

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, November 16, 2010 – 7:00 p.m.  
City Hall Chambers - 8150 Barbara Avenue

Chair Bartholomew called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present: Tom Bartholomew  
Pat Simon  
Dennis Wippermann  
Tony Scales  
Christine Koch  
Damon Roth  
Harold Gooch

Commissioners Absent: Paul Hark (excused)  
Mike Schaeffer

Others Present: Allan Hunting, City Planner

### **APPROVAL OF MINUTES**

The minutes from the November 3, 2010 meeting were approved as submitted.

### **CITY OF INVER GROVE HEIGHTS – CASE NO. 10-36ZA**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for an Ordinance Amendment that would establish standards regulating electronic or dynamic display billboards and also the possibility of a prohibition of electronic or dynamic display billboards in the City. No notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that in July, the Council adopted a billboard moratorium in order to provide time for staff to review and prepare an ordinance amendment that would provide regulations on dynamic display electronic billboards, as well as hold a public hearing on possible options for regulating dynamic display billboards. Staff contacted other cities and also conducted an inventory of existing billboards and a review of current billboard regulations. Mr. Hunting advised that currently there are two billboards on I-494, three on Highway 3, one on Concord Boulevard, but the majority of them are along Highway 52/55 in the southern part of the City. Billboards are now allowed only within the B-3, B-4, I-1 and I-2 zoning districts along Highway 52/55 within Sections 27 and 34, Township 27, Range 22. Mr. Hunting advised that all existing billboards would be considered legal non-conforming as none of the billboards would meet the location or spacing requirements of the code. Based on the location of existing billboards, there may be the potential for a new billboard near the southern border of the City; however, because of ownership and visibility issues it would be highly unlikely. Therefore, the existing billboards are most likely the only ones we will have in the City. Mr. Hunting advised that if the City wants to allow dynamic display and electronic signage on billboards, then they should establish an overlay district so that specific standards could be established. Staff proposes an ordinance that would allow billboards in Sections 27 and 34 in the B-3, B-4, I-1 and I-2 district to be converted to dynamic display. In regards to duration, staff recommends a ten second interval minimum between image changes to minimize the visual distraction of motorists. They are also recommending that these signs display only static images with no effects such as fading, pixilation, or motion. Mr. Hunting advised there is no consensus on what other cities have done

regarding duration, however, the shortest duration is eight seconds. In regards to illumination, Mr. Hunting stated that the Planning Commission can either use general language requiring that the signs be no brighter than is necessary so as not to be a distraction, or it could create specific language in regards to the number of Nits allowed. He advised that if the Planning Commission were to recommend specific language, he would suggest a maximum of 5,000 Nits during the day and no more than 500 Nits at night. Staff is also recommending a minimum separation of 800 feet along the same side of the highway between dynamic display billboards to reduce the potential for driver distraction. Based on this distance, there is the possibility of three dynamic display signs on the east side of Highway 52/55 and two on the west side. Mr. Hunting advised that the other option would be to prohibit dynamic displays completely. Staff recommends approval of an ordinance amendment which would establish a dynamic display billboard overlay district along Highway 52/55 in Sections 27 and 34, Township 27, and allow dynamic display billboards with performance standards as presented in the report.

Chair Bartholomew asked for clarification regarding conversion of an existing billboard to a dynamic display sign.

Mr. Hunting replied that no sign could be put up in a new location, however, an existing billboard in Sections 27 or 34 could be converted to a dynamic display.

Commissioner Simon asked if there was a benefit to the City to allow billboards.

Mr. Hunting replied there was no financial benefit to the City outside of the cost of a building permit. He added that allowing billboards the ability to have multiple ads on one sign could theoretically reduce the overall number of billboards in the city.

Commissioner Gooch asked if any new billboards could be added on Highway 52/55, to which Mr. Hunting replied they could not due to spacing requirements.

