

## PLANNING COMMISSION MEETING FOR THE CITY OF WAITE PARK

The Waite Park Planning Commission met on Tuesday, February 13, 2018 at 6:30 pm.

The meeting was called to order by Chair Jansky beginning with the Pledge of Allegiance.

**Members Present:** Tim Jansky, Ken Schmitt, Bob Zabinski, and Jeff Blair were in attendance with Bonnie Hermanutz absent.

**Others Present:** Jon Noerenberg, Planning and Community Development Director, Sheila Mockros, Planning Secretary and those on the attendance sheet.

Commissioner Schmitt made a motion to accept the agenda as presented which was seconded by Commissioner Blair. Motion carried.

### **Conditional Use Permit 1538 County Road 6 - Request by Scott Sayer to allow for establishment of road/highway construction sign rental business in an A-1, Agricultural/Rural Residential zoning district**

Mr. Noerenberg gave his report:

This request has been submitted by Scott Sayer, d/b/a Warning Lites, with permission of property owners Nathan Humbert and Leroy Ludwig, to establish a road/highway construction sign rental business in an A-1, Agricultural/Rural Residential zoning district.

The proposed use is not explicitly stated as a conditional use within the Agricultural/Rural Residential zoning district, but is being considered under the general category of conditional use as follows:

*“N. Uses the City Council determines to be of similar nature to the listed conditional uses above and found not to be detrimental to the City’s general health and welfare.”*

The subject property is currently being utilized for business purposes by a landscaping firm and a sprinkler business. The property has on-site septic and well, which appear in records to have been approved for installation by the City under a policy adopted by the City Council in 2007 to allow for on-site septic and well in certain instances as a response to the questions posed by this property earlier in that year.

The property currently has a combination pole shed/dwelling unit (sometimes informally referred to as a “shause”) on it. A floorplan submitted by INH Commercial Realty on behalf of the applicants/owners is included, which denotes the living, kitchen and bedroom areas with the attached shop area. Property records on file with the City indicate that this structure was built in 1997 as a residential home by a previous owner at the time. Staff understands that the structure is not currently used as a residence and is instead used only for business/office space. The applicant has not noted any intent to utilize any of the structure for anything other than business purposes.

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There were significant City discussions surrounding the future of this property in 2007 when the current owners began long-term plans for the property. The size, location, and configuration of the property pose some challenges for different zoning and use options for the parcel, although it is guided as Freeway Business Park in the current Comprehensive Plan. Staff would still view the long-term ideal use for this area as some form of commercial/retail business use as we look to have a Comprehensive Plan update completed in the near term.

The applicant has provided a narrative of the request and overview of their business operations. This would be a fifth location for the Warning Lites business, which provides highway/road construction traffic warning and management signs and equipment.

A significant portion of the property would be dedicated to outdoor storage of equipment. A sketch of areas intended for storage submitted by the applicant is enclosed. Sample pictures of the equipment storage as provided by the applicant are attached. The applicant and their representation have been advised several times of the potential need for screening/fencing of any outdoor storage if the request were to move forward, but they not made any mention of fencing or screening in their application submittal materials. In this area, due to the visibility from Highway 15 and Interstate 94, outdoor storage and appearance of property is a major concern for City staff, and outdoor storage must meet the screening requirements of the ordinance.

The planning review committee has questioned whether it would be appropriate to allow for an industrial-oriented business to locate in an area guided for long-range commercial development, particularly in such a visible parcel in an entrance corridor into the community. Upon review, staff concurs with this sentiment, with the concern that the City would be placed in an unfavorable position if additional similar requests were to come along for surrounding area properties over time. If approved, this request would set a precedent for other similar requests of an industrial or semi-industrial nature, and the City would have a harder time denying such requests. Over time, this could lead to establishment of a de-facto industrial area in an area not guided for such use in long-range comprehensive plans.

A second concern is with the traffic associated with the request. While staff is unsure of how much traffic is associated with the current businesses upon the property, the applicant has noted plans for six trucks with three trailers, ten portable message boards and fifteen arrow boards (towable equipment). Review of the area indicates that the most likely route for traffic to/from the facility is via Graniteview Road to the north, which is in relatively poor conditions, is fairly narrow, and passes through several residences before leading to the roundabouts to the north. City staff has expressed concerns with the addition of more commercial truck traffic into this area.

