, like maybe in a suburban situation where you're blowing down the road at 40 mph or something like that. A minute cuts off the temptation to do a sequential message where people try to scroll or read. This ordinance is greatly improved from the present ordinance, but again, I ask that you continue the present ordinance of allowing them in the C3 and the Industrial Districts.

Commissioner Gorecki: Do you make a distinction between the dynamic changeable copy signs and the dynamic signs when you're saying "the C3 District" or do you see those as one in the same and you'd like to see that throughout all C3 districts?

Mike Cronin: The difference is that you can use an image in color in the dynamic signs. I think being able to use images and being able to use that are fine. With just text, I haven't thought about that that much. My hope is that people would make the investment to buy the high quality, get the dense pixels. You guys are really moving towards that. In the C3A, the images and the color, which you get with a dynamic sign the way you defined it, really are appropriate. In industrial districts, there's no sense for people to see it.

Carol Lansing [not on sign-in sheet]: I'm not here speaking on behalf of Holiday, although I am working with them, but just to the question about the C3A. I'm on the board of the Jungle Theater, which is in a C3A district and the Bryant Lake Bowl is there and I know we've had some discussion at the Jungle about using a dynamic sign for...and it could end up being a changeable copy...for the shows and showtimes. I just thought I'd put that out there as a reason why some other users in the C3A might like them.

President Motzenbecker closed the public hearing.

Commissioner Gorecki: Mr. Ellis, can you help us out a little and show us where some of the different C3 categories lie in the city?

Staff Ellis: I do not have a zoning map with me. I can give an example of where the C3A and C3S are within the city. The C3A are activity center zoning districts so is limited to activity centers as outlined in the Comprehensive Plan as where it tends to go so you do see C3A in places like a lot of the station areas and Uptown. As part of the West Broadway rezoning there are some C3A areas added and some activity centers were there along West Broadway. There's also some along the riverfront where it's no longer downtown zoning. I'm not sure about northeast, Mr. Wittenberg?

Staff Wittenberg: Mr. Ellis has covered a good portion of them. There is a C3A district across the river at East Hennepin and University, LynLake, Dinkytown, Stadium Village.

Commissioner Gorecki: When you were thinking about the industrial area, what was the reasoning given from a staff perspective of not allowing it in those areas?

Staff Ellis: With the council initially that they were worried about proliferation and having these everywhere or reducing these in the industrial districts would help limit that. Industrial districts are not usually associated with the vibrancy with this sort of sign, they seem more appropriate for commercial areas.

President Motzenbecker: I'm with Mr. Gorecki, if that's where you're going about thinking about C3. I felt the same way and I believe that these would still need a conditional use permit so we'd still have to see them and talk about them should they come through but I agree. I think that in these spaces, such as C3A, the activity centers, there's room for these kinds of signs. I think that just as a city we're evolving and this is the future of signage. The suction cup and letters are going away and to make people keep doing that in multiple forms I think would be remiss. This is the way they're going, I think this is a good start and a way to push this forward.

Staff Wittenberg: Just to clarify, dynamic signs do require a conditional use permit outside of the downtown districts. Dynamic changeable copy signs, as proposed, do not require a conditional use permit.

President Motzenbecker: On the dynamic changeable copy sign, I wanted to get thoughts on the one hour, going to the timing. That actually seemed very long to me to have one message up. If it's a school or church who is advertising events for the weekend to have it go once an hour makes it seem like it may not cover it. I was willing to reduce that at least to a half hour and would entertain other thoughts.

Commissioner Tucker: A lot of these clarifications added in here help change these dynamic changeable signs and dynamic signs from what have been annoying distractions to a new way to provide information to people moving around our city and thus the much longer time from eight seconds to 60 seconds, the one hour for the dynamic changeable signs, the control over the brightness...lots of things in here make these signs less distracting and are the new technology for putting up signs. It could very well be appropriate in the C3 areas. I don't think we need to put them in industrial because we're not trying to make those into a commercial area. We should probably stay with 12,000 square foot lot size because that is already connected to our auto use as

is the 660 linear feet. With that, I move that we approve this with the one change that we allow this in C3 districts (Gorecki seconded).

