

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

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MEMORANDUM

DATE: February 27, 2008

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 February 25, 2008

The following actions were taken by the Planning Commission on February 25, 2008. 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, El-Hindi, Huynh, LaShomb, Norkus-Crampton, Tucker and Williams – 7

Not present: Nordyke and Schiff

Committee Clerk: Lisa Baldwin (612) 673-3710

8. Zoning Code Text Amendment (Ward: Citywide), ([Michael Wee](#)) ([Robb Clarksen](#)).

A. Text Amendment: Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinance related to Zoning Code: *Introductory Provisions*; and

Amending Title 20, Chapter 544 of the Minneapolis Code of Ordinance related to Zoning Code: *Off-Premise Advertising Signs and Billboards*.

The purpose of the amendment is to amend regulations related to off-premise signs and billboards, including but not limited to standards for billboards that utilize light emitting devices and billboards that flash, animate, or change messages electronically.

Action: The City Planning Commission recommended that the City Council adopt the findings and approve the zoning code text amendment noting the following changes:

1. **544.20 (13) b:** Downtown Entertainment Area. Flashing off-premise signs shall be permitted in this area provided the messages and/or imagery are displayed in a static manner for a minimum of 10 eight (8) seconds; and such that no more than 6 advertisements are displayed per minute. Animated off-premise signs shall be prohibited in the downtown entertainment area. The area consisting of those properties with frontage along the north side of Hennepin Avenue between Tenth Street and Fifth Street, and those properties with frontage along the south side of Hennepin Avenue between Ninth Street and Sixth Street shall be considered the downtown entertainment area for purposes of this section.
2. **Table 544-3 Downtown Entertainment Billboard District:** *Minimum sign spacing:* None. One off-premise sign per zoning lot subject to provisions of Section 544.70.

Staff Clarksen presented the report noting changes. One of the changes is from eight seconds to ten seconds.

President Motzenbecker: So you're changing from what is in your staff report? It says ten seconds in the staff report.

Staff Poor: At the time the report went out we were at eight seconds. There were further consultations with Council Member Benson's office and some of the industry. Eight seconds is a national standard. We didn't have time to make those changes in your staff report. We do believe that eight seconds meets the goals and objectives of the ordinance. It is a national standard. The difference in the draft you have; we struck the language about not more than six ads in a second because you do the math and you get 7.5 ads. These came from some late consultations with Council Member Benson. There was another difference in the draft report you have that is changed. It's on the very back page on the bottom of the chart where it talks about minimum sign spacing. It talked about one sign per zoning lot. That actually is going to be none. There are some other reasons. If you all remember, when we brought that downtown entertainment billboard district to First Ave and all that, we have such a generous allotment of signage there that it didn't make sense to have one because we want to encourage. We've had waivers. Things have gone up on top of the Stimson building. I can tell you that First Ave last week was issued building permits for the waiver they got to the moratoria to allow a lot of the flashing signs. That is a change that came late. There have been some continuing discussions with the author, participants from the industry, but this is pretty much where we're doing to come down on the ordinance. What I would offer is this; as Robb suggested in Chapter 543, which is our sign code, we have a more generous sign regulation along the theatre district on Hennepin Ave and that's to encourage the light, the energy, the vibrancy if you will. It made sense that if we're doing that with theatres, it maybe is an appropriate place to have LED signs along Hennepin Ave. Similarly in the downtown entertainment district. Really what we've done is we've narrowed the scope at this time to these areas to allow these signs. We don't feel they're inappropriate in those locations. Hopefully they will add and contribute to the vibrancy of downtown. We'll see where that goes. That really is the change. Our apologies for not getting

those changes in the staff report at the time they went out. We appreciate Council Member Benson's leadership on this as well. He's been helpful. I would add one other thing. It was instructive to go to Clear Channel to find out more about the technology. As Robb suggested, it is almost like a traffic control center. They have, and they can speak to this, cameras mounted on each sign that monitors them 24 hours so they know when they're not working. They know if they become too bright; they can control the brightness of these signs. They have demonstrated in other municipalities that they do pay attention to these things and that they are able to adjust the brightness. That's a good thing. I think that will offset some of the unintended side effects of these signs that they will tone them down.

Commissioner Norkus-Crampton: What criteria do you use or how does it get monitored and who informs that decision?