The third major concern was identified earlier last year in discussions with an adjacent property owner. Although the driveway area to the subject property appears as public right-of-way on City and County mapping systems, the adjacent owner has claimed that the area was previously vacated during an earlier annexation of the area. The concern expressed is that there has not been a formal easement or use agreement for both properties ever created or recorded and that the neighboring property owners have instead been working with an informal use agreement. The neighbor is concerned

with a possible sale of the property without having a use/access easement agreement in place and recorded and has expressed their desire for this to be resolved before any sale of the property. The neighbor has also noted general concern with living next to what would be a more industrial use and the impact that could have on their quality of life and the future valuation of their property.

Chair Jansky read the Public Hearing Notice and the hearing opened at 6:52 p.m.

Kevin Brink from INH and Scott Sayer and Nate Meyer were present at the meeting. The business currently has 9 trucks and has no semis and no customers to their business. Most of the traffic will be off of 94 and accessed by the roundabout going east.

Jay Knevel, 1813 Old County Road 6 - Mr. Knevel stated that Mr. Noerenberg has addressed most of their concerns. A driveway easement has been prepared and needs to be signed and recorded. Mr. Knevel also has concerns with the possibility of noise issues too early in the morning.

A motion was made by Commissioner Schmitt to close the public hearing which was seconded by Commissioner Zabinski. Motion approved and Public Hearing closed at 7:20 p.m.

Commissioner Schmitz recommends denial of the Conditional Use Permit after review of the Findings of Fact:

- Will be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the City.
- Will not be harmonious with the applicable specific and general objectives of the Comprehensive Plan of the City and this Ordinance.
- Will not be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
- Will be hazardous or disturbing to existing or future neighboring uses.
- Will involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- Will not conform to the type of uses that are generally permitted within the district.

Commissioner Blair seconded the motion. Motion carried 4/0.

### **Amendment to Ordinance 53.20 – Off Premise Sign Corridor Map**

Mr. Noerenberg gave the background information:

In summer of 2017, staff was approached by a property owner located along the Interstate 94 frontage in the southern area of the community, with an interest in locating off-premise sign (billboards) in this area, potentially made possible due to the annexation of the area. Staff advised that this would require an ordinance amendment

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and that they would take some time to consider the request. In the time since, and given the parallel sign considerations currently under review for The Grande Depot in the same area, staff felt it would be an appropriate time to bring the request forward for consideration as the option for off-premise sign(s) in the area may bear some relevance to consideration of The Grande Depot request (i.e. as another option for exit-ramp vicinity signage for The Grande Depot, subject to private agreements).

After consideration, given the expansion of City limits into this area and in an effort to potentially draw westbound Interstate 94 travelers into the City via Highway 23 and the exit located in this area, staff is supportive of expanding the Off-Premise Sign Corridor Map as attached. The suggested additional area would have the most impact on westbound traffic along the stretch of I-94 before the exit and would allow for up to an approximate nine total billboards (fewer if any would be digital) in the area.

No other off-premise sign standards are being proposed for amendment and staff advised previously that they would not be in support of any such revisions, such as decreasing spacing allowances. As previously, any off-premise sign requests would require to be approved via the conditional use permit process and staff has required all off-premise sign applications to be accompanied by approved MnDOT permit for locations under MnDOT authority. Off-premise sign conditional use permits are reviewed on a “first-come/first-serve” basis and staff has previously stated to interested parties that they would not be supportive of any variance requests to reduce spacing between them.

The current and proposed off-premise sign corridor maps are enclosed for review. No ordinance text is under consideration and if approved by the City Council the proposed map would replace the existing established map with accompanying documentation prepared by City Attorney’s office upon recommendation by Planning Commission.

Chair Jansky read the Public Hearing Notice.

Jeff Blonigen, who is the owner of the property, said he is interested in erecting billboards and owning them and thus not needing to sign a long term contract.

Commissioner Zabinski moved to recommend to the City Council to approve the ordinance amendment to Ordinance 53.20. Commissioner Schmitz seconded the motion. Motion carried.

