

- DRAFT –
SUNFISH LAKE PLANNING COMMISSION MEETING – NOVEMBER 20, 2019
7:00 P.M. – ST. ANNE’S EPISCOPAL CHURCH

Attendants:

Chair: Tom Hendrickson
Commissioners: Shannon Nelson, Jeannine Naves and Dominick Driano
City Planner: Ryan Grittmann
City Clerk: Cathy Iago
Commissioner Beckett was absent.

1. CALL TO ORDER: Chair Hendrickson called the meeting to order at 7:00 p.m.
2. ADOPT AGENDA: Chair Hendrickson asked if there were any additions to the agenda and there was no response.

Commissioner Naves moved to adopt the agenda, seconded by Commissioner Nelson and carried (4-0)

3. APPROVE MINUTES SEPTEMBER 18, 2019: Chair Hendrickson asked if there were any additions or corrections to the September 18, 2019 minutes.

Commissioner Naves explained that she had notified the Clerk to change the spelling of Angell Road on page 1 of the minutes.

Chair Hendrickson asked if there were any other corrections and there was no response.

Commissioner Driano moved to approve the September 18, 2019 Planning minutes as corrected, seconded by Commissioner Naves and carried. (5-0)

4. PUBLIC HEARING: A. Public Hearing to Discuss Sign Ordinance Update: Chair Hendrickson opened the public hearing to discuss the proposed amendments to the Sign Ordinance. He asked the Planner to present his report.

Planner Grittmann referred to his report dated November 13, 2019 and explained that at the September Council meeting staff was directed to review the City’s sign ordinance and recommend any changes deemed necessary. The request from Council was due to a noticeable increase in construction signage related to new home construction in the City. He advised that staff reviewed the current ordinance and determined that the construction signs are only permitted for a period of up to 21 days and require that the applicant obtain a permit from the City. Staff determined that the short time period may be unreasonable since the construction signs are necessary for delivery of materials during the construction period which could last a year.

The Planner further explained that the four (4) local churches in the City had submitted a petition to request that the City review the Dynamic Display sign prohibition and consider allowing such signage which is allowed under State Statutes.

Planner Grittmann advised that a recent Supreme Court ruling determined that cities cannot regulate the content of signage; this means that the City cannot permit or prohibit what is put on a sign. As an example, Staff recommends that the ordinance related to Real Estate signs be reworded to simply say that a sign is allowed if a property is for sale or rent and would make no mention of what is allowed or not allowed on said sign.

The Planner stated that the current ordinance allows Temporary Signs for a period of up to 21 days with approval of an administrative permit and that the permit cost is \$200. He pointed out that the time-frame would not be sufficient for construction projects that take a year or longer to complete. He noted that the purpose of the construction signs is to alert delivery drivers where the site is located since it may be new construction and needs identification as no address sign exists.

Staff recommends an exception to the Temporary Sign ordinance that allows construction signage for sites that currently hold an active building permit; the sign would be required to be removed after two (2) years of permit issuance, or when the permit is closed whichever is sooner.

Planner Grittmann advised that there are four (4) churches which make up the City's Institutional Districts and the churches submitted a petition asking the City to review its prohibition of the Dynamic Display signs. He explained that requesting an ordinance update via a petition is allowed by State Statute in lieu of submitting a formal application and fee. He stated that staff prepared a draft ordinance which would allow Dynamic Display signs in the Institutional District with conditions as listed in his report dated November 13, 2019. Staff is seeking guidance from the Planning Commission on two issues;

- 1) Minimum display time is drafted as five (5) seconds and the Commission should decide if a different time interval is more appropriate; and,
- 2) The current draft recommends that an Administrative Permit is required to install a sign and the current fee is \$200 which includes staff review, neighbor notification, and staff approval. No public hearing is required. Staff notes that the only potential applicants for this type of sign would be the churches in the Institutional District. Staff requests that the Commission determine if a more thorough review should be required by strengthening the conditions of the minor review, or to require a conditional use permit or a major review of the sign installation.

Chair Hendrickson asked if there were any questions from the Commission.

Commissioner Naves stated that two (2) different groups share the church facilities at St. Anne's Church and questioned if the property would be treated as one church or if two signs would be allowed.

Planner Grittmann advised that the current ordinance states that only one sign is allowed per property. He indicated that the church could apply for a minor subdivision to accommodate both groups, however, it is the opinion of staff that the site would not meet the Institutional District lot size and setback requirements to accommodate both church group on the current site.