Commissioner Gooch asked if it was possible to put a dynamic display billboard on a commercial building in lieu of a wall sign.

Mr. Hunting stated that offhand he was unsure if a sign such as this could be put on a building advertising an off-premise business; however, wall signs are limited to 100 square feet so if allowed it would have a very small impact.

Commissioner Koch asked if the main reason this was being discussed was to enable the City to be proactive should there be a request for a dynamic display billboard.

Mr. Hunting replied in the affirmative, stating currently there was nothing in City Code that would prohibit dynamic displays from going onto any billboard in the City.

Commissioner Simon stated the entire image appears to change on the electronic sign on southbound 52.

Mr. Hunting stated actually only a portion of image changed on the Treasure Island sign in question.

Commissioner Koch asked if there have been issues regarding dynamic displays in cities that have these signs.

Mr. Hunting replied that the biggest concerns are the intensity of illumination and the potential for it to blind travelers. Mr. Hunting stated that standard billboards, however, have multiple bright lights

shining on them which might be even brighter than the dynamic displays. Another concern that other cities have experienced is the impact of the flashing lights when near a residential neighborhood.

Commissioner Wippermann stated there were a number of residences to the northwest of the highway that could be impacted by a dynamic display billboard.

Mr. Hunting stated the homes in question were quite a distance from the closest billboard and were already subject to the illumination created by the spotlights on the existing billboards.

Commissioner Wippermann asked if there was an issue regarding the existing dynamic display billboard between West St. Paul and South St. Paul on southbound Highway 52, to which Mr. Hunting replied in the affirmative.

Commissioner Wippermann stated he thought the issue was the distraction caused by the changing of the illumination.

Chair Bartholomew noted that several cities allow a 20 second static, and asked the reasoning for recommending a 10 second static.

Mr. Hunting replied he thought there was rationale for allowing a billboard image to change along a freeway, but felt that some cities' regulations on duration were somewhat of an overreaction to the impact of the signs.

Chair Bartholomew asked for specific data regarding highway speeds and image duration.

Mr. Hunting replied that SRF looked at highway speeds versus interval changes up to 55 MPH. The highways in question are 65 MPH, however, so the numbers are not relevant.

Chair Bartholomew asked if staff was proposing a rapid image change rather than gradual pixilation, to which Mr. Hunting replied in the affirmative.

Chair Bartholomew stated he felt that pixilation was distracting.

Commissioner Koch asked if staff contacted any billboard manufacturers.

Mr. Hunting replied they did not, but rather worked off other cities' research and ordinances.

Commissioner Koch stated there must be a rationale for the brightness and image duration used on the dynamic displays.

Mr. Hunting stated sign companies have a different agenda than cities; the faster they change the images the more advertising revenue they receive.

Commissioner Koch stated if accidents were being caused by dynamic display signage it was unlikely they would continue to be allowed, and perhaps the City was over regulating.

### **Opening of Public Hearing**

Paul Mandell, 8320 Cleadis Avenue, urged the City to err on the side of caution. He stated the electronic sign with the shortest image duration that he was aware of was on southbound I-494 coming from Woodbury. He stated the image changes every eight seconds, resulting in a driver seeing 7-10 images as they go by, which is in effect the value of 7-10 billboards. He stated the sign in West St. Paul on southbound Highway 52 has generated a lot of discussion, in part

because it faces over a park, active ball field, and many homes in South St. Paul which were not notified of the public hearing. Mr. Mandell commended the City for being proactive as there were two signs pending in the western suburbs in which the courts found in favor of the advertisers because they could not retroactively enforce rules that were not in effect when the advertiser made application. He urged the Commissioners to support the staff recommendation on static as image changes have been proven to be a distraction. Mr. Mandell advised that the advertising signs on the side of the River Centre have been a constant irritant because of the light that is cast into the nearby neighborhoods. He stated this sign also sets a dangerous precedent because the city allowed them as billboards.

