



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1024

Telephone: 651-266-8989
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October 1, 2013

Council Research
310 City Hall
St Paul, MN 55102

Dear Mary Erickson :

I would like to confirm that a public hearing before the City Council is scheduled for October 16, 2013, for the following zoning case:

Applicant: Shaan Hamilton for Saint Paul College

Zoning File #: 13-218991

Purpose: An appeal of a decision of the Board of Zoning Appeals (BZA) which reviewed the request for a variance to allow several signs including a sign with digital display for the Saint Paul College. The BZA approved the variance for the amount of signage for all the signs including the sign with digital display but denied the variance request to allow a full color sign with the message changing every 30 seconds. The applicant is appealing the denial of the request for both the color and the message duration.

Location: 235 Marshall Avenue

Staff: Yaya Diatta

I have confirmed this date with the office of Councilmember Khaliq. My understanding is that this public hearing request will appear on the agenda of the City Council at your earliest convenience and that you will publish notice of the hearing in the Saint Paul Legal Ledger.
Thank you!

Sincerely,



Yaya Diatta
DSI Inspector

EYS SENT 10/01/13

(K) 16921 \$440.-



APPLICATION FOR APPEAL

Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101
651-266-9008

RECEIVED IN D.S.I.

SEP 26 2013

Zoning office use only

File no. 13-236524.

Fee \$ 440.-

Tentative hearing date:

10-16-2013.

APPLICANT

Name **Saint Paul College**
Address **235 Marshall Avenue**
City **St. Paul St. MN** Zip **55102** Daytime phone **Shaan Hamilton, VP Fin./Oper.**
Name of owner (if different)

PROPERTY LOCATION

Address **235 Marshall Avenue** City **St. Paul St. MN** Zip **55102**
Legal description: **See Attached Page 1**
(attach additional sheet if necessary)

TYPE OF APPEAL: Application is hereby made for an appeal to the:

- Board of Zoning Appeals
- City Council

under the provisions of Chapter 61, Section 64.50(A)(3) Paragraph 64.506(A)(4) of the Zoning Code, to appeal a decision made by the Board of Zoning on Sept. 14, 20013. File number: 13-21-8991
(date of decision)

GROUND FOR APPEAL: Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Board of Zoning Appeals or the Planning Commission.

See Attached Pages 2 - 4

(attach additional sheet if necessary)

Applicant's signature Shaan Hamilton Date 9/26/2013 City agent _____

Request for Appeal

The applicant is requesting variances for the color and message frequency requirements to allow use of a full color display monitor with changeable messages and images every 30 seconds in RM2 zoning district at 235 Marshall Avenue. PIN36293430005.

Basis for Existing Code

A zoning study was conducted on signs with a dynamic display in 2009, and research indicated that color and frequency of message display are aspects of driver distraction. The code has since been amended to regulate signs with digital display based on their respective zoning districts and their proximity to residential uses. In residential districts, dynamic display text with only one color with display messages changing every 20 minutes is allowed. Saint Paul College is located in a residential zoning district and allowing the proposed sign with dynamic display to be full color and to change the message every 30 seconds as requested by the applicant could create a safety hazard; it is not in keeping with the general purpose and intent of the code in promoting and protecting the public health and safety. This finding is not met for the full color and message duration for the dynamic display sign request.

Why Saint Paul College is requesting further consideration and approval though this appeal process

The existing code in a RM2 zoning district is designed for traditional residential areas. Saint Paul College understands that rapidly changing messages and full color digital message boards in residential areas could be distracting to pedestrian and vehicular traffic within densely populated residential areas.

With this understanding of the code, Saint Paul College posits that its request for a sign with full color and 30-second message duration is justifiable based upon the sign's unique location and placement, which is not within the typical definition of a traditional residential area. Specifically:

- The sign is located on the north side (freeway side) of the 27 acre property; therefore, no residential property will be able to view the signage.
- The sign is not within 350 feet of any surrounding residential areas or neighborhoods.
- Saint Paul College has presented the signage to the Summit University Neighborhood Association prior to the Board of Zoning Appeals meeting. The Summit University Association provided a letter of approval. During the meeting, members were excited about the digital signage and verbalized their approval of the signage to communicate college information as a valued asset of the Summit University neighborhood.