Commissioner Naves noted that the proposed ordinance only allows one (1) Dynamic Display sign per property. She questioned if the new ordinance regulations would prohibit other signage on the church property.

Planner Grittmann responded yes and explained that it is the intent of the ordinance to only have one sign on the property; he referred to Section 5.B.3. and noted the condition states that only one sign is allowed per property zoned INS Institutional District.

It was noted that there was a typing error under Item 3.e. One (1) "monument" signs is allowed per property zoned INS Institutional District that should state One (1) "dynamic" sign.

Commissioner Driano explained that he reviewed the City of St. Paul's ordinance which contained a section regarding "Conversion to a Dynamic Display Sign" and suggested that it may be appropriate to include a section into the new ordinance regarding conversion for clarification purposes.

Commissioner Naves noted that "Billboard" signs are prohibited and she suggested that it may be appropriate to include a definition of a billboard sign in the "definitions" section of the ordinance.

Commissioner Driano asked what the four (4) churches were requesting in the petition.

Planner Grittmann explained that they were asking for an amendment in the ordinance to allow Dynamic Display signs.

Commissioner Driano showed the group two (2) different types of dynamic display signage and asked if the churches wanted a message board type sign or one with scrolling words.

The Planner explained that the churches did not specify what type of sign they were requesting. He noted that the proposed ordinance lists the minimum display time of at least five (5) seconds before it is allowed to change the text or image.

Commissioner Driano stated the City of St. Paul ordinance lists the time at 12 seconds and also contains conditions that limit scrolling words, prohibit videos and sound, sets the time for shut-off between the hours of 11:00 p.m. and 7:00 a.m. and states that it must be monochromatic. He further advised that churches within residential areas are limited to a thirty square foot maximum size, shut-off between 10:00 p.m. and 7:00 a.m., changes every 20 minutes, 15-inch copy and no sound or video. He also stated that the St. Paul ordinance outlines the letter size and time change effect on driver distraction. He suggested that it would be appropriate to review the distance placement of the sign and its impact on adjacent residential property.

Chair Hendrickson advised that the City of Eagan ordinance appears to base the character height of the sign on the speed limit of the road adjacent to the sign and that the minimum change of the message at one (1) minute.

Commissioner Naves stated she had concerns regarding language that may be placed on the sign on election day as any reference to a political party is prohibited. She explained that it may be wise to include language to prohibit the sign being turned on during election hours or limit what can be placed on the sign; i.e.; Voting today.

Commissioner Driano asked if the Planner had borrowed some language from the City of St. Paul's ordinance and asked if other adjacent communities' ordinances should also be reviewed.

Planner Gritman commented that larger cities usually have better regulations that apply to various types of situations.

Commissioner Driano suggested that staff may wish to review the City of Mendota Heights ordinance since they are a neighboring city.

Chair Hendrickson recommended that this matter be tabled to allow staff more time to conduct further review of the Dynamic Display regulations and to refine the ordinance as discussed and present the proposed changes at the next meeting. He suggested that the Commissioners contact the Planner prior to the next meeting if they have any other questions or comments.

Chair Hendrickson asked if there were any comments from the public.

Paul Lindquist and Pastor Jerry Brantham were present representing Southside Baptist Church. Mr. Lindquist stated that the church, which is located on South Robert Trail, wished to install a Dynamic Display sign.

Pastor Brantham stated that the commission discussion thus far on this type of sign would not impact the sign that the church proposes to install. He stated that the proposed sign would meet the size requirements discussed and that the church would not object to turning it off at 10:00 p.m. and back on at 7:00 a.m. He displayed a copy of the proposed sign that the church wishes to install and commented that it would not be too dynamic.

Mr. Lindquist reiterated that the church would be willing to stay within the guidelines that the Commission discussed.

Pastor Brantham explained that the current message sign freezes in the winter and that the church wishes to move forward and update the signage.

Commissioner Naves pointed out that there are two different speed limits on South Robert Trail near the church depending on which direction you are traveling. She asked if the name of the church would be moved to the new sign.

Pastor Brantham responded yes and stated the church would only have one sign, any other signage would be only temporary to advertise an event.

Mr. Lindquist asked if a two-sided sign would be permitted and the Planner responded yes.

Commissioner Naves stated that she wished to make sure the new regulations for only one sign on a property do not apply to Fire, address or alarm signs.

Planner Gritman explained that one sign per property would only apply in the Institutional District and that residential properties are allowed two (2) address signs.

Chair Hendrickson asked if there were any further questions and there was no response. He recommended that the public hearing be continued in order to allow staff to conduct further research and make any additions or changes to the proposed ordinance.