### **Variations for Height and Square Footage of Elevated Sign and Rear Yard Setback – The Grande Depot – 8318 Highway 23**

Mr. Noerenberg gave the background information:

The Grande Depot has applied for variances from Waite Park Ordinance Section 53.12 Table 53-1 to request increase in height and square footage of elevated sign for the property, and from Section 52.30, Subd. 6-C-3 to reduce the rear yard setback in the BP/C-2, I-94/TH 23 Entrance Corridor Business Park/Commercial District from 20 feet to 0 feet for purpose of expanding the building (this variance was previously determined to not be required but this has since changed– details are located within the report).

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The sign variance request is to allow for construction of a very large elevated sign with incorporated 3-sided LED electronic display. The overall proposed height is 225 feet (up from previous request of 185 feet at time of anticipated December 2017 Planning Commission review), and the overall sign face area square footage of 12,274 square feet, 5,700 square feet of which is proposed for electronic readerboard. As you may recall, earlier in 2017 the sign ordinance was updated and the current standard for elevated sign height in the BP/C-2 district, in which The Grande Depot is the only active retail business, is 45 feet, with a maximum sign face area of 275 square feet. For reference and comparison, billboards are restricted to a maximum square footage of 400 square feet by City Ordinance.

Those of you that previously served on the Joint Planning Commission may recall that in 2015, while the property was still located in St. Joseph Township, a request for several variances was reviewed, including signage. The request submitted at the time was for a ground sign with an overall height of 79 feet, and a total square footage of 894 square feet for the sign face. At that time, staff recommended to the Joint Planning Commission a lesser amount of 50 foot overall height, with a maximum sign face area of 250 square feet. The Joint Planning Board ultimately approved an overall height of 65 feet for the ground sign and a total aggregate signage area of 2,750 sq. ft. for the property (including wall and ground signs).

In the time since, Tim Miller, owner of The Grande Depot, has been evaluating options for the signage due to the extremely significant costs associated with such a large sign. In his research and consultation with area sign companies, he has determined that any new ground signage for the property would have to be above the treeline of the adjacent properties in order to be effective, due to the large distances from the sign location to Interstate 94 and in making the property visible to traffic before the exits to Highway 23. The adjacent tree lines, being on property outside of Mr. Miller's control, are in staff's opinion a pre-existing factor that warrants consideration of an allowance for a higher/larger sign, and these were not a part of consideration during the previous request by the Joint Planning Commission.

Mr. Miller has provided several exhibits demonstrating the various heights and view sheds that would be associated with the proposed sign, including a "mock-up" structure that was raised via crane recently to provide an actual representation of the height and view. The sign is proposed to be in the same location as the current ground signage of the property; however staff is recommended that due to height concerns and the adjacent roadway that a "fall zone" be established with a revised location to limit potential for the sign to collapse onto an adjacent roadway. The documentation provided by Mr. Miller has been attached for reference and consideration. Staff would remind the Planning Commission that economic considerations cannot be taken into account as part of a variance request, as per the enclosed standards, and that the request must be viewed in the context of whether practical difficulties exist given the nature of the property that cannot otherwise be addressed.

Staff acknowledges that this sign is very large and far outside of City standards for the area. However, after considerable discussion and consideration, staff is supportive of the idea of a larger sign, given the considerable distances of the property to the Interstate 94 corridor and the trees on adjacent properties that severely limit the

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visibility of the property. However, staff is not supportive of the maximum sign height and size as proposed, as it is staff's belief that the overall 225 foot height and sign face area proposed are excessive, and staff has been unable to locate any examples of other ground signs that are either as tall, have similar sign face area, or a combination of the two. Staff would recommend approval at a height not to exceed 150 feet, and with overall sign face areas not to exceed 6,000 square feet. Staff would also recommend additional conditions to be placed on the sign if approved to ensure the sign does not fall into disrepair or pose any issues should the existing Grande Depot business cease operation.

Due to the considerable costs involved with the mock-up of the sign and performing view shed analyses, in working with staff the applicant took the non-typical step of consulting the City Council for feedback on the request during a City Council work session earlier this year. At that time the overall sign height was lower, at a proposed 140 feet tall, although the design and configuration were the same. The Council provided some feedback and several members were generally supportive of the request, advising that the request would have to go through the established formal review and consideration process to allow it to stand on its own merits. Staff believes the recommended 150 foot height and associated sign face area allowances to be a reasonable middle ground which could be evaluated for its impacts upon the area for future sign considerations as the Highway 23/Interstate 94 corridor area gradually develops over time.

