

MINUTES OF THE MEETING OF THE BOARD OF ZONING APPEALS
CITY COUNCIL CHAMBERS, 330 CITY HALL
ST PAUL, MINNESOTA, FEBRUARY 13, 2017

PRESENT: Mmes. Bogen and Trout-Oertel; Messrs. Miller, Rangel Morales and Saylor of the Board of Zoning Appeals; Mr. Warner, City Attorney; Mr. Westenhofer, Ms. Lane and Ms. Crippen of the Department of Safety and Inspections.

ABSENT: Katrice Albert*
*Excused

The meeting was chaired by Gloria Bogen, Acting Chair.

Indigo Sign Works (#17-000219) 1770 Old Hudson Road : *Two variances of the sign code requirements* in order to reface the existing sign on the southwest corner of the intersection of Old Hudson Road and White Bear Ave. with a dynamic display (electronic messages) for the Holiday gas station that is being rebuilt. 1) The text and images on the sign must have only one color; the applicant is requesting that the text and images have full color. 2) Signs shall not change the display faster than every 20 minutes; the applicant is requesting that their sign change every 30 seconds. *Two variances of the sign code requirements* in the White Bear Avenue special district sign plan overlay to construct a new freestanding business sign along I-94 on the southwest corner of the Holiday gas station property. 1) New freestanding signs are permitted in the overlay district only for buildings that have a setback of at least 35 feet from the right-of-way; the Holiday gas station building will have a setback of 17.6 feet from the south property line; the applicant is requesting a variance to allow a freestanding sign within the setback area. 2) Freestanding signs have a height limit of 20 feet, the applicant is requesting a 37.5-foot high sign, for a height variance of 17.5 feet.

Mr. Westenhofer showed slides of the site and reviewed the staff report with a recommendation for denial based on findings 1(c) and 6.

One letter was received opposing the variance request for sign "B" from the neighboring property at 1771 Old Hudson Road.

One letter was received from District 1 opposing the variance request.

The applicant **JOEY CRARY - INDIGO SIGN WORKS**, 2885 Quail Road Northeast, St. Cloud, MN, was present. Mr. Crary stated that sign "A" is the sign with the message center, at this intersection Super America and Subway all have full color message centers, Walgreens has a red message center based on their branding their specs only do red message centers or monochrome, he does not think that they can be counted against them in this situation. They are asking for a fair playing field with the other businesses in the area who are competition to them. They offer food and they offer gas which is what Holiday offers. In today's fast paced society where we all want things quickly, we now stop at the gas station for loaves of bread and eggs instead of stopping at Walmart or Walgreens. Mr. Crary pointed out the new Holiday location on the street map in the packet the and the locations of the other message centers for the competing neighbors on the other three corners from the Holiday site. He continued that they are fighting the competition across the freeway from this location that has tons of food and gas options and many stores. On the north side of the freeway where we are located has a Super America, a Subway and a Walgreens he argued that to draw traffic to this area digital advertising is key to their success as business owners. Newspapers and print ads are going away, people look at the internet daily sometimes hourly. He claimed that allowing them to add this message center is adding value to the neighborhood. A new

business to the community is a plus it adds value, it cleans up the area. He stated that they are willing to work with the Board on the terms for the sign, he requested a 30 second change of text, he would agree to 3 minutes if it would allow the Board to approve the variance request. Twenty minutes is a long time to hold, if they are trying to advertise a bag of Dorito's watching that once for 20 minutes is a long time.

Ms. Bogen asked if there were any questions about sign "A".

Ms. Younkin Viswanathan questioned that this variance is just about the message changing portion of the sign, either way they will still be able to have their gas prices on there. Mr. Crary replied correct.

Ms. Bogen asked what constitutes tons of gas stations south of the freeway, she only knows of one. Mr. Crary stated that he did not look beyond BP, but food is also a big part of their business here. Looking at all the food options here, if Wendy's and McDonald's are right across from the BP and the customers need gas and food they are going to go there first, he wants the opportunity to stop that traffic to see what he has to offer. Ms. Bogen asked why Mr. Crary thought he should have a full color message board when the neighboring properties do not, or changing displays. Mr. Crary stated that all three businesses on the other three corners have message centers. The Super America and the Subway signs are full color, Walgreens is red which is monochrome and based on their branding. Ms. Bogen questioned that the Subway sign is full color and dynamic. Mr. Crary replied yes, he pointed out a photo showing both Subway and Super America showing full color displays. Ms. Bogen stated that she does not see that Subway has any sign other than the Subway sign unless she is missing something here. She stated that the Board has that photo on page 58 of the packet, but it is not very clear.