Commissioner Luepke-Pier: I wanted to weigh in about the one hour because it is limited in size to 16 square feet and I'm just picturing a high school, thinking of the nerd things I was involved in, not getting time at all on that board because there's a football game or something else that would take precedent so it seems like one hour is excessive. I would be in favor of lowering it quite substantially. I would go 10-15 minutes.

Commissioner Gorecki: Just a clarification to Commissioner Tucker, are you saying all C districts?

Commissioner Tucker: Yes.

President Motzenbecker: All C3 districts, it's already in C4 and C2.

Staff Wittenberg: If I could further clarify, both dynamic and dynamic changeable copy in that district.

Commissioner Huynh: I wanted to speak to the 60 minute dynamic changeable copy and the transition to 30 minutes and I think that as long as the intent doesn't spur five second changes I think that if you're not sitting at a traffic light seeing many signs while you're sitting there, whether it be 15 or 30 or 60 I think is adequate as far as reducing the blight and kind of images and bad light in your face I guess as you drive or walk by.

President Motzenbecker: I would move that we move that from an hour to 15 minutes (Gorecki seconded). All those in favor? Opposed?

The motion to amend the motion carried 6-0.

President Motzenbecker: For the final vote, all those in favor? Opposed? All those in favor? Opposed?

The motion carried 6-0.

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DATE: October 21, 2010

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FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of September 7, 2010

The following actions were taken by the Planning Commission on September 7, 2010. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Motzenbecker, Cohen, Gorecki, Huynh, Luepke-Pier and Tucker – 6

Not present: Bates (excused), Bourn, Carter (excused) and Schiff (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

14. Zoning Code Text Amendment (Ward: All), ([Hilary Dvorak](#)).

A. Text Amendment: Amending Title 20 of the Minneapolis Code of Ordinances related to the Zoning Code, as follows:

Amending Chapter 543 related to Zoning Code: *On-Premise Signs*

The purpose of the amendment is to make changes to how dynamic signs are regulated.

Action: The City Planning Commission **continued** the zoning code text amendment, amending chapter 543, to the October 4, 2010 Planning Commission meeting.

Staff Dvorak presented the staff report.

Staff Gorecki: I apologize for not being at the Committee of the Whole meeting. I have a question regarding some of the comments from Holiday station. Why is it that dynamic signs are only allowed in the downtown district?

Staff Dvorak: We didn't allow these prior to July 2009 and then we started allowing dynamic signs and dynamic changeable copy signs throughout the zoning districts and for certain uses in the OR and OR1. Since that adoption we've had maybe 12 or 14 of these signs go up. Concerns have been expressed about the character and impact of those signs on surrounding uses. We also did a site visit to all of those signs which is the list in your staff report and you can see that not one of the signs that's been approved and installed actually is in compliance with the standards to which they're supposed to be which takes a lot of enforcement time on staff to bring them into compliance. I can say that with some of these existing signs we have done enforcement on them and they come into compliance when they're supposed to and then they change the signs to be not in compliance so it's this constant battle of bringing them into compliance and it's a nightmare for the enforcement staff and for those of us who drive around and see them and know what they're supposed to be and see what they're doing.

President Motzenbecker: Even during our discussion that the Holiday sign downtown was actually in compliance, you said all the signs that you saw were not in compliance.

Staff Dvorak: Brad and I did not have a stopwatch when we were out there but it seemed to change more than every eight seconds.

President Motzenbecker: I just wanted to clarify because that came up at Committee of the Whole that it was ok so I just wanted to clarify.