Chair Hendrickson moved to continue the public hearing to the next Planning Commission meeting to allow staff to conduct further research on the matter and redraft the proposed ordinance, seconded by Commissioner Naves and carried. (4-0)

Mr. Lindquist asked when the next meeting would be held and the Planner responded that the next regular meeting is scheduled on December 18, 2019.

5. PUBLIC HEARING: A. Public Hearing to Discuss Application and Submittal Requirements Ordinance: Chair Hendrickson opened the public hearing to discuss the proposed amendments to the Application and Submittal Requirements Ordinance. He asked the Planner to present his report.

Planner Gritman referred to his report dated November 13, 2019 and explained that at the beginning of the year he recommended a review of the application requirements and procedures related to Major Site Plan reviews, Variances and Conditional Use Permits. He noted that this section of the ordinances was last updated in 2006 and, since that time, there have been changes in State Statutes, technology, and other policies that have deemed some section of the ordinance obsolete or in need of rewording. He outlined some of the more notable changes to the application checklist in the current ordinance:

- 1) Require only two paper copies of site and building plans instead of five; Currently 5 copies are required, however this required was when all staff members received a paper copy for their review. Since that time the information is now reviewed on computers.
- 2) Require an electronic submission of site and building plans; The current ordinance does not require this; however, the Engineering staff will only review electronic plans and this ties in with the above listed change;
- 3) Allow Flexibility with the contours on the grading and drainage plans; The current ordinance requires contours every two feet., however, on some sites this may be too much detail if the site contains too many steep slopes. An amendment to allow flexibility would correct this issue.
- 4) Require a Tree Survey be completed around the site improvement areas and not the entire site; Staff has not required a full tree survey for a project in several years since it is not necessary and would be an unreasonable cost to the applicant. Staff does not have an apparent need for a tree survey of the entire site.
- 5) Change the requirement of locating septic systems and wells on adjacent properties; The ordinance currently requires septic and wells on adjacent properties that are within 350 ft. of the property line be noted on the site plans. This is in excess of what is needed and staff recommends a reduction to 50 ft. from the property line.
- 6) Require a Stormwater Management Plan by ordinance; This is required by the City's Comprehensive Stormwater Management Plan and staff recommends it also be required as part of the application process in the ordinance.
- 7) Submitting a Narrative on High Efficiency Materials and a Process for Recycling Demolition Materials: Staff understands that the recycling of demolition is already taking place on most projects and the City would like to see this requirement memorialized in the ordinance.

The Planner noted that some changes had already been implemented by staff even though they are not currently part of the ordinance.

Commissioner Naves suggested that the Tree Survey be required around 50 ft. of the "disturbed area" of construction so it would be similar to the septic regulation.

The Planner stated that was what the regulation used to be, and then it was increased to 100 ft. He explained that the regulation needs to stress where the project area is and to defined the area around it.

Chair Hendrickson suggested the language could be added to the Tree Survey section to stated "any disturbed area" as well as 50 ft. from that point. He pointed out that the Engineer had previously required protection of the existing or proposed septic systems and if that requirement had been added to this ordinance.

Planner Gritman responded not, but that requirement could be included if the Commission agrees. He pointed out that there is a clause included which requires submission of "any additional information as required by staff".

Chair Hendrickson suggested that the Septic Inspector and Engineer be asked their opinion before any regulations are included. He stated that in the past residents have been good about pumping their septic systems which is why the City has avoided the mandate to install sewer and water infrastructure. He stated that in his opinion it is important to protect the septic systems. He referred to Section 6, paragraph 2, which states "The information required for all site and building plan applications generally consist of the following items and shall be submitted when requested by the City." He stated that he was unsure if the items listed as number 26 and 27, referring to recycling of construction materials and explains the high efficiency building materials that are intended to be used are allowable. He explained that in his discussions with contractors he was told that the

dumpsters with construction materials are sorted prior to going in the landfill. He commented that he was unsure if the City could require property owners to be responsible for recycling these materials.

Commissioner Nelson commented that there is a fine line between recycling and reusing materials and agreed it may not be the property owner's responsibility.

Planner Gritman stated he would conduct further research on the matter. He noted that on occasion the applicants bring in a preliminary plan that does not identify the proposed exterior building materials, therefore, staff is asking that they submit this information at the preliminary meeting so there are no misunderstandings as the application progresses.

Commissioner Driano suggested that the paragraph mentioned by Chair Hendrickson in Section 6 of the ordinance should be reworded so that it is clearly defined what the applicant needs to submit and lists all required items.