If the sign were to be approved in any configuration, either at a recommended 150 foot height or the full requested 225 foot height, an option that has been discussed is possible utilization by the City of Waite Park for advertising of the future possible amphitheater on the LED display component. This may be possible with an extension of the off-premise signage corridor into the area, which staff is requesting coincidentally at the same time. The specifics of such an arrangement would have to be determined at a later date and depending on configuration may require further review and consideration by Planning Commission and/or City Council.

#### ***Rear Yard Setback Request***

The initial request for the property was to allow for a rear-yard setback variance to reduce the setback from 20 feet to 0 feet for purpose of constructing an expansion, primarily for electrical mail service and back-up generator (required due to sensitive nature of costly food items in event of power outages).

After review, due to the adjacent property being under common ownership, staff initially determined that no variance would be required as the property would be considered as a single zoning lot for setback considerations. This would be consistent with other past similar circumstances. However, this has been an informal allowance utilized periodically, and is not referenced in ordinance. As a neighboring property owner who holds an interest in the property due to the location of an access easement running adjacent to the property line has expressed concern with the request, staff is opting to proceed with the request through the variance process.

As the property will need to be platted prior to any issuance of additional building permit for building expansion now that it is located within the City, and given the interest and plans of The Grande Depot for expansion and additional businesses and

structures upon the property, staff would recommend that the property owners coordinate on potential easement revisions as part of the platting process to determine if there are potentially improved access points or areas that would benefit both property owners.

Chair Jansky read the Public Hearing Notice and the hearing was opened at 7:58 p.m.

Bruce Hagberg, 8702 Hwy 2 N has concerns with height of the sign as well as if the digital sign is off at night. Mr. Noerenberg stated that the ordinance does not have any requirements about the sign needing to be off at night but we do have light dimming requirements.

There was some discussion regarding concerns with future business as well as the residents of Rockville.

Commissioner Schmitt made a motion to close the public hearing, which was seconded by Commissioner Zabinski. Motion carried.  
Public hearing closed at 7:58 pm.

Staff recommends approval of the variance for ground sign at a height not to exceed 150 feet and a total sign face area square footage not to exceed 6,000 feet with the following conditions:

1. The sign shall be limited to a maximum height of 150 feet and a total sign face square footage not to exceed 6,000 square feet.
2. The sign shall be placed back from public roadways a distance equal to or greater than its approved height so as to create a fall zone. Sign permit application shall denote how this requirement is being fulfilled.
3. A bond in the amount of \$750,000 for sign removal shall be posted to the City of Waite Park prior to any approvals of building permit. In the event that the property ceases use for any reason and the sign is abandoned and/or falls into disrepair as determined by City staff, after option for correction has been provided to property owner at the time, the City may draw on the bond for repair or removal of the sign as needed.
4. A sign permit shall be required by the City of Waite Park prior to fabrication or installation of signage.
5. Approval shall be required from MnDOT as part of sign permit application.
6. Signed engineering documentation shall be submitted with sign permit application.

#### **Elevated Ground Sign**

Commissioner Schmitt moved to recommend to the City Council to deny the variance for a ground sign for 8318 Highway 23. Commissioner Zabinski seconded the motion. Motion carried.

#### **Rear Yard Setback**

Commissioner Zabinski moved to recommend to the City Council to approve the request to reduce rear yard setback from 20 feet to 0 feet for 8318 Highway 23 as submitted by Antique Depot LLC dba The Grande Depot with the following conditions:

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\* The property must be platted, as per City Ordinance requirements, prior to any issuance of additional building permit for the property. Standard platting requirement includes required payment-in-lieu of parkland dedication in the amount of 5% of the unimproved value of the property.

\* Written approval shall be submitted prior to any building permit issuance by any/all parties identified as part of established easement(s) upon the property.

Commissioner Zabinski seconded the motion. Motion carried.

Commissioner Zabinski made a motion to adjourn which was seconded by Commissioner Schmitt.

Motion carried and the meeting was adjourned at 9:11 p.m.

  
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Tim Jansky, Chair

  
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Sheila Mockros  
Building/Planning Assistant

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