Commissioner Gorecki: It sounds like a great revenue for the city if people aren't in compliance. Does it purely come down then to the fact that city staff is concerned with what it would take to actually monitor all of these signs throughout the city if we were to increase it to a greater area? There were some interesting points raised in that letter so I'm trying to find out what is legitimate concerns and facts raised and what are not.

Staff Dvorak: I would say no. This text amendment was brought forward by the City Council and it was their concerns of the signs that they've seen in their neighborhoods that brought this amendment forward.

Commissioner Gorecki: Is city staff enforcement a larger concern? If we were to put these on major thoroughfares, we're destroying the character of our neighborhoods so if we were to allow these and made it thoroughfares, which would seem somewhat consistent, why wouldn't we do that or follow a policy like that?

Staff Wittenberg: Like Ms. Dvorak first stated, I think a major concern is the impact that flashing dynamic signs would have on all of our corridors and commercial nodes. I don't know if we can necessarily wait which is a certain percentage of the concern about those types of signs but I would say it's at least as big of an issue as the issue of the staff resources that would be necessary for enforcement.

President Motzenbecker opened the public hearing.

Bill Amberg (1000 Westgate, St Paul): I represent the Minnesota Sign Association. Minnesota Sign Association is a trade association of Minnesota sign makers and represents the interests of sign makers in Minnesota at the municipal level and the state legislature. This ordinance change came to our attention last Thursday so I apologize for not having a broader group here. We dealt with a similar ordinance change on dynamic displays or what the industry calls electronic message centers or EMCs in St Paul over the last couple years and it was a broader coalition there. The majority of our members make signs for small businesses in Minnesota. Small businesses have less dollars for advertising than large businesses do and electronic message centers are really an affordable alternative for small businesses. The federal small business administration has estimated that businesses can raise their revenue anywhere from 15-150% with an electronic message center. They're fairly dynamic. In some instances they can be rented so they're not always fixed to the building or on a freestanding sign. The third paragraph at the bottom of the letter I just wanted to clarify one thing, my second sentence, we have not seen such a radical regulatory approach to EMCs, meaning a total ban of them in the down area, from any other municipality. I would replace "municipality" and replace it with "larger city". There are a few suburbs that are different than Minneapolis and St. Paul. We question why schools and religious institutions are exempt. Small businesses, why would this apply to them outside of the downtown area and there seems to be some public safety issues and they would have the same effect if it was a church or a synagogue or school or a small business so why are they exempt and a small business isn't? Perhaps, as we've seen, there will be evening limits in some of the neighborhood business districts, the cluster on the corner in the neighborhood of 3689, at that intersection, they've put it at 8pm or 9pm instead of just an outright blanket ban on these. We'd like to request that the ordinance change be continued for a month so the sign makers, small businesses and other interested parties can work with the staff to achieve a more workable dynamic display ordinance.

Mike Cronin (8809 W Bush Lake Rd) [not on sign-in sheet]: Holiday is very serious about compliance. We want to focus on the message on the sign, we don't want to attract your attention to the sign, we don't flash, we don't dazzle, we don't do all the wonderful things you can do with these signs that do create a problem. As a matter of corporate policy, each sign operated is controlled from our headquarters in Bloomington and each sign is timed to be at least two seconds above the standard of the city that it's operating with. Cities operate at all different times. We have one dynamic sign outside of downtown in Minneapolis that was approved in February and that sign is set to operate at ten seconds. We just don't want to get into this situation, we are serious about this and as I talk with you later you will realize why it's so important to us. We got the staff report on Wednesday and put the letter together. I want to