In discussion, the Commission agreed that the wording should require all items be submitted and that staff would then reserve the right to remove any items they deem are not necessary.

Commissioners Naves asked if the Planner could eliminate the reduced scale copy required in Section 1 if he wished to reduce the number of copies submitted.

The Planner explained that the reduced scale copy was used for the agenda packet and that he was only reducing the number of large scale copies previously required.

Commissioner Naves referred to Section 3.B.h. of the proposed ordinance and asked if the applicant would always be the homeowner or if it could be someone else who appears before the Commission for a variance request.

The Planner explained it does not have to be the homeowner, it could be a representative.

Commissioner Naves pointed out a typing error in Section 4.B.4.b. Do not increase an existing "building=s", should be "building".

Commissioner Driano questioned if the contours map should be moved out to 10 feet.

Planner Gritman explained that staff found the contours really cluttered the diagram on small sites and that it would be preferable for staff to determine if the contour number should be higher after reviewing the site.

Chair Hendrickson noted that there were no audience members present to comment on the proposed ordinance. He suggested that this public hearing also be continued to allow staff to make the necessary revisions.

Chair Hendrickson moved to continue the public hearing and table the proposed ordinance relating to the application requirements and procedures to allow staff time to discuss the changes with the Engineer and Septic Inspector and to make the necessary revisions, seconded by Commissioner Nelson and carried. (4-0)

6. PUBLIC HEARING: A. Public Hearing to Discuss Building Height Calculation Ordinance: Chair Hendrickson opened the public hearing to discuss the proposed clarification to the Building Height Calculation Ordinance. He asked the Planner to present his report.

Planner Gritman referred to his report dated November 13, 2019 and explained that the current ordinance does not explain how building height is calculated on new home construction in the City. He referred the Commission to an illustration in the Sunfish Lake Design Guidelines that was attached to his report. He noted that in the past the City had calculated building height as taking all the building corners and finding an average from the existing grade. This elevation is then seen as the elevation of the ground level of the home, then the building heights is calculated from there. He noted that different architectural styles use a different spot as the "top" of the house. He explained that staff researched the current ordinance and Design Guidelines and found that this method is not written down anywhere in these documents.

The Planner stated that staff is seeking guidance from the Commission and was recommending two options:

Option 1: Adopt the draft ordinance which uses the highest and lowest corners of the building to calculate height, which is consistent with the Sunfish Lake Design Guidelines.

Option 2: Adopt the draft ordinance which uses all the corners of the building to calculate height; and begin the process of updating the Sunfish Lake Design Guidelines to match the ordinance.

Planner Gritman explained that Council states its desire to adopt a simpler ordinance that is uniform and clear through the ordinance.

Chari Hendrickson asked if the Council had expressed a preference as to which method would be preferable.

The Planner stated that Council recommended that the method be easy to understand and fair.

Clerk Iago agreed that explained that Council appeared to just want the method defined and added to the regulations.

Chair Hendrickson explained that the calculation is currently from the existing grade which poses a challenge to the applicant. He discussed several other applications, including his own home, that found it challenging to use the existing grade when calculating the height.

Commission Naves stated she did not have a huge preference, but pointed out that using all four corners may be an issue with all the "bump outs" on new home designs.

Chair Hendrickson pointed out that the calculations could be made on a computer by entering the height of the corners. He noted that it is not costly.

Planner Gritman agreed and explained it may be difficult with the "bump outs" but it would not be impossible and it would be difficult to manipulate the results.

Commissioner Driano stated he had no opinion either way and would defer to the Commission's choice.

Commission Nelson stated she would support the method that is easiest to understand.

Chair Hendrickson stated he would support using all four corners of the home.

Planner Gritman advised that he recently told new applicants to use all points to make it work.

Chair Hendrickson noted that there were no audience members present and closed the public hearing.

Commissioner Naves moved to recommend amending the Building Height Ordinance to require that all the corners of the building are used to calculate the building height and that staff update the Sunfish Lake Design Guidelines to match the ordinance, seconded by Chair Hendrickson and carried. (4-0)

OTHER/NEW BUSINESS: Chair Hendrickson asked if there was any other or new business.

Planner Gritman explained that he was advised that the new home construction application for property at 245 Salem Church Road would not be completed.

Chair Hendrickson asked if there were any further comments or questions and there was no response.

ADJOURN: Commissioner Driano moved to adjourn the meeting at 8:10 p.m., seconded by Commissioner Nelson and carried. (4-0)

Respectfully submitted,

Catherine Iago, City Clerk