Why Saint Paul College is requesting further consideration and approval though this appeal process Continued

Based upon the unique positioning of the property and the sign's location on the property, the College believes the sign code for this property is more closely identifiable as a business or commercial district within the downtown area. Currently the Xcel Energy Center, RiverCentre, and Great River Office Products locations have full color dynamic displays. Each display changes in 5 second intervals.

Request for Appeal - Clarification

Saint Paul College's request is for a sign with full color and for change intervals more frequently than every 20 minutes. The College's intent and reasons for requesting this appeal are as follows:

1. Full Color

Saint Paul College is a higher educational institution and, as such, the College's intent is to provide daily communication to its students and to the community in order to foster positive images and to provide public safety notifications as required for local police department efforts.

In this capacity, many of the College's images will be celebrating US holidays in red, white, and blue. Therefore, the College will be utilizing American Flag imagery on Martin Luther King, Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Election Day, Veteran's Day, and other national, state, and local celebrations. The College believes that the iconic symbol of the American Flag is not served by using monochromatic shades of a single color.

In addition, as a community and technical college, many of the College's programs will be featured on the sign. For example, on Monday, September 23, 2013, the College's Culinary Arts Program hosted an Open House. Graphics for food are very difficult to project with a monochromatic tone.

Furthermore, Saint Paul College participates in high profile city and community events including the Red Bull Crashed Ice World Championships event that brings 80,000 winter visitors to the St. Paul Downtown Area. The College would like to support the branding of these types of events with the same venue as the Xcel Energy Center and the RiverCentre, both of which provide information using a full color display.

Request for Appeal – Clarification Continued

2. Change Intervals

The College understands that the change intervals are required to be 20 minutes in a residential neighborhood. The College's 27 acre property located next to the Interstate 94 exit ramp is not visible to any surrounding residential areas. The signage will not be visible from the freeway until a driver exits Interstate 94 using the exit ramp. The sign will also have limited visibility for drivers heading north on Kellogg Blvd.

The College is requesting that the sign have shorter changeable intervals than every 20 minutes. In the original variance request, the College asked for a 30 second interval. At this time, the College is requesting a two (2) minute interval because drivers typically take less than 2 minutes to exit the ramp. The College would like the opportunity to provide more messages for viewers in extraordinary traffic times. The College is open to other time intervals as the Council might recommend.

The College's intent is not to look like the Xcel Energy Center Marquee or to utilize this sign for product endorsements or private advertising. The sign will not have any scrolling, moving, or distracting videos.

The dynamic sign will be illuminated between 7:00 AM and 10:00 PM per existing code.

The sign brightness has an automatic dimmer to adjust for evening hours. In addition, the sign has a universal dimmer to control overall brightness.



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Deadline for Action Notice

October 1, 2013

Saint Paul College
Attn: Shaan Hamilton
235 Marshall Avenue
Saint Paul, MN 55102

Re: City Council Appeal of a BZA decision
235 Marshall Avenue - Zoning File # 13-218991

Dear Mr. Hamilton:

Your sign variance application was received in the office of the Department of Safety and Inspections (DSI) on August 5, 2013.

On September 16, 2013, the BZA duly conducted a public hearing where all persons interested were afforded an opportunity to be heard. The Board closed the public hearing and moved to partially approve and partially deny the request.

Minnesota Statutes 15.99 requires that all city action on zoning applications be completed within 60 days of the date the application is made but allows the city to extend this period for an additional 60 days (total 120 days).

In order to allow enough time for the city to meet the deadlines established by state law, we are hereby extending the deadline for action on this matter to December, 3, 2013. Please note that this notice is only an extension of the deadline for action and does not affect the date of your appeal hearing scheduled for October 16, 2013 in room 300 of City Hall at 5:30. If you have any questions or concerns, you may contact me at 651-266-9080.

Sincerely,

Yaya Diatta
DSI Inspector