thank the staff for their work. It will come to no surprise to you that we are asking for a postponement to allow staff to consider alternatives to the prohibition of effective use of this type of sign outside of downtown. We want staff to allow them to develop an alternative for you. We are available to talk with the staff and assist them both as an operator of these signs, as a person that deals with regulations throughout the metropolitan area with these signs and is in compliance with it and as the only person that operates one in Minneapolis. We would ask that you allow staff to have that time. Rather than prohibit, in that letter we outlined seven or eight points and I would say that basis of that was meeting with 14 neighborhood groups. We have started down the process of changing each of our signs in Minneapolis from a reader board to a dynamic sign. We are making these changes at all of our stores, it's a 12 million dollar investment. This is a diverse city and different zoning districts are found in different settings and it's really important to do that. I think you want to make some changes to the signs to tune it up, to retain the context and basically reduce the prominence. It's our recommendation that you consider banning them in C1, that was the message where we found and didn't find support talking to all those neighborhood groups. That seemed to be the factor, that there are some districts that aren't major thoroughfares, but we also found great support for the signs in the C2 and other zoning districts. We just think based on that conversation we would ask that you consider that and that you think about the quality of the image. Our sign on N 5th St is a 16mm pitch, it means that they're really dense pixels. If you stand up next to it on the sidewalk it's going to fall apart but in the suburbs where cars are moving faster and set back more you can get by with a less quality sign. In the city you have pedestrians and bicyclists and I just think that establishing a higher standard right off the bat would be a positive thing. We would recommend that you extend the duration of the signs from eight seconds to a minute. Even the places that I talked to that thought the sign was a good place, I could feel a little concern about the flashing. I think by stretching it out to a minute, we really get to that point where there's no question it's not a flashing sign, especially with the controls on the transition between messages that we do. I think that right now you have a day and night standard that starts at 7:00 a.m. and ends at 7:00 p.m and it changes throughout the year. I think there are some ambient light things that you can really use to move forward to make sure that as it changes gradually. There are a number of things you can do to make it compatible. We started this because Holiday is in the process of trying to use this new technology to have memorable, efficient messages. We are a big business I guess, but most of our business comes from people who live within a mile of our stores, that's why the North Loop store is such a good store for us because we have all those people who live by it. It's a great location. We are dealing with four issues and we think this is the most efficient way to do it; pay at the pump. That's been going on for a while, it's been driving us nuts, people don't come into the store, we want to try to rebalance our pump sales with our inside sales. We do coupons and we will bribe you with cents off on gas to walk into the store and use the coupon. We think in the long run we need to be able to use this sign for that. We're trying to change our image. Fresh food, competitively priced...you don't always thin of that. It's something we have to solve. Lack of tobacco sales, tobacco is dropping. It has been an important part of our business and it's another reason for people to not come into our store. We ware working to replace that. We think that these signs out there reminding people with a colorful, quality image really is important to help people understand that we are aren't just a coke and smokes joint. There is a niche with the superstores, who wants to go to Cub to get quart of milk or bananas or eggs and we think that is an evolving edge and we want to be part of that. The Federal Energy Commission expects that gas prices will go back up. If we're going to continue to be able to invest in our stores and in the city, we opened the last two stores in the city and those were several million dollar investments on Cedar Ave and 5th St, but we need to continue to be strong to do that. We ask you to postpone and direct your staff to work with us for a more reasonable alternative.

Commissioner Cohen: The two people that have testified here today have indicated that they would like an extension, do you think the city would benefit by such an extension?

Staff Dvorak: I will let Jason answer that.

Staff Wittenberg: We feel like we've had a sufficient amount of conversation about the topic to come up with a recommendation. We've met with the author on several occasions and we did bring it to the Committee of the Whole discussion and we feel like we've accurately captured the intent of the author and we think the commission, but if the author and commission choose to go a different way based on new information then we would need time to respond to that.

President Motzenbecker: I would say that it does warrant a little more exploration. I think with the holiday weekend notification for people it makes it a little difficult to respond. I think there were a lot of good points raised in both letters that would have been very valuable to have at the Committee of the Whole discussion that may have offered a little bit more flexible design for this. I felt very comfortable at Committee of the Whole with the way we went, but I think this new information warrants a little bit further discussion from us. I'm going to move postponement for two cycles (Cohen seconded). Any further discussion? All in favor? Opposed?

The motion carried 5-0.