Mr. Rangel Morales questioned Mr. Crary, just to clarify you are replacing the BP sign that is there. Mr. Crary replied yes, we will be respacing the sign so it will look like the sign on page 54 of the packet. Mr. Rangel Morales stated that this property was rezoned this past summer, he wanted to know when this property was purchased for the Holiday station. Mr. Crary replied 15 years. Mr. Rangel Morales stated so they were the property owners, had they tried to update it previously. Mr. Crary replied no, it was a BP and they decided to rebrand as a Holiday.

Ms. Bogen stated that on page 54 of the packet, the only part of the sign that the Board is concerned about full color is under where the sign says car wash, where it adds the coffee cup. Obviously Holiday can have their logo in color and the gas prices can be in red, she just wanted the Board to be aware of that. If there aren't any other questions for that sign we can move on to sign "B".

Mr. Crary pointed out sign "B" for the interstate side of the property, this sign stood just shy of 50 feet high, he is not asking for a 50 foot sign and the building next door is built up on a hill, we do not have the opportunity to catch the traffic that is headed east, our variance request is to have the bottom of this sign one foot above the neighboring property. So that this sign can be effective in both directions. Holiday is built down in a hole like a lot of these businesses are along here. We want to have access for visibility for both directions. Holiday is a brand that we all know and recognize, we go there because we know what we are going to get we know what they have to offer. The lower portion below the sign is about 30 feet the sign itself is about 10 feet making the sign about 40 feet high. He stated that they are just asking to have the bottom of the sign one foot above the neighboring building so it can be seen in both directions. Branding and marketing is a huge success to us and if we cannot advertise we are not given a fair playing field to be competitive.

Ms. Bogen asked that he also speak to the variance being requested for the setback of the sign with a variance of over 17 feet. Mr. Crary stated that the property is very tight where they are located. It is very tight for what they are trying to fit on it. The sign is set in the southwest corner of the property closest to the interstate. That is why these signs are put up they are meant to be seen from traffic on the interstate in both directions. The back of the property has a lane for the car wash and also to be used as an exit lane if someone does get back there they do have an option other than going through the car wash. He stated that he does not see where staff is getting a 17 foot setback, he thinks that is incorrect, the plans he submitted show a setback of 5.6 foot. Ms. Bogen stated that the building has a setback of 5.6 feet and that is a variance of 12.5 feet. It is not clear in the staff report but the sign is closer to the property line than is allowed by code. Ms. Bogen read from the staff report "pole signs must be located 35 feet from the right-of-way at a maximum height of 20 feet". The building is only 5.6 feet from the south property line so they are not allowed to have a new freestanding sign. They need a variance to allow a sign within the required setback area. Ms. Bogen stated that she thinks it is important that the Board knows what they are voting on here, staff could be helpful here, the way she reads this is that the applicants' are not allowed a new freestanding sign because they are not 35 feet back from the right of way and the building is only 5.5 feet back from the south property line.

Mr. Miller asked if they were granted the sign then they are asking for this additional variance on the height. Ms. Bogen replied that is correct, there are two variances on that side.

Mr. Crary asked if the Board is taking the letter from District 1 into consideration. Ms. Bogen replied yes. Mr. Crary stated that he thinks that the letter should be thrown out, he was presented the letter on Thursday of this previous week. He has no knowledge of this and no understanding of its relevance. It was given to him when he brought stuff to the City. He stated that he tried to reach out to Betsy Leach, he was given her name and she told him that she could not see him until 3/13/17, which would be her next available time to come and talk to her. This letter was dated 1/11/17, he feels that with his not being able to talk to her that this isn't fair information that she is giving to the Board. Ms. Bogen stated that this is from their land use committee, so they must have met. Mr. Crary stated that he was never informed of this happening, none of this information was presented to him where he could present their case to the District Council. Ms. Bogen stated that the Board could lay this over to allow Mr. Crary to meet with the District Council Board and see if they will give this Board a different recommendation.

There was no opposition present at the hearing.

Ms. Bogen stated if it is agreeable to Mr. Crary to extend the deadline until March 31, 2017 and if he will sign the extension to allow it will allow him to meet with the District Council the Board will extend this case so that he can get to the meeting in March with the District Council and get a different recommendation from them. Mr. Crary stated that he would.

Hearing no further testimony, Ms. Bogen closed the public portion of the meeting.

Mr. Saylor moved to continue the matter until 3-27-17 to allow the applicant to present the proposal at the District Council community meeting.

Ms. Bogen instructed Mr. Crary to get in touch with Ms. Leach and attend the meeting on the 13th of March, he should also see if there is a building and land use meeting before that because usually you go to the committee meeting first then it goes to the land use committee.

Ms. Trout-Oertel seconded the motion, which passed on a roll call vote of 5-0.

Submitted by:

Sean Westenhofer

Approved by:

Thomas Saylor, Secretary