### **Planning Commission Discussion**

Chair Bartholomew advised that the Commission has the option to 1) approve an ordinance amendment prohibiting dynamic display billboards, 2) approve an ordinance amendment establishing a dynamic display overlay district with performance standards as presented in the report, or 3) approve a dynamic display overlay district with standards as recommended by the Planning Commission. Chair Bartholomew advised that he received an email from Commissioner Hark stating that due to safety issues he supported the prohibition of dynamic signs.

Commissioner Simon stated she supported the prohibition of dynamic display signs as well, stating they were a distraction to drivers.

Commissioner Wippermann stated he was concerned about visual pollution, motorist distraction, and the lack of benefit to the City, and therefore would likely support a ban.

Commissioner Roth stated he thought the dynamic display signs had a better appearance than traditional billboards as they were often in disrepair. He stated a possible benefit to the City was that information could perhaps be broadcast on the dynamic display signs in the case of an emergency.

Commissioner Scales stated that dynamic display signs were simply a sign of progress and a change in advertising, and he had no issues with it. He stated there are several other things that are distractions, including cell phones, yet they are not banned.

Commissioner Gooch stated dynamic display billboards were a sign of progress, looked cleaner than traditional billboards, and he would support allowing them as long as there were performance standards, especially in regards to brightness.

Commissioner Koch stated dynamic display signs were not a distraction for her, and perhaps people should be educated and more responsible for themselves rather than adding new regulations. She stated she would support certain performance standards, however, to be a good steward.

Chair Bartholomew stated he was not overly concerned about the signs not being a revenue source or benefit to the City, however, he was concerned about safety. He stated he supported an overlay district with the recommended performance standards, but would like the image duration changed from 10 seconds to 20 seconds for safety reasons.

Commissioner Scales stated he would support a 20 second static.

### **Planning Commission Recommendation**

Motion by Commissioner Scales to approve an ordinance amendment establishing a Dynamic Display Billboard overlay district along Highway 52/55 in Sections 27 and 34, Township 27, Range 22 and allowing dynamic display billboards with performance standards as presented in the report,

**with a change to Performance Standard 1 to allow a minimum of a 20 second interval rather than a 10 second interval.**

Mr. Hunting stated he needed clarification on whether the motion supported the language in 4.e. of the proposed ordinance which was general language regarding illumination, or 4.f. which referred to specific measurements of maximum brightness.

Commissioner Scales replied that his motion included approval of 4.f. and he recommended that 4.e. be deleted.

Commissioner Roth asked if the wording in 4.b. needed to be changed from 10 seconds to 20 seconds, to which Mr. Hunting replied in the affirmative.

Chair Bartholomew asked for clarification that the motion included a recommendation to strike Section 4.e., to change Section 4.b. from 10 seconds to 20 seconds, and that the maximum illumination be as written in Section 4.f., to which Commissioner Scales replied in the affirmative.

Second by Commissioner Gooch.

Commissioner Wippermann stated he would be voting no as he preferred prohibition of dynamic display billboards, however, if they were going to be allowed he felt the recommended performance standards were appropriate.

Motion carried (5/2 – Wippermann, Simon). This item goes to the City Council on December 13, 2010.

#### **OTHER BUSINESS**

Mr. Hunting advised that the Parks and Recreation Director obtained a grant to study and identify gaps in the City's trail and sidewalk system. The details regarding this study will be presented at the November 22<sup>nd</sup> City Council work session at 5:30 in Council Chambers. The Planning Commission is invited to attend as there could be some implications regarding land use. Mr. Hunting advised that he will email additional information to Commissioners prior to the meeting.

Commissioner Simon asked if the completed study would be presented at the work session, to which Mr. Hunting replied it would not.

#### **ADJOURNMENT**

Chair Bartholomew adjourned the meeting at 7:41 PM.

Respectfully submitted,

Kim Fox  
Recording Secretary