Staff Poor: Generally speaking, those types of things are brought to us through a complaint. The company monitors them themselves. They understand through the technology what the appropriate level is. They've had some experience with this in other municipalities but generally speaking, if they get a complaint they can either call city staff or often will call the company directly and they would be checked to verify that they're within the nits limits. There is one other item I wanted to speak to briefly. We do believe that the city has an interest in maybe removing more nonconforming signs from locations they exist. We've put in here a credit system at this time that says if you want to build one of these signs you have to cash in four square feet for every one you build instead of the old ordinance was a two for one. That is one other element of it. I would encourage you to ask some questions and maybe get a more thorough explanation of the technology from the folks that have bought and used it.

President Motzenbecker opened the public hearing.

Tom McCarver (Clear Channel) [not on sign-in sheet]: I don't have a lot to add. We have been working on this for a while. We have had Council Member Benson helping us shepherd this through. He has done a wonderful job with trying to balance the industry needs with the city needs. I am here if there are any specific questions regarding to technology. I think Steve did a pretty good job of giving an overview, but if there are any specific questions.

President Motzenbecker: You're monitoring systems can actually measure the light output and if it's too bright then can turn it down? Is it automatically programmed or is someone sitting there watching it? To the ordinance language, at 9pm they automatically tone down?

Tom McCarver: There are a couple of different mechanisms that we have. There are four different safety levels. As Steve mentioned, we have webcams on all of these signs so we can actually see because from time to time you may have a slight flicker in a panel or something like that so we can actually see when that happens and analyze that immediately. We also have light sensors, we call them beehives because they actually look like a beehive, that measure these lights even when clouds come over. If you watch the computers, they actually start to gradually drop down and come back up depending on those light levels. Rainstorms are a big one that happen. In the winter time when it can get fairly gloomy around, they self acclimate to those as well. If there is an event where we have what I would call a catastrophic failure where we were to lose web connection and/or camera connections and no computers for whatever reason, we have a failsafe at the power supply where we can shut down the power completely from an analog phone line.

Commissioner Huynh: My question is related to sustainability and how the light levels at night is at 50 nits and how does that address dark sky and how does it address bird kills specifically with the light levels?

Tom McCarver: When we're talking about dark skies and controlling that light, especially at night, during the day the nit level probably will never come into play. The signs are made to look just like another billboard. The nighttime nit levels are the most important. To give you an example, 500 nits, I don't know that any of our signs have run at 500 nits yet. I should take that back. In one area that probably does is downtown at 7th and Hennepin where you have a lot of competing light, even at night. In other areas, Pilot Knob and 494, very dark area in Eagan right down close to the airport. We measure not necessarily nits, but percentages. On a scale of one to 100 percent, we have hard setting on our signs for various areas and we set that sign at a hard level of about two and half percent which equals about 200 nits and can still achieve the same quality of image. We can also adjust what are called gammas on these signs but they're kind of like the contrast on a tv. Instead of having it brighter, you pull out the richness in color. We can compensate for some of those items and it is in our best interest to have a lower lumen or nit count because we're using less energy. Just to give you a perspective of how these signs, over just one year, what has happened with power usage, the standards were 400 amp service a year ago when we put these signs in. In June, the same sign now requires 100 amp service. A quarter of the energy output in one year. They are extremely energy efficient. They use the same amount of energy now as a standard billboard does. The other nice thing about that is, it's a self-contained view shed. In other words, it's not an omnipresent light focus beam. It has louvers in the panel that you'd never see unless you were standing up close, but they're about an inch or two inches long and that does a couple of things. During the day it does not allow it to wash out, but then at night it focuses that beam into the target area which is going to be the roadway. If you get off to the side of these signs in either way, you get no bleed-off and you can't see anything behind it.

President Motzenbecker closed the public hearing.

Commissioner LaShomb: I'm going to move approval of this zoning code text amendment and I assume approval means it's forward to Zoning and Planning (El-Hindi seconded).

Staff Wittenberg: Can we just get clarification whether we are recommending approval of the late arriving changes that were stated? Perhaps we can get a summary of those again.

Staff Poor: The changes that did not make it into your staff report that we have discussed tonight are on 544.20, sub 13, sub b. It talks about flashing or animated signs, go down to b, Downtown Entertainment Area; we're changing the end of the second line, a minimum of ten seconds will be changed to eight. Then strike "and such that no more than six advertisements are displayed per minute." The second change, table 544.3, Downtown Entertainment Billboard District, is the last item, minimum sign spacing, the language "one off premise sign per zoning lot subject to the provisions of section 544.70" will be struck and the word "none" will be inserted. We will provide a clean copy of that to the clerk.

President Motzenbecker: Any further discussion? All those in favor? Opposed?

The motion carried 6-0.