



Community Council

17700219

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January 11, 2017

To: Board of Zoning Appeals
From: District 1 Community Council – Land Use Committee

Re: 4 variance requests for 1770 Old Hudson Road - #17-000219

The District 1 Land Use Committee, on behalf of the District 1 Community Council Board, recommends denial of all the variance requests for 1770 Old Hudson Road. The applicant has not provided any supporting information for how they feel the request meets the necessary findings for such variances.

We submit the following statements regarding the requests:

- 1) The variance is in harmony with the general purposes and intent of the zoning code. The sign ordinance that focuses on dynamic displays is designed to ensure that the safety of travelers on our City streets is not endangered by distracting signs whose purpose is solely to promote sales. Multiple colors and increased frequency of changes in display are inherently distracting – their purpose is to draw focused attention to themselves and away from other activities (such as maintaining control of a vehicle). This finding is not met for these variances of color and frequency.
The sign ordinance regarding free-standing signs in the White Bear Area special district is intended to maintain the neighborhood focus of businesses along White Bear Avenue. A taller sign located as proposed is clearly designed to draw traffic off of the freeway rather than to focus on the neighborhood. This finding is not met for these variances of height and set back.
2) The variance is consistent with the comprehensive plan. The comprehensive plan has incorporated the White Bear Avenue District Plan. The latter plan is designed to create a cohesive neighborhood feel to the businesses along the street. The new Traditional Neighborhood zoning that applies in this area is also designed to create a sense of neighborhood along developing transit corridors. The focus of all these variances on drawing attention from the freeway detracts from a neighborhood feel. This finding is not met for any of the 4 requested variances.
3) The applicant has established that there are practical difficulties in complying with the ordinance and that economic considerations do not constitute those difficulties. The applicant has provided no rationale so this is hard to judge, however, it appears that the variances have as their underlying reasoning a purely economic basis. We assume based on these appearances that this finding is not met for any of the variances.
4) The plight of the landowner is due to circumstances unique to the property and not created by the landowner. There seem to be no circumstances related to the property that constrain the landowner from complying with the ordinances. This finding is not met.
5) The variance will not permit any use that is not allowed in the zoning district where the affected land is located. This finding does not seem to apply.
6) The variance will not alter the essential character of the surrounding area. As stated above, these variances are a fundamental shift from the existing character of the area as defined by the long-standing White Bear Avenue District. They also are in defiance of the character of the area that would be promoted by the underlying zoning designation. This finding is not met.

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April 4, 2017

To: Board of Zoning Appeals  
From: District 1 Community Council Land Use Committee

Re: Variance request for 1770 Old Hudson Road - #17-000219

 **FILE**  
17-000219

The Land Use Committee of District 1 Community Council met on April 3 to discuss the two sign variances requested for Joey Crary of Indigo Sign Works for the property at 1770 Old Hudson Road.

We would like to thank the applicant for coming before the committee to discuss these variances.

There are two signs being considered – a dynamic display sign on the corner of Old Hudson and White Bear Avenue, and a freeway-facing sign on the southwest corner of the property.

The position of the Land Use Committee, acting for the Board of Directors, is that the freeway-facing sign would alter the essential character of the surrounding area, as defined by the White Bear Avenue Special Sign District Plan. As this is the case, we recommend that the City deny the variance for the freeway-facing sign.

The Land Use Committee has no position regarding the dynamic display sign at this time.

Respectfully submitted

John Slade  
Chair, Land Use Committee  
District 1 Community Council

 **FILE**  
17-000219

March 24, 2017

Mr. Jerome Benner, II  
City of St. Paul

RE: Dynamic Sign Variance Request 1770 Old Hudson Road, Holiday Station Stores  
Intersection of White Bear Avenue and Old Hudson Road

Mr. Benner,

It has come to our attention that the City of St. Paul is considering a variance request for dynamic signing at the referenced location.

Ramsey County requests denial of this variance request as submitted on grounds of creating a safety hazard.

The submittal seeks to gain approval to install dynamic signing on the in-place pylon sign at the corner of the referenced intersection. Review of the intersection reveals that from the perspective of southbound White Bear Avenue the pole mounted signal indications would then have a backdrop of the dynamic signing. This will cause the drivers to have difficulty distinguishing the signal indications and will cause confusion, thus contributing to additional accidents, creating a safety hazard.

The referenced intersection is included in a Federal Funded reconstruction project. The project was selected as a safety project to reduce accidents in and about the intersection. Installation of dynamic signing as proposed would be counterproductive to the effort of reducing accidents.

In general, the County is neutral as relates to dynamic signing. Dynamic signing could be installed as long as a lateral space of 5-10 feet (as viewed by drivers on White Bear Avenue) would be provided.

Thank you for the consideration of street safety in your variance review.

Respectfully,

*Robert S. Brown, P.E.*

*for*

James Tolaas, P.E.  
County Engineer and Director of Public Works



**Zacho, Karen (CI-StPaul)**

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**From:** St Martin, Paul (CI-StPaul)  
**Sent:** Friday, March 24, 2017 1:51 PM  
**To:** Benner II, Jerome (CI-StPaul)  
**Cc:** Hawkins, Ben (CI-StPaul); Maczko, John (CI-StPaul); Kurtz, Paul (CI-StPaul); Kurtz, Paul (CI-StPaul); Cervantes, Ricardo (CI-StPaul)  
**Subject:** FW: Fwd:  
**Attachments:** Jerome Benner, II.pdf

Jerome

City of St. Paul Department of Public Works agrees with Ramsey County that the variance for the Dynamic Sign be denied.

As per highlighted section of the Sign Code below, Public Works recommends denial of the variance.

We are open to installation of the sign at a different location, and can coordinate further with you as needed.

- **Sec. 64.405. - Signs with dynamic display.**

The following provisions shall apply to exterior signs with dynamic display visible from a public right-of-way, and to interior window signs with dynamic display that are within three (3) feet of a window and are oriented toward and visible from a public right-of-way.

- (a) *Location and orientation.* Business signs with dynamic display shall be at least seventy-five (75) feet, as measured along the road, from a residential district, and shall be at least fifty (50) feet from a residential district, measured radially. Signs with dynamic display intended to be read from a freeway shall be at least six hundred sixty (660) feet as measured along the freeway from any other sign with dynamic display designed to be read by drivers heading in the same direction. Signs with dynamic display shall not interfere with traffic and road safety due to placement and orientation as determined by the city traffic engineer.
- (b) *Sign area.* For business and identification signs, the area of dynamic displays on an individual sign face shall be no more than two hundred (200) square feet, and dynamic displays shall occupy no more than twenty (20) percent of the total allowable signage of the property. The remaining eighty (80) percent of the total allowable signage of the property shall not have the capability to have dynamic displays even if not used. For multi-tenant buildings, the area of allowable dynamic displays for an individual tenant shall be prorated upon the percentage of gross floor area used by the individual tenant.
- (c) *Illumination and brightness.* No sign with dynamic display may exceed a maximum illumination of 0.3 foot candles above ambient light level as measured from fifty (50) feet from the sign's face. All signs with dynamic display having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement. No sign with dynamic display may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, signal or the safety of the public, or located where it would do so as determined by the city traffic engineer. If there is a violation of the brightness standards, the adjustment must be made within one (1) business day upon notice of non-compliance from the city.

**Paul St. Martin P.E.**  
Assistant City Engineer  
Transportation Planning and Safety Division  
St. Paul Department of Public Works  
800 City Hall Annex  
25 West 4th Street  
St. Paul, MN 55102  
Telephone # 651-266-6118  
Fax # 651-298-4559  
paul.st.martin@ci.stpaul.mn.us

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**From:** Hawkins, Ben (CI-StPaul)  
**Sent:** Friday, March 24, 2017 1:40 PM  
**To:** St Martin, Paul (CI-StPaul)  
**Subject:** Fwd:

----- Original message -----

From: "Brown, Robert S. (PW)" <[robert.s.brown@co.ramsey.mn.us](mailto:robert.s.brown@co.ramsey.mn.us)>  
Date: 3/24/17 10:36 AM (GMT-06:00)  
To: "Hawkins, Ben (CI-StPaul)" <[ben.hawkins@ci.stpaul.mn.us](mailto:ben.hawkins@ci.stpaul.mn.us)>  
Cc: "Fischer, Nicklaus" <[Nicklaus.Fischer@CO.RAMSEY.MN.US](mailto:Nicklaus.Fischer@CO.RAMSEY.MN.US)>, "Auge Jr., Jerry" <[Jerry.Auge@CO.RAMSEY.MN.US](mailto:Jerry.Auge@CO.RAMSEY.MN.US)>  
Subject: FW:

FYI

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**From:** Brown, Robert S. (PW)  
**Sent:** Friday, March 24, 2017 10:30 AM  
**To:** 'jerome.benner.ii@ci.stpaul.mn.us' <[jerome.benner.ii@ci.stpaul.mn.us](mailto:jerome.benner.ii@ci.stpaul.mn.us)>  
**Subject:**

Jerome,  
Thank you for your cooperation in this matter.  
Please advise as to outcome after the meeting on Monday.  
Thank you.

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 **FILE**  
17-000219

**Crippen, Debbie (CI-StPaul)**

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**From:** Benner II, Jerome (CI-StPaul)  
**Sent:** Monday, April 10, 2017 9:20 AM  
**To:** Crippen, Debbie (CI-StPaul)  
**Subject:** FW: 17 - 000219 Indigo Sign Works variance

-----Original Message-----

From: Joanne Katz [mailto:jomkatz@comcast.net]  
Sent: Sunday, April 9, 2017 4:55 PM  
To: Benner II, Jerome (CI-StPaul) <jerome.benner.ii@ci.stpaul.mn.us>  
Cc: district1council@gmail.com; #CI-StPaul\_Ward7 <Ward7@ci.stpaul.mn.us>  
Subject: 17 - 000219 Indigo Sign Works variance

I strongly object to the granting of any variances requested for the Holiday gas station signs at Old Hudson Road and White Bear Avenue.

This would be a dangerous distraction for local street and interstate 94 traffic. It also would not well represent the greater city of St. Paul as visitors approach the east metro area via I-94. The sign would distract from the beautiful skyline vista of capital, cathedral and downtown.

I do not believe that denial of the variance would negatively affect their business. Allowing such variance would set a precedent that could lead to sign competition from the neighboring gas stations and businesses. The city of St. Paul and local district should hold to its code restrictions.

Joanne Katz

Sent from my iPad

**Westenhofer, Sean (CI-StPaul)**

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**From:** Morris, Steve <Steve.Morris@superamerica.com>  
**Sent:** Thursday, January 19, 2017 8:07 AM  
**To:** Westenhofer, Sean (CI-StPaul)  
**Subject:** Public Hearing - File #17-000219 Property: 1770 Old Hudson Road  
**Attachments:** RI #2753 - Public Hearing Notice re Sign Variance Request.pdf

Good morning Mr. Westenhofer;

Regarding the Public Hearing that was scheduled for yesterday File # 17-000219 for the variances being requested at the property 1770 Old Hudson Road, St. Paul, by Indigo Sign Works on behalf of Holiday I would like to submit our comments below. We were not notified of a change in the hearing so as to assure our concerns are received, I wanted to contact you directly.

Our property (SuperAmerica) located on the NW corner of the intersection directly across the street from this site was built in 1979. Through the years we have spent considerable capital monies to not only maintain but improve the site with dispensers, canopy's, fascia, and signage. Recently, 4<sup>th</sup> quarter of last year we completed an extensive interior remodel as well.

We welcome additional competition, as we believe healthy competition serves the residents and community better as everyone improves their operations and facilities, however the variances being requested put undue burden and give unfair advantages to the newest competitor.

The secondary sign, or the second variance being requested for a new freestanding sign along 94 on the South West corner is not only outside of the established guidelines and code requirements, we strongly object to additional signage on what is already a highly visible parcel. This property is extremely visible from 94 both directions as well as both exit ramps. We feel strongly this sign is not required for visibility for the business. Furthermore this new additional & secondary sign may block visibility to our existing site and/or create a situation where this property which is operated in the same manner as ours, has additional signage and advertising that our site is not able to accommodate, and sits directly in view of this property and creates unfair advantages.

We strongly urge and recommend not allowing the secondary sign and the variances being requested for it.

We do not oppose or object to the variances for the existing sign as we believe the sign code requirements and requested variances are fair and equitable for both properties. We ask for your review on the additional sign being requested and take into account our 38 years of business at this location, commitment to the community shown in our continual operations and facility upgrades and understand the significant unfair advantages the additional sign would give the newest business.

I'm absolutely available to discuss the concerns more and would appreciate conveying these concerns to the board. Thank you for your time.

**Steve Morris**  
Director of Planning & Strategy  
SuperAmerica  
Western Refining Retail  
576 Bielenberg Drive, Suite 200  
Woodbury, MN 55125  
phone (651)769-2042  
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[steve.morris@superamerica.com](mailto:steve.morris@superamerica